

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

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**ORDER R3-2019-0073  
NPDES NO. CA0049981**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND WASTE DISCHARGE REQUIREMENTS  
FOR  
CITY OF SALINAS  
MUNICIPAL STORMWATER DISCHARGES**

The municipal discharges of stormwater and non-stormwater by the City of Salinas from all municipal separate storm sewer system (MS4) discharge points within the City of Salinas are subject to waste discharge requirements as set forth in this Order:

**Discharger** – City of Salinas

**Name of Facility** – City of Salinas MS4

**Facility Address** – 200 Lincoln Avenue, Salinas, CA 93901, Monterey County

**MS4 Classification** – The United States Environmental Protection Agency (USEPA) and the Central Coast Regional Water Quality Control Board (Central Coast Water Board) have classified the City of Salinas MS4 as a medium MS4 pursuant to 40 Code of Federal Regulations section 122.2.

**Order Adoption Date** – September 20, 2019

**Order Effective Date** – October 1, 2019

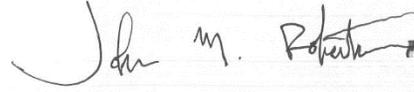
**Order Expiration Date** – September 30, 2024

**Report of Waste Discharge File Date** – The Discharger shall file a Report of Waste Discharge as an application for reissuance of waste discharge requirements in accordance with title 23, California Code of Regulations, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than 180 days prior to the Order expiration date.

**Terms and Conditions for Expired Order** – In accordance with section 2235.4 of Title 23 of the California Code of Regulations, the terms and conditions of an expired permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations regarding continuation of expired permits are complied with.

Accordingly, if a new order is not adopted by the expiration date above, then the Permittee shall continue to implement the requirements of this Order until a new one is adopted.

I, John M. Robertson, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on September 20, 2019.

A handwritten signature in black ink that reads "John M. Robertson". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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John M. Robertson, Executive Officer

**Table of Contents**

**FINDINGS** ..... 4

**ORDER PROVISIONS**

A. Discharge Prohibitions ..... 20

B. Effluent Limitations ..... 22

C. Receiving Water Limitations ..... 23

D. Standard Provisions ..... 23

E. General Provisions ..... 23

F. Pollutant Load Reduction Plan ..... 27

G. Information Management and Program Assessment ..... 33

H. Legal Authority and Enforcement ..... 38

I. Asset Management ..... 41

J. Fiscal Analysis and Cost Reporting ..... 43

K. Monitoring ..... 44

L. Trash Management ..... 45

M. Municipal Maintenance ..... 48

N. Illicit Discharge Detection and Elimination ..... 55

O. Commercial and Industrial ..... 57

P. Construction Site Management ..... 61

Q. Post-Construction ..... 65

R. Public Education and Involvement ..... 68

S. Annual Reporting ..... 71

**ATTACHMENTS**

Attachment A – Acronyms ..... A-1

Attachment B – Definitions ..... B-1

Attachment C – Water Quality-Based Effluent Limitations ..... C-1

Attachment D – Monitoring and Reporting Program ..... D-1

Attachment E – Standard Provisions ..... E-1

Attachment F – Summary of Milestones and Deadlines ..... F-1

Attachment G – Economic Considerations ..... G-1

Attachment H – Fact Sheet ..... H-1

## FINDINGS

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) finds that:

### **Incorporation of the Fact Sheet**

1. Fact Sheet – The Fact Sheet for Order No. R3-2019-0073, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0049981, Waste Discharge Requirements for City of Salinas Municipal Stormwater Discharges, is located at Attachment H and includes cited regulatory and legal references and additional explanatory information in support of the requirements of this Order. See Attachment A (Acronyms) for a list of acronyms used in this Order and Attachment B (Definitions) for a list of definitions used in this Order. This information, including any supplements thereto, and any response to comments on the draft Order, is hereby incorporated by reference.

### **Permit Background and Jurisdiction**

2. Basis for this Order – This Order is based on the Clean Water Act, the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code, commencing with section 13000), applicable state and federal regulations, all applicable provisions of statewide Water Quality Control Plans and Policies adopted by the State Water Resources Control Board, the Water Quality Control Plan for the Central Coast Region (Basin Plan), the California Toxics Rule, and the California Toxics Rule Implementation Plan.
3. Stormwater and Non-Stormwater Discharges – Stormwater discharges consist of those discharges that originate from precipitation events. Federal regulations define “storm water” as “storm water runoff, snow melt runoff, and surface runoff and drainage” (Title 40 of the Code of Federal Regulations (CFR) section 122.26 (b)(13)). Non-stormwater discharges that do not originate from precipitation events are not considered stormwater discharges, and therefore are not subject to the Maximum Extent Practicable (MEP) standard of Clean Water Act section 402(p)(3)(B), which is explicitly for “Municipal...Storm water Discharges (emphasis added)” from the municipal separate storm sewer systems (MS4) (See 33 United States Code section 1342(p)). Pursuant to Clean Water Act section 402(p)(3)(B), NPDES permits for discharges from municipal storm sewers shall (a) include a requirement to effectively prohibit non-stormwater discharges into the MS4, and (b) “require controls to reduce the discharge of pollutants to the maximum extent practicable [MEP], including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.” The non-stormwater prohibition applies unless the discharges are authorized under a separate NPDES permit; the result of emergency firefighting activities; or conditionally exempted under this Order. This Order prescribes conditions to assure

compliance with the Clean Water Act requirements for owners and operators of MS4s to effectively prohibit non-stormwater discharges into the MS4s and requires controls to reduce the discharge of pollutants in stormwater from MS4s to the MEP.

4. MS4 Ownership or Operation – The City of Salinas (Permittee) owns or operates a MS4, defined as a medium municipality (i.e., a municipality with a population greater than 100,000) by 40 Code of Federal Regulations 122.26(b)(7)(i), through which stormwater and authorized non-stormwater discharge into waters of the United States. This Order regulates municipal discharges of stormwater and non-stormwater from the Permittee’s MS4. A MS4 is defined under (40 Code of Federal Regulations 122.26(b)(8)) and in Attachment B (Definitions).
5. Order Application – The Permittee submitted a permit application (Report of Waste Discharge), dated November 2016, for reissuance of its waste discharge requirements under the NPDES permit program to discharge stormwater runoff from the Permittee’s MS4. The Permittee is currently subject to NPDES Permit No. CA0049981, Order No. R3-2012-0005, which was adopted on May 3, 2012 and expired on May 2, 2017. The terms and conditions of Order R3-2012-0005 were automatically continued and remain in effect until new waste discharge requirements and NPDES permit are effective pursuant to this Order. This Order supersedes Order No. R3-2012-0005.
6. Order Coverage Area and Applicability – The Order coverage area is the incorporated area of the City of Salinas and defines the boundary of the Permittee’s MS4. The Permittee owns and operates a stormwater conveyance system that serves drainage areas within the Order coverage area. The Permittee’s MS4 discharges into the surface waterbodies listed in Finding 8.

The Permittee need only comply with permit conditions relating to discharges from the MS4s for which they are operators (40 Code of Federal Regulations section 122.26(a)(3)(vi)). This Order does not require the Permittee to manage stormwater outside of its jurisdictional boundaries or authority, but rather to improve stormwater management within the Order coverage area. This Order also encourages the Permittee to participate in intra-agency coordination for greater water quality improvement and efficiency.

As an operator of a MS4, the Permittee may not passively receive and discharge pollutants from third parties that may cause or contribute to exceedances of water quality standards. The implementation of the measures set forth in this Order are intended to reduce the entry of pollutants into the MS4 thereby reducing their discharge into receiving waters to the MEP. However, discharges from agricultural lands that are comprised solely of return flow, irrigation runoff, tailwater, and/or stormwater are exempt from NPDES permitting. As such, the Permittee is not responsible for these discharges that enter its MS4. The Permittee is responsible for other agricultural-related discharges into its MS4.

7. **Legal and Regulatory Authority** – This Order is issued pursuant to Clean Water Act section 402 and implementing regulations (40 Code of Federal Regulations section 122) promulgated by the United States Environmental Protection Agency (USEPA), and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). This Order serves as a NPDES permit for discharges from MS4s to waters of the United States. This Order also serves as waste discharge requirements pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with section 13260). The State Water Board and Regional Water Boards administer the NPDES permit program within California pursuant to USEPA authorization granted under 33 United States Code section 1342.

### **Discharge Characteristics and Runoff Management**

8. **Discharge and Receiving Water Characterization** – The City of Salinas is situated in northern Salinas Valley in Monterey County, approximately ten miles east of the Pacific Ocean and near the Salinas River. Stormwater runoff is generated from various land uses in the Order coverage area and discharges into receiving waters, which in turn flow into Monterey Bay. Four major creeks and several minor tributaries pass through the Salinas area and receive stormwater discharges from the Order coverage area northeast and adjacent to Highway 101. Santa Rita Creek carries stormwater discharges from a small portion of the Order coverage area to Espinosa Slough. The three other major creeks—Natividad, Gabilan, and Alisal Creeks—are interconnected. Alisal Creek becomes the Reclamation Ditch. Natividad and Gabilan Creeks flow through the northeastern portion of the City to Carr Lake. Carr Lake is often dry and is utilized for farming, but also functions to detain stormwater flows. Flows leaving Carr Lake discharge to the Reclamation Ditch. The Reclamation Ditch flows west from the Order coverage area, paralleling the Alisal Slough and eventually discharges to the Tembladero Slough. Espinosa and Tembladero Sloughs discharge to the Old Salinas River. Stormwater from the southernmost portion of the City flows to a lift station which discharges to the Salinas River. The Salinas River, like Espinosa and Tembladero Sloughs, discharges to the Old Salinas River during low-flow periods, and directly to Monterey Bay during high flows. The Old Salinas River discharges into the Pacific Ocean at the downstream end of the Elkhorn Slough and Moro Cojo Slough estuary system near Moss Landing.
9. **Point Source Discharges of Pollutants** – Discharges from the MS4 may contain waste, as defined in the California Water Code and pollutants that may adversely affect the quality of the waters of the United States. A MS4 discharge that contains such waste or pollutants is a “discharge of a pollutant” into waters of the United States, as defined in section 502(12) of the Clean Water Act. Discharges from the MS4s may contain pollutants that may cause or contribute to exceedances of surface water quality standards, as prescribed in the Basin Plan. Stormwater from and non-stormwater discharges into the MS4s are subject to the conditions and requirements established in the Basin Plan as applied through a permit.

10. Pollutants in Runoff – Stormwater discharges from urban and developing areas in the Order coverage area are significant sources of certain pollutants that cause or may be causing or threatening to cause or contribute to water quality impairment in receiving waters. Table 1 includes impairments delineated in the 2014 and 2016 Clean Water Act section 303(d) List for receiving waters in the Order coverage area. In accordance with Clean Water Act section 303(d), the Central Coast Water Board is required to establish TMDLs for these pollutants to these waters to eliminate impairment and attain water quality standards. Therefore, certain early pollutant control actions and further pollutant impact assessments by the Permittee are warranted and required pursuant to this Order.

**Table 1. Clean Water Act Section 303(d) Listed Impairments for Receiving Waters in the Order Coverage Area**

<b>Receiving Water</b>	<b>Clean Water Act Section 303(d) Listed Impairments</b>
Santa Rita Creek	Ammonia; E. coli; Fecal coliform; Low dissolved oxygen; Nitrate; Sodium; Turbidity
Gabilan Creek	Ammonia; Fecal coliform; Nitrate; Toxicity; Turbidity; pH
Natividad Creek	Ammonia; Diazinon, E. coli; Low dissolved oxygen; Nitrate; Toxicity; Temperature, water; Turbidity;
Reclamation Ditch	Ammonia; Fecal coliform; Low dissolved oxygen; Malathion; Permethrin, total; Priority organics; Chlorpyrifos; Copper; Diazinon; E. Coli; Nitrate; Toxicity; Turbidity; pH
Salinas River <sup>1</sup>	Fecal coliform; Nitrate; Pesticides; Toxaphene; Chlordane; Chloride; Chlorpyrifos; Dichlorodiphenyldichloroethylene (DDE); Dichlorodiphenyltrichloroethane (DDT); Diazinon; Dieldrin; Enterococcus; E. coli; Polychlorinated biphenyls (PCBs); Sodium; Total Dissolved Solids; Turbidity; Toxicity; pH; Benthic Community Effects

The Clean Water Act section 303(d) List also includes receiving waters downstream of the Order coverage area – Alisal Slough, Tembladero Slough, the Old Salinas River Estuary, the Old Salinas River, Salinas River Lagoon (North), and the Salinas River Refuge Lagoon (South) – as impaired for various pollutants. Alisal Slough is listed as impaired for ammonia, diazinon, nitrate, toxicity, and turbidity. Tembladero Slough is listed as impaired for chloryphyll-a, chlorpyrifos; diazinon, enterococcus, E. coli, fecal coliform, malathion, nickel, nitrate, low dissolved oxygen, pH, sediment toxicity, total coliform, turbidity, and unknown toxicity. The Old Salinas River Estuary is listed as impaired for nutrients and pesticides. The Old Salinas River is listed as impaired for chloryphyll-a, chlorpyrifos; diazinon, E. coli, fecal coliform, low dissolved

<sup>1</sup> Although the Salinas River is not within the Order coverage area, the Permittee owns and operates one stormwater outfall pipe discharging to the Salinas River; therefore, Table 1 includes the Salinas River.

oxygen, nitrate, sediment toxicity, turbidity, unknown toxicity, and pH. The Salinas River Lagoon (North) is listed as impaired for nutrients, chlorpyrifos, pH, DDE, water temperature, and sediment toxicity. The Salinas River Refuge Lagoon (South) is listed as impaired for turbidity and pH.

11. Stormwater Outfall Pipe to the Salinas River – The Permittee has one stormwater outfall pipe that discharges to the Salinas River. This outfall is a significant contributor to pollutants in the Salinas River and contains non-stormwater flows during dry weather. This pipe and outfall are part of the Permittee’s MS4 and are therefore the responsibility of the Permittee to address.
12. Homelessness – Homeless encampments are a potential source of human feces, trash, and other pollutants in the Permittee’s MS4 discharges.
13. Human Health and Aquatic Life Impairment – Pollutants in runoff discharged from the MS4 can threaten and adversely affect human health and aquatic organisms. Adverse responses of organisms to chemicals or physical agents in runoff range from physiological responses, such as impaired reproduction or growth anomalies, to mortality. Increased volume, velocity, rate, and duration of stormwater runoff can greatly accelerate the erosion of downstream natural channels. When individually or cumulatively significant, such increases alter stream channels and habitats and can adversely affect aquatic and terrestrial organisms.
14. Pesticides and Fertilizers – Pesticides and fertilizers are substances used to prevent, destroy, repel, or mitigate pests such as insects, weeds, and microorganisms. Their effects can be direct (e.g., fish die from exposure to a pesticide entering waterways, or birds do not reproduce after ingesting contaminated fish), or indirect (e.g., a hawk becomes sick from eating a mouse dying from pesticide poisoning). Implementation of Integrated Pest Management is an effective ecosystem-based strategy to control pests. Integrated Pest Management focuses on the following: 1) long-term prevention of pests or their damage through a combination of techniques; 2) the use of pesticides only after monitoring indicates a need and use of treatments focused only on the target organisms; and, 3) control of pests in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment. Improving awareness of pesticide application and misuse throughout the Permittee’s jurisdictional area is necessary for understanding the water quality threat posed by the application of these pollutants and for conducting targeted effective education. Contributing information to statewide and federal efforts to manage pesticides is critical to effectively managing pesticide use within California urban areas. This information may contribute to more effective regulations of pesticides available for purchase and inform regulation of pesticide application by other jurisdictional authorities.
15. Pollutants Resulting from Land Development – New land development and redevelopment fulfills the needs of a growing population. However, the resulting changes in the landscape and the human activities occurring thereon often create

new sources of non-stormwater discharges and/or increased sources of pollutants in stormwater discharges which can cause or threaten to cause exceedances of applicable receiving water quality objectives, impair or threaten to impair designated beneficial uses, and result in a condition of pollution (i.e., unreasonable impairment of water quality for designated beneficial uses), contamination, hazard, or nuisance. For example, increased human activity within newly developed and redeveloped areas may result in higher levels of car emissions, car maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, and litter/trash. When new development and redevelopment convert natural vegetated pervious ground cover to impervious surfaces, such as paved highways, streets, rooftops, and parking lots, without mechanisms to offset impacts of added impervious surfaces, the natural absorption and infiltration abilities of the land are decreased or lost. Therefore, runoff leaving a developed area without mitigation in the form of low impact development (LID), treatment controls, volume reduction controls, and/or peak management controls may contain greater pollutant loads and have significantly greater runoff volume, velocity, and peak flow rate compared to pre-project runoff from the same area.

16. Best Management Practice Implementation – Pollutants deposited and accumulated in MS4 drainage structures will likely be discharged to waters of the United States unless treated or removed. These discharges may cause or contribute to exceedances of water quality standards in receiving waters. The application of a feasible combination of pollution prevention, source control, and/or treatment control best management practices (BMPs) reduces pollutants in stormwater discharges from MS4s. Pollution prevention is the reduction or elimination of pollutant generation at its source. Properly implemented, source control BMPs (both structural and non-structural) minimize the contact between pollutants and runoff, thereby reducing or eliminating pollutant discharges into the MS4. Treatment control BMPs can be effective in removing pollutants that have been mobilized by stormwater or non-stormwater flows.
17. Riparian Area Protections – Ecologically functioning riparian environments provide aquatic and terrestrial habitat and act both as filters that reduce pollutants in stormwater discharges and as sponges to reduce the impact of unnatural stormwater flows on the ecosystem's hydrology. These benefits can be achieved by protecting existing healthy riparian environments, or by restoring degraded areas into functioning ecosystems. Waterbodies within the Permittee's coverage area include both degraded riparian areas and functioning, at various degrees, riparian areas.
18. Advancing Measures to Mitigate and Adapt to Climate Change – Climate change refers to observed changes in regional weather patterns that may occur such as temperature, precipitation, and storms. At the local scale, within urbanized areas, climate change may directly impact groundwater and surface water supply; drainage, flooding, and erosion patterns; socio-economically disadvantaged communities; and ecosystems and habitat. This shift, combined with California's

growing population, has increased reliance on pumping, conveying, treating, and heating water, increasing the water sector's greenhouse gas emissions.<sup>2</sup>

As an adaptive climate change strategy to reduce water sector emissions, in some locations stormwater runoff can be captured, infiltrated, and used to mitigate periodic drought conditions, reduce flood hazards and erosion rates, and recharge depleted groundwater aquifers and other water supply sources, all while reducing pollutant loads and maintaining beneficial uses in receiving waters.<sup>3,4</sup> Implementation of this stormwater use strategy has multiple benefits and may contribute to balancing local water budgets, creating drought buffer reserves, restoring habitat and watershed health, sustaining municipal stormwater infrastructure, and protecting public health, safety, and property. These stormwater use strategies are also consistent with guiding principles established in State Water Board Order WQ 2015-075.<sup>5</sup>

19. Long Term Planning and Implementation – Federal regulations require MS4 permits to expire five years after their effective dates, after which the permit may be administratively extended prior to renewal. The Central Coast Water Board recognizes that the degradation of water quality and impacts to beneficial uses of the waters in the Central Coast region for the most part has occurred over several decades. The Central Coast Water Board further recognizes that, with respect to certain water quality constituents, a decade or more may be necessary to realize demonstrable improvement to the quality of waters in the Central Coast region, necessitating a long-term planning, implementation, and adaptive management approach spanning multiple permit terms.

### **Water Quality Considerations**

20. Water Quality Control Plan – The Basin Plan is the Central Coast Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Central Coast Water Board and approved by the State Water Board, Office of Administrative Law and the USEPA, where required. The Basin Plan identifies the following beneficial uses for receiving waters within and downstream of the Order coverage area: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Ground Water Recharge (GWR), Contact Water Recreation (REC1), Non-contact Water Recreation (REC2), Wildlife Habitat (WILD), Cold Freshwater Habitat (COLD), Migration of Aquatic Organisms (MIGR), Warm Freshwater Habitat (WARM), Spawning Reproduction and/or Early

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<sup>2</sup> *First Update to the Climate Change Scoping Plan, Building on a Framework Pursuant to AB 32, The California Global Warming Solution Act of 2006*, California Air Resources Board, May 2014, p. 62.

<sup>3</sup> Storm Water Strategy Initiative Concept Paper, State Water Resources Control Board, 16 May 2014.

<sup>4</sup> *Climate Change and Water Supply Security: Reconfiguring Groundwater Management to Reduce Drought Vulnerability*, A White Paper from the California Energy Commission's California Climate Change Center, prepared by the University of California, Santa Cruz, for the California Energy Commission, CEC-500-2012-017, July 2012.

<sup>5</sup> State Water Board Order WQ 2015-075, p. 52.

Development (SPWN), Preservation of Biological Habitats of Special Significance (BIOL), Rare, Threatened, or Endangered Species (RARE), Estuarine Habitat (EST), Freshwater Replenishment (FRSH), Commercial and Sport Fishing (COMM) and Shellfish Harvesting (SHELL).

21. National Toxics Rule and California Toxics Rule – USEPA adopted the National Toxics Rule<sup>6</sup> on 22 December 1992, and later amended it on 4 May 1995 and 9 November 1999. About forty criteria in the National Toxics Rule applied in California. On 18 May 2000, USEPA adopted the California Toxics Rule.<sup>7</sup> The California Toxics Rule promulgated new toxics criteria for California and, in addition, incorporated the previously adopted National Toxics Rule criteria that were applicable in the state. The California Toxics Rule was amended on 13 February 2001. The requirements of this Order are consistent with the National Toxics Rule (40 Code of Federal Regulations section 131.36) and California Toxics Rule (40 Code of Federal Regulations section 131.38).
22. Statewide Trash Provisions – On April 7, 2015, the State Water Board adopted the Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries. The Central Coast Water Board is required to implement the new Trash Provisions through NPDES permits issued pursuant to Federal Clean Water Act section 402(p), including MS4 permits. The water quality objective established by the Trash Provisions serves as a water quality standard federally mandated under Clean Water Act section 303© and the federal regulations. (33 United States Code section 1312, 40 Code of Federal Regulations section 131.) This water quality standard was specifically approved by USEPA following adoption by the State Water Board and approval by the Office of Administrative Law. Further, the water quality standard expected to be achieved pursuant to the Trash Provisions may allow each waterbody subsequently determined to be impaired by trash to not be placed on the Clean Water Act section 303(d) list, obviating the need for the development of a TMDL for trash for each of those waterbodies. (33 United States Code section 1313©; 40 Code of Federal Regulations section 130.7.). In those cases, the specific actions that will be carried out by the Permittee substitute for some or all of the actions that would otherwise be required consistent with a wasteload allocation in a trash TMDL. (40 Code of Federal Regulations section 122.44, subdivision (d)(1)(vii)(B).)
23. Total Maximum Daily Loads – Clean Water Act section 303(d)(1)(A) requires that “[e]ach state shall identify those waters within its boundaries for which the effluent limitations...are not stringent enough to implement any water quality standard applicable to such waters.” The Clean Water Act also requires states to establish a priority ranking of impaired water bodies known as Water Quality Limited Segments and to establish Total Maximum Daily Loads (TMDLs) for such waters. This priority

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<sup>6</sup> 40 Code of Federal Regulations section 131.36.

<sup>7</sup> Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, (65 Federal Register 31682-31719 (May 18, 2000)), adding 40 Code of Federal Regulations section 131.38.

list of impaired water bodies is called the Clean Water Act section 303(d) List of Water Quality Limited Segments, commonly referred to as the Clean Water Act section 303(d) List. The Clean Water Act requires the 303(d) List to be updated every two (2) years.

TMDLs are numerical calculations of the maximum amount of a pollutant that a waterbody can assimilate and still meet water quality standards. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point sources (wasteload allocations) and non-point sources (load allocations), background contribution, plus a margin of safety. Discharges from MS4s are point source discharges. 40 Code of Federal Regulations section 122.44(d)(1)(vii)(B) requires that NPDES permits incorporate water quality-based effluent limitations (WQBELs) that are consistent with the assumptions and requirements of any available wasteload allocation for the discharge. In the context of MS4 discharges, WQBELs in NPDES permits may be expressed in the form of either numeric limitations or, where authorized by the applicable basin plan, BMPs.<sup>8</sup> Requirements of this Order implement the TMDL wasteload allocations assigned to the Permittee.

24. Water Quality-Based Effluent Limitations – The Clean Water Act authorizes the Central Coast Water Board to establish numeric effluent limitations or BMP-based effluent limitations for pollutants in stormwater discharges from MS4s. (Clean Water Act section 402(p)(3)(B)(iii),<sup>9</sup> 40 Code of Federal Regulations section 122.44(k)). This Order incorporates structural and non-structural management practice-based requirements to reduce pollutants in stormwater discharges to the MEP and to attain water quality standards. Because water quality impairments continue to persist in those waterbodies with TMDLs despite the implementation of BMPs, it is appropriate for the Central Coast Water Board to require numeric WQBELs designed such that a Permittee’s compliance with the WQBELs should result in attainment of the wasteload allocation by the final compliance date. Where appropriate, this Order allows time for attainment and implementation of the WQBELs.

25. Antidegradation Policy – This Order complies with the federal Antidegradation Policy described in 40 Code of Federal Regulations section 131.12, and State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality Waters in California. Federal regulations at 40 Code of Federal Regulations section 131.12 require that the State develop and adopt a statewide antidegradation policy consistent with the federal policy. In 1968, before the Clean Water Act was adopted, the State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Nevertheless, State Water Board Resolution No. 68-16 incorporates the federal antidegradation requirements where the federal policy applies under federal law. State Water Board Resolution No. 68-16 requires that

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<sup>8</sup> 40 Code of Federal Regulations section 122.44(k).

<sup>9</sup> Clean Water Act section 402(p)(3)(B)(iii) states, in part, “...controls to reduce pollutants to the maximum extent practicable, including management practices, control techniques, and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.”

existing quality of waters be maintained unless degradation is justified based on findings specified in that resolution. The Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. The permitted discharge is consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16 as set out in the Fact Sheet.

26. Anti-Backsliding Requirements – Section 402(o)(2) of the Clean Water Act and federal regulations at 40 Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. Where the requirement applies, a reissued permit's effluent limitations must be at least as stringent as those in the previous permit. All effluent limitations in this Order are at least as stringent as the effluent limitations in the Permittee's previous permit. This Order's Fact Sheet contains further discussion regarding anti-backsliding.
27. Monitoring and Reporting Requirements – Clean Water Act section 308(a) and 40 Code of Federal Regulations sections 122.41(h), (j)-(l) and 122.48 require that NPDES permits shall specify monitoring and reporting requirements. Federal regulations applicable to large and medium MS4s also specify additional monitoring and reporting requirements in 40 Code of Federal Regulations sections 122.26(d)(1)(iv)(D), 122.26(d)(1)(v)(B), 122.26(d)(2)(i)(F), 122.26(d)(2)(iii)(D), 122.26(d)(2)(iv)(B)(2), and 122.42(c). Water Code section 13383 authorizes the Central Coast Water Board to establish monitoring, inspection, entry, reporting and recordkeeping requirements as part of the State's NPDES permit program implementation. Monitoring and reporting requirements are provided in Provision K (Monitoring) and Attachment D (Monitoring and Reporting Program) of this Order.
28. NPDES Electronic Reporting Rule (eRule) – 40 Code of Federal Regulations part 127 requires NPDES permittees to electronically report information and also requires authorized states implementing the NPDES program to ensure that the required minimum set of data in part 127, Appendix A, is electronically transferred to USEPA in a "timely, accurate, complete and nationally consistent manner fully compatible with USEPA's national NPDES data system." The rule does not add new reporting requirements on NPDES regulated entities; rather it substitutes electronic transmission for paper-based filings. The State's existing electronic reporting system for stormwater discharges (Stormwater Multiple Application and Report Tracking System (SMARTS)), which is compliant with USEPA's Cross-Media Electronic Reporting Rule (40 Code of Federal Regulations part 3), does not currently accommodate the collection from MS4 dischargers and reporting to USEPA of all applicable Appendix A data in a "nationally consistent manner fully compatible with USEPA's national NPDES data system." Electronic reporting requirements for those data will be implemented when the State develops an approved system. On April 30, 2019, USEPA proposed changes to the NPDES eRule, in Appendix A, to update data elements applicable to regulated MS4s to be consistent with existing MS4 regulations.

29. Standard Provisions – Standard Provisions, which apply to all NPDES permits in accordance with 40 Code of Federal Regulations 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 Code of Federal Regulations 122.42, are provided in Provision D and Attachment E (Standard Provisions) of this Order.

### **Maximum Extent Practicable Standard**

30. MEP is a technology-based standard established by Congress in Clean Water Act section 402(p)(3)(B)(iii) that operators of MS4s shall meet. MEP is a dynamic performance standard that evolves over time. As urban runoff management knowledge increases, meeting the MEP standard requires the Permittee's stormwater management program to be continually assessed and modified to incorporate improved programs, water quality control measures, BMPs, and other program components to address the pollutants of concern. Factors that shall be considered when defining MEP include, but are not limited to the following: effectiveness, regulatory compliance, public acceptance, cost, and technical feasibility. This continual assessment, revision, and improvement of the stormwater management program implementation are expected to ultimately achieve compliance with water quality standards.
31. This Order specifies requirements necessary for the Permittee to reduce the discharge of pollutants in urban runoff to the MEP. Provisions L through R establish program requirements for Trash Management, Municipal Maintenance, Illicit Discharge Detection and Elimination, Commercial and Industrial Site Management, Construction Site Management, Post-Construction Requirements, and Public Education and Involvement. The requirements of these programs represent structural and non-structural water quality control measures that are effective, technically feasible, and generally accepted as appropriate as outlined in Attachment H (Fact Sheet). This Order further incorporates an alternative compliance path through the preparation of a Pollutant Load Reduction Plan (PLRP) that allows the Permittee to prioritize water quality issues and propose the specific control measures to address the prioritized issues and achieve the receiving water limitations and water quality-based effluent limitations in accordance with a time schedule. The Central Coast Water Board finds that the programmatic requirements of this Order, including the requirement for preparation of a PLRP, are necessary to meet the MEP standard. The mix of program elements reflects the necessary pollutant reduction expected by the demanding federal MEP standard, but also represents a balancing of competing interests such as effectiveness, ease of implementation, and practicability. To the extent there may be multiple means of achieving pollutant reductions and that there could be trade-offs between program areas with potentially higher costs and greater pollutant reductions, the permit programs are structured to provide the optimum reduction of pollutants necessary to reduce pollutants to the maximum extent practicable.

### Considerations Under Other Federal and State Law and Regulations

32. Endangered Species Acts – This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (CESA, Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (FESA, 16 United States Code sections 1531 to 1544). The requirements of this Order are designed to maintain water quality and prevent a condition of pollution, contamination or nuisance in waters of the United States. The Permittee remains independently responsible for meeting all applicable requirements under CESA and FESA.
33. Economic Considerations – When pollutant controls in an NPDES permit are more stringent than federal law requires, Water Code section 13263 requires that the Water Boards consider the factors described in Water Code section 13241 as they apply to those specific restrictions. The Water Boards may not consider those factors to justify imposing pollutant restrictions that are less stringent than the applicable federal regulations require. (*City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 618, 626-627.)

The Central Coast Water Board finds that the requirements in this Order are not more stringent than the minimum federal requirements. The requirements of this Order all implement the effective prohibition on the discharge of non-stormwater into the MS4, controls to reduce the discharge of pollutants in stormwater to the MEP, or other provisions that the Central Coast Water Board has determined appropriate to control such pollutants. (See 33 United States Code section 1342(p)(3)(B)(iii).) The State Water Board has determined in precedential orders that requiring compliance with receiving water limitations is “appropriate for the control of . . . pollutants” and consistent with the water boards’ authority under the Clean Water Act.<sup>10</sup> Incorporation of water quality-based effluent limitations to achieve receiving water limitations does not exceed Clean Water Act authority where the effluent limitations are consistent with the assumptions and requirements of wasteload allocations established in applicable TMDLs and where it is feasible to calculate them. (40 Code of Federal Regulations sections 122.44(d)(1)(vii)(B) and 122.44(k).)<sup>11</sup> All requirements in this Order are mandated by federal law under section 402 of the Clean Water Act. Therefore, a Water Code section 13241 analysis is not required.

Even though consideration of California Water Code section 13241 factors is not required for the issuance of this Order, the Central Coast Water Board has considered cost information in issuing this Order in Attachment G (Economic Considerations). The Central Coast Water Board has also considered all of the

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<sup>10</sup> State Water Board Orders WQ 99-05, WQ 2001-15, WQ 2015-0075; see also *Defenders of Wildlife v. Browner* (9<sup>th</sup> Cir. 1999) 191 F.3d 1159.

<sup>11</sup> See USEPA, Memorandum, “[Revisions to the November 22, 20-2 Memorandum ‘Establishing Total Maximum Daily Load \(TMDL\) Wasteload Allocations \(WLAs\) for Storm Water Sources and NPDES permit Requirements Based on Those WLAs,’](#)” (Nov. 26, 2014). Web. 20 June 2019

evidence that has been presented to the Central Coast Water Board regarding the California Water Code section 13241 factors in adopting this Order. The Central Coast Water Board finds that the requirements in this Order are reasonably necessary to protect beneficial uses identified in the Basin Plan and the economic information related to costs of compliance and other California Water Code section 13241 factors are not sufficient to justify failing to protect those beneficial uses and that failure to protect the beneficial uses would be inconsistent with the requirements of federal law. Where appropriate, the Central Coast Water Board will consider providing the Permittee with additional time to implement control measures to achieve final water quality-based effluent limitations and/or water quality standards.

34. **Unfunded Mandates** – No provision of this Order constitutes an unfunded state mandate subject to subvention under Article XIII B, Section (6)(a) of the California Constitution. Article XIII B, Section (6)(a) provides that whenever “any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service.” The requirements of this Order do not constitute state mandates that are subject to a subvention of funds for the reasons described in Attachment H (Fact Sheet).
35. **California Environmental Quality Act** – The issuance of waste discharge requirements and NPDES permit coverage for the discharge of runoff from MS4s to waters of the United States is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (CEQA) (Public Resources Code (PRC), Division 13, Chapter 3, section 21000 et seq.) in accordance with Water Code section 13389.
36. **Coastal Zone Act Reauthorization Amendments** – Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 requires coastal states with approved coastal zone management programs to address non-point pollution impacting or threatening coastal water quality. Coastal Zone Act Reauthorization Amendments addresses five sources of non-point pollution: agriculture, silviculture, urban, marinas, and hydromodification. This NPDES permit addresses the management measures required for the urban category, with the exception of septic systems. The adoption and implementation of this NPDES permit relieves the Permittee from developing a non-point source plan, for the urban category, under Coastal Zone Act Reauthorization Amendments. The Central Coast Water Board addresses septic systems through the administration of other programs.
37. **Stormwater Resource Planning** – The Stormwater Resource Planning Act, Water Code sections 10560 – 10565, authorizes the Permittee to develop a Stormwater Resource Plan to list, prioritize, and implement multi-benefit projects geared towards capturing stormwater and dry weather runoff. The Permittee is required to have a Stormwater Resource Plan as a condition of receiving funding for stormwater and dry weather runoff capture projects from any approved bond measure. This Order

encourages the Permittee to develop a stormwater management program that promotes the use of stormwater as a resource.

38. Human Right to Water Law –This Order is consistent with Water Code section 106.3 which establishes the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. Central Coast Water Board Resolution R3-2017-0004 affirms the policy. This Order promotes that policy by requiring receiving waters to meet adopted water quality standards that are designed to protect human health and ensure that water is safe for domestic use and by regulating discharges to minimize loading to attain the highest water quality which is reasonable, considering all demands being made on those waters and the total values involved. (Water Code, sections 13000, 13050, subdivisions (i)-(m), 13240, 13241, 13263; State Water Board Resolution No. 68-16.) This Order includes actions to improve conditions for socio-economically disadvantaged communities and persons experiencing homelessness. This Order develops new or enhances existing systems to collect the data needed to identify and track individuals and communities that do not have, or are at risk of not having, safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The public process to consider this Order adoption provided opportunities for stakeholders, including disadvantaged communities, to provide meaningful input on the Order requirements that affect their communities.

### **State Water Board and Central Coast Water Board Decisions and Guidance**

39. Compliance with Receiving Water Limitations – The provisions of this Order regarding receiving water limitations and the compliance pathways outlined in Provision F (Pollutant Load Reduction Plan) are consistent with language established in State Water Board Order WQ 99-05 and State Water Board Order WQ 2015-0075. State Water Board Order WQ 2015-0075 affirmed that MS4 permits shall, consistent with Order WQ 99-05, require that discharges from the MS4s not cause or contribute to exceedances of water quality standards, that compliance with these receiving water limitations may be achieved through an iterative process, but that good faith engagement in the iterative process does not constitute compliance with the receiving water limitations. However, Order WQ 2015-0075 also directed that the permit should include a rigorous and transparent alternative compliance pathway that encourages watershed-based approaches and multi-benefit projects through which the MS4 may be deemed in compliance with the receiving water limitations and other water quality-based limitations. Consistent with State Water Board precedent, the receiving water limitations in this Order provide that stormwater discharges from MS4s shall not cause or contribute to exceedances of water quality standards. This Order includes alternative compliance pathways, i.e. the Pollutant Load Reduction Plan options, to ensure that the Permittee effectively marshals its resources in order to make continual progress toward attainment of applicable water quality standards, while being deemed in compliance with receiving water limitations or water quality-based effluent limitations. The iterative process laid

out in Order WQ 99-05 is incorporated into the iterative process of Option 2 of the Pollutant Load Reduction Plan provisions.

40. Post-Construction Stormwater Management Requirements – This Order incorporates the Central Coast Water Board Resolution No. R3-2013-0032, approving Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region (Central Coast Post-Construction Requirements). The Central Coast Post-Construction Requirements are appropriate and effective requirements for the Permittee to apply to development projects, in order to protect watershed processes so that beneficial uses of receiving waters affected by stormwater management are maintained and, where applicable, restored.
41. Response to Climate Change – The State Water Board’s Resolution No. 2017-0012: “Comprehensive Response to Climate Change,” requires a proactive approach to climate change in all California Water Board actions, with the intent to embed climate change consideration into all programs and activities. Aligning with Resolution No. 2017-0012, this Order promotes stormwater capture and use projects to provide flood protection, augment local water supply, and increase water supply reliability as a climate adaptation strategy, in addition to water quality benefits and enhanced aquatic habitats.

### **Administrative Findings**

42. Delegation of Authority to the Executive Officer – The Central Coast Water Board by prior resolution has delegated limited authority to its Executive Officer to act on the Central Coast Water Board’s behalf pursuant to Water Code section 13223. Therefore, the Central Coast Water Board Executive Officer is authorized to act on the Central Coast Water Board’s behalf on all matters within this Order that have been delegated unless such delegation is unlawful under Water Code section 13223 or this Order explicitly states otherwise.
43. Public Process – In accordance with California and federal laws and regulations, the Central Coast Water Board notified the Permittee, interested agencies and interested persons of its intent to prescribe waste discharge requirements and an NPDES permit for the control of discharges into and from the Permittee’s MS4 to waters of the United States. The Central Coast Water Board has provided an opportunity to submit written comments and recommendations as well as provide oral feedback during public workshops. The Central Coast Water Board has, at a public meeting on September 20, 2019, heard and considered all comments pertaining to the terms and conditions of this Order. Details regarding public process are provided in Attachment H (Fact Sheet).
44. Effective Date – This Order serves as an NPDES permit pursuant to Clean Water Act section 402 and becomes effective on October 1, 2019, provided that the Regional Administrator, USEPA, Region IX; or National Oceanic and Atmospheric

Administration, Monterey Bay National Marine Sanctuary (MBNMS), does not object to this Order. If the USEPA or MBNMS objects to its issuance, this Order shall not become effective until such objection is withdrawn.

45. Review by the State Water Board – Any person aggrieved by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, sections 2050, et seq. The State Water Board must receive the petition by 5:00 p.m., thirty (30) days after the Central Coast Water Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions will be provided upon request or may be found on the [State Water Board's website](#) or will be provided upon request.

**THEREFORE, IT IS HEREBY ORDERED** that Order No. R3-2012-0005 is rescinded, and that the Permittee, in order to meet the provisions contained in Division 7 of the California Water Code (commencing with section 13000), and regulations, plans, and policies adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following requirements:

#### **A. Discharge Prohibitions**

##### 1) General Prohibitions

- a) Discharges into and from the MS4 in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as defined in section 13050 of the California Water Code) in Waters of the State of California or Waters of the United States are prohibited.
- b) Discharges into and from the MS4 shall not violate any applicable prohibition in the Water Quality Control Plan, Central Coast Region (Basin Plan); or, in other State Water Board policies and plans for water quality control, including specifically:
  - i) Trash Discharge Prohibition<sup>12</sup> – The discharge of trash to surface waters of the State and the deposition of trash where it may be discharged into surface waters of the State is prohibited. Compliance with the prohibition shall be achieved as specified in Provision L (Trash Management).

##### 2) Non-Stormwater Discharge Prohibitions

- a) The Permittee shall effectively prohibit non-stormwater discharges to the Permittee's MS4 and receiving waters or another MS4, except as allowed under this Provision, or unless such discharges are authorized by a separate NPDES permit. The following categories of non-stormwater discharges are not prohibited provided any significant pollutant discharges and significant impacts are identified and appropriate control measures are implemented to minimize identified significant pollutant discharges and impacts of such discharges:
  - i) Water line flushing;
  - ii) Diverted stream flows;
  - iii) Rising groundwaters;
  - iv) Uncontaminated groundwater infiltration [as defined by 40 Code of Federal Regulations section 35.2005(20)];<sup>13</sup>
  - v) Uncontaminated pumped groundwater;

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<sup>12</sup> At this time, the Trash Provisions, establishing a prohibition of discharge of Trash, for the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California Plan (ISWEBE Plan) are found in the Trash Amendments, adopted by the State Water Board on April 7, 2015, at Appendix E of the Final Staff Report to the Amendment to the Water Quality Control Plan for the Ocean Waters of California to Control Trash and Part 1 Trash Provisions of the Water Quality Control Plan for the ISWEBE Plan. The State Water Board plans to incorporate the Part 1 Trash Provisions to the ISWEBE Plan, once it is adopted.

<sup>13</sup> Uncontaminated groundwater infiltration is water other than wastewater that enters the MS4 (including foundation drains) from the ground through such means as defective water pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

- vi) Discharges from potable water sources;<sup>14</sup>
  - vii) Foundation drains;
  - viii) Air conditioning condensation;
  - ix) Springs;
  - x) Water from crawl space pumps;
  - xi) Footing drains;
  - xii) Individual residential car washing;
  - xiii) Flows from riparian habitats and wetlands;
  - xiv) Dechlorinated/debrominated swimming pool/spa discharges;<sup>15</sup>
  - xv) Essential non-emergency<sup>16</sup> and emergency firefighting activities;<sup>17</sup>
  - xvi) Incidental Runoff<sup>18</sup> from landscape irrigation and lawn watering; and
  - xvii) Irrigation water.<sup>19</sup>
- b) When the Permittee or the Central Coast Water Board Executive Officer identifies any non-stormwater discharge category listed above as a potential significant source of pollutants to receiving waters or physically interconnected MS4, or poses a threat to beneficial uses, the Permittee shall either:
- i) Prohibit the discharge category from entering the Permittee's MS4;
  - ii) Authorize the discharge category but require responsible parties to implement appropriate or additional BMPs such that discharges are no longer a source of pollutants to receiving waters; or

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<sup>14</sup> Discharges from drinking water supplier distribution systems, provided appropriate BMPs are implemented based on the American Water Works Association (California-Nevada Section) Best Management Practices (BMP) Manual for Drinking Water System Releases (2014) or equivalent industry standard BMP manual.

<sup>15</sup> Dechlorinated/debrominated swimming pool/spa discharges do not include swimming pool/spa filter backwash or swimming pool/spa water containing bacteria, detergents, wastes, or algaecides, or any other chemicals including salts from pools commonly referred to as "salt water pools" in excess of applicable water quality objectives.

<sup>16</sup> This includes firefighting training activities, which simulate emergency responses, and routine maintenance and testing activities necessary for the protection of life and property, including building fire suppression system maintenance and testing (e.g., sprinkler line flushing) and fire hydrant testing and maintenance. Structural and non-structural BMPs shall be implemented to reduce pollutants from essential non-emergency firefighting activities based on the CALFIRE, Office of the State Fire Marshal's Water-Based Fire Protection Systems Discharge Best Management Practices Manual (September 2011, prepared in cooperation with State Water Board) for water-based fire protection system discharges, and based on a local BMP manual for fire training activities and post-emergency firefighting activities.

<sup>17</sup> Emergency firefighting flows (e.g., discharges necessary for the protection of life or property such as building fire suppression system maintenance discharges or sprinkler line flushing) do not require immediate implementation of BMPs and are not classified as prohibited non-stormwater. Discharges from vehicle washing, building fire suppression system maintenance and testing (e.g., sprinkler line flushing), fire hydrant maintenance and testing, and other routine maintenance activities are not considered emergency firefighting activities.

<sup>18</sup> Incidental Runoff is only permitted after the Permittee has reduced Incidental Runoff to the MEP per the requirements in Provision N.5 [Illicit Discharge Detection and Elimination: Incidental Runoff and Excessive Water Application].

<sup>19</sup> Unless an agricultural discharge constitutes a point source discharge to the Permittee's MS4 the Permittee shall be deemed to have "effectively prohibited" irrigation water in compliance with Provision A.3 if it demonstrates to the Central Coast Water Board that it has taken measures to seek voluntary cooperation or employ regulatory controls, if available, to control the discharge of pollutants in agricultural discharges.

- iii) Coordinate with Central Coast Water Board staff to ensure the source of non-stormwater discharge obtains appropriate coverage under separate Regional or State Water Board permit. The Permittee shall effectively prohibit the discharge until such permit coverage becomes effective.

## **B. Effluent Limitations**

- 1) Technology Based Effluent Limitations – The Permittee shall reduce pollutants in stormwater discharges from the Permittee’s MS4 to the MEP.<sup>20</sup>
- 2) Water Quality-Based Effluent Limitations and Compliance Schedules –
  - a) Water Quality-Based Effluent Limitations – The Permittee shall comply with applicable interim and final water quality-based effluent limitations and the associated compliance schedules that implement wasteload allocations established in TMDLs identified in Attachment C.<sup>21</sup> Compliance with this provision constitutes compliance with the receiving water limitations in Provision C.1 for the waterbody-pollutant combinations addressed by the TMDLs.
  - b) TMDLs Where Final Compliance Deadlines Have Passed – Where the Permittee believes that additional time to comply with final water quality-based effluent limitations is necessary, it shall request, no less than 90 days prior to the final compliance deadline, a time schedule order pursuant to Water Code section 13300 for the Central Coast Water Board’s consideration. At a minimum, a request for a time schedule order shall include the following:
    - i) Data demonstrating the current quality of the MS4 discharge(s) in terms of the applicable wasteload allocation units (i.e., concentration and/or load) of the target pollutant(s) to the receiving waters subject to the TMDL;
    - ii) A description and chronology of structural controls and source control efforts, carried out by the Permittee since the effective date of the TMDL, to reduce the pollutant load in the MS4 discharges to the receiving waters subject to the TMDL;
    - iii) Justification of the need for additional time to achieve the water quality-based effluent limitations;
    - iv) The specific actions the Permittee will take in order to meet the TMDL requirements and a time schedule of interim and final deadlines proposed to implement those actions; and
    - v) A demonstration that the time schedule requested is as short as possible, considering the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation(s).

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<sup>20</sup> For the purposes of this Order, implementation of a stormwater management program, in a manner consistent with this Order, satisfies the requirement to control pollutants in stormwater discharges to the maximum extent practicable.

<sup>21</sup> For TMDLs assigning the Permittee wasteload allocations approved after Order adoption, within one year of approval by the Office of Administrative Law, the Permittee shall update the PLRP to address the new TMDL.

### C. Receiving Water Limitations<sup>22</sup>

- 1) Discharges from the MS4 shall not cause or contribute to exceedances of water quality standards in any receiving waters (hereinafter “receiving water limitations”), including but not limited to all applicable provisions contained in:
  - a) The Central Coast Water Board’s Basin Plan;
  - b) State Water Board policies and plans for water quality control, including specifically:
    - i) Trash Water Quality Objective<sup>23</sup> – Trash\*<sup>24</sup> shall not be present in inland surface waters,<sup>25</sup> enclosed bays, estuaries, and along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.
  - c) Priority pollutant criteria promulgated by the USEPA through the following:
    - i) National Toxics Rule; and
    - ii) California Toxics Rule.<sup>26</sup>

### D. Standard Provisions

The Permittee shall comply with all Standard Provisions included in Attachment E.

### E. General Provisions

- 1) General Requirements – The Permittee shall comply with each requirement listed below.
  - a) Transition from Existing Stormwater Management Program – Continue to implement the Permittee’s existing stormwater management program, including actions within each of the six categories of minimum control measures consistent with 40 Code of Federal Regulations section 122.26(d)(2)(iv), until the Permittee implements the corresponding components in this Order. For existing stormwater management program components with no corresponding component in this Order, the Permittee may cease implementation of those items upon this Order’s effective date.
  - b) Timelines for Implementation – Unless otherwise specified, within 6 months after the effective date of this Order, comply with all the requirements of this Order, including all Attachments. Implement all plans, reports, and other documents required by the Order and outlined in Attachment F (Summary of Milestones and Deadlines), and any amendments or modifications to those plans, reports, and other documents as required by the Central Coast Water Board or Central Coast

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<sup>22</sup> The Permittee may comply with Provision C by achieving full compliance with applicable requirements in Provision F (Pollutant Load Reduction Plan).

<sup>23</sup> The Trash Provisions establish a water quality objective for trash.

<sup>24</sup> All terminology marked with an asterisk are defined within the Trash Amendments glossary and definition of terms.

<sup>25</sup> Inland Surface Waters are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries as defined in the State Water Board’s Water Quality Control Plan for Enclosed Bays and Estuaries.

<sup>26</sup> If a water quality objective and a California Toxics Rule criterion are in effect for the same priority pollutant, the more stringent of the two applies.

- Water Board Executive Officer. Prior to 6 months after the effective date of this Order, the Permittee may request from the Central Coast Water Board Executive Officer additional time (up to the end of Year 1), to complete activities due within Year 1, so long as the Permittee justifies the need (e.g., fiscal resources, planning processes, staff availability) for the additional time.
- c) Inter-agency Coordination – Coordinate among the Permittee’s internal departments and agencies to facilitate the implementation of the requirements of this Order.
  - d) Intra-agency Coordination – Participate in intra-agency coordination necessary to successfully implement the provisions of this Order.
  - e) Effective Program – Develop, maintain, implement, and enforce an effective stormwater management program that meets each requirement of this Order, reduces pollutants in discharges from the MS4 to the MEP, and protects watershed processes, water quality, and beneficial uses.
- 2) Order Coverage Area – The Order coverage area is the incorporated area of the City of Salinas. Any areas annexed into the City of Salinas shall become part of the Order coverage area.
  - 3) Fees – The fee for enrollment under this Order is payable to the “State Water Resources Control Board” and shall be based on Title 23, California Code of Regulations, section 2200, which is available at the State Water Board’s website.
  - 4) Stormwater Management Program Support Tools – Where applicable, the Permittee shall develop and maintain supporting tools, documents, and procedures (e.g., standard operating procedures, assessment and inspection procedures, checklists, inspection forms, stormwater pollution prevention plans) necessary to effectively implement the requirements of this Order.
  - 5) Permittee Staff Responsibilities – The Permittee shall maintain current documentation identifying the staff and department responsible for implementing each Order requirement; organization chart(s); and the structure of management/leadership positions responsible for compliance with each Order requirement.
  - 6) Permittee Staff Training – The Permittee shall ensure all municipal staff whose job duties are related to implementing the requirements of this Order, have the knowledge and understanding necessary to effectively implement the requirements of this Order.
  - 7) Contracted Staff – The Permittee shall ensure all staff and entities contracted by the Permittee to implement any requirements of this Order adhere to all applicable requirements of this Order that would apply to municipal staff. The Permittee shall perform oversight of activities performed by others to ensure the effective implementation of the requirements of this Order.

- 8) Electronic Submittals – Unless otherwise directed by the Central Coast Water Board Executive Officer, the Permittee shall electronically submit or upload all application, plans, reports (see Provision K for alternate electronic submittal requirements for monitoring and reporting), changes of information, and any other documents required by this Order using Stormwater Multiple Application and Report Tracking System (SMARTS).<sup>27</sup> The Permittee is further required to electronically report applicable data listed in Appendix A of the NPDES Electronic Reporting Rule (eRule), 40 Code of Regulations part 127, as updated by revisions to the eRule, when an approved electronic reporting system becomes available. Plans, reports and any other documents shall comply with the signatory requirements of Attachment E (Standard Provisions) and be submitted with a cover letter that identifies all attachments.
- 9) Recordkeeping – The Permittee must keep records to document and demonstrate compliance with each requirement of this Order (including records specified by this Order and not specified by this order). The records must be kept for at least five years after the records' development. If the Order is continued beyond the expiration date, the Permittee shall keep all records either the duration of the Order, or five years, whichever is longer. The Central Coast Water Board Executive Officer may specify a longer time for record retention.
- 10) Submittal Implementation – All plans, reports, and subsequent amendments submitted in compliance with this Order, which require implementation and require Central Coast Water Board Executive Officer approval, shall be implemented immediately after Central Coast Water Board Executive Officer approval (or as otherwise specified). All plans, reports, and subsequent amendments submitted in compliance with this Order, which require implementation and do not require Central Coast Water Board Executive Officer approval, shall be implemented immediately following the submittal due date (or as otherwise specified). All submittals by the Permittee shall be adequate pursuant to the requirements of this Order.
- 11) Changes to this Order
  - a) Review and Revision of Order – The Central Coast Water Board may modify this Order for cause, as authorized by 40 Code of Federal Regulations section 122.62.
  - b) The Permittee shall comply with Attachment D (Monitoring and Reporting Program) and any revisions or modifications thereto as ordered by the Central Coast Water Board Executive Officer. The Central Coast Water Board Executive Officer is authorized to revise the Monitoring and Reporting Program to increase the frequency of monitoring or reporting and to allow the Permittee to participate in regional, statewide, national, or other monitoring programs.
- 12) Termination of this Order – This Order may be terminated as authorized by 40 Code of Federal Regulations section 122.64.

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<sup>27</sup> Upon the State Water Board notifying the Permittee in writing that this Water Board-approved system has changed, the Permittee shall use the newly specified system.

## 13) Duration of Order

- a) Adoption Date – The Central Coast Water Board adopted this Order on September 20, 2019.
- b) Effective Date – This Order becomes effective on October 1, 2019.
- c) Order implementation years – The Permittee shall adhere to the following timeframes for adhering to this Order:
  - i) Year 1 – October 1, 2019 through September 30, 2020
  - ii) Year 2 – October 1, 2020 through September 30, 2021
  - iii) Year 3 – October 1, 2021 through September 30, 2022
  - iv) Year 4 – October 1, 2022 through September 30, 2023
  - v) Year 5 – October 1, 2023 through September 30, 2024
- d) Annual Report Submittal Date – The Permittee shall submit an Annual Report by January 31<sup>st</sup> of each year, starting January 31, 2021.
- e) Expiration Date – This Order expires on September 30, 2024.
- f) Continuation of Expired Order – If the Permittee has complied with all federal NPDES requirements for continuation of expired permits in accordance with Title 23 of the California Code of Regulations, section 2235.4, and a new order is not adopted by the expiration date, the Permittee shall continue to implement the requirements of this Order until the Central Coast Water Board adopts a new Order.

## 14) Severability of this Order – Provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of the Order shall not be affected.

## 15) Report of Waste Discharge – The Permittee shall file a Report of Waste Discharge no later than 180 days in advance of the Order Expiration Date, in application for renewal of waste discharge requirements. The Report of Waste Discharge must be submitted in SMARTs and, at a minimum, include the following:

- a) All applicable information required by federal regulations for NPDES permit reissuance in 40 Code of Regulations section 122.21;
- b) Any revisions to the Quality Assurance Project Plan and stormwater management program including, but not limited to, all the activities the Permittee proposes to undertake during the next order coverage period, justification, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs;
- c) Proposed implementation, including interim milestones, of the following plans to undertake during the next order coverage period:
  - i) Asset Improvement Plan
  - ii) Pollutant Load Reduction Plan;
- d) Changes in land use and/or population including map updates;
- e) Any significant changes to the MS4, outfalls, detention or retention basins or dams, or other urban runoff controls including map updates of the MS4; and
- f) New or revised elements and compliance schedules necessary to comply with Water Quality-Based Effluent Limitations and Receiving Water Limitations.

## F. Pollutant Load Reduction Plan

- 1) Water Quality-Based Effluent and Receiving Water Limitations Compliance Determination – The Permittee’s compliance with the below (Provisions F.1.a and F.1.b), shall constitute compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations). The Permittee shall also ensure the controls implemented pursuant to the Pollutant Load Reduction Plan (PLRP) reduce discharge of pollutants to the maximum extent practicable (MEP) pursuant to Provision B.1 (Technology Based Effluent Limitations).
  - a) Development<sup>28</sup> and submittal of a PLRP, and necessary PLRP updates, pursuant to Provision F.3 (Pollutant Load Reduction Plan); and
  - b) Compliance with applicable requirements of the PLRP, including interim milestones and targets, and dates for achieving them, as specified in the PLRP.
  
- 2) Determination of Water Quality-Based Effluent and Receiving Water Limitations to Address in the PLRP – Based on the following, the Permittee shall maintain an updated list of waterbody-pollutant combinations to address in the PLRP:
  - a) Water Quality-Based Effluent Limitations – The Permittee shall address all waterbody-pollutant combinations identified in Attachment C (Water Quality-Based Effluent Limitations), for which the Permittee has not yet demonstrated wasteload allocation attainment.
  - b) Receiving Water Limitations – The Permittee shall address all waterbody-pollutant combinations, not addressed by TMDLs, where the Permittee’s stormwater runoff is 1) contributing to impairments on the State’s Clean Water Act section 303(d) List<sup>29</sup>, and/or 2) is suspected of causing or contributing to an exceedance of Receiving Water Limitations. See Finding 10 for 303(d) list of impairments as of this Order’s effective date. By the end of Year 1, the Permittee shall complete the following to inform the list of waterbody-pollutant combinations to address in the PLRP:
    - i) Develop a list of all impairments on the State’s Clean Water Act section 303(d) List where the Permittee’s stormwater runoff may be contributing to the impairment;
    - ii) Consult with Central Coast Water Board staff to assess whether monitoring data and other information support modifying the PLRP to address each 303(d) listed waterbody-pollutant combination;
    - iii) Consult with Central Coast Water Board staff to assess whether monitoring data and other information support modifying the PLRP to address any other potential exceedances of Receiving Water Limitations; and
    - iv) Amend Permittee’s list of waterbody-pollutant combinations identified in Provisions F.2.b.i-iii as specified by the Central Coast Water Board Executive Officer.

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<sup>28</sup> So long as the Permittee is actively developing a PLRP, this applies to the time between the Order effective date and the submittal of a PLRP and/or the end of Year 2, whichever date occurs sooner.

<sup>29</sup> For impairments added to the State’s Clean Water Act section 303(d) List after Order adoption, within one year of approval by USEPA, the Permittee shall update the PLRP to address the newly identified impairments.

- v) For waterbody-pollutant combinations not addressed in the PLRP, the Permittee must continue to demonstrate compliance with Provision C.1 (Receiving Water Limitations).
- 3) Pollutant Load Reduction Plan – By the end of Year 2, the Permittee shall submit a PLRP, pursuant to Provision F.4 (Submittal, Approval, Commencement, and Revision Process), documenting the Permittee’s strategy for achieving compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations). The Permittee may use the Stormwater Information Management System (SIMS), to the extent feasible, to document, track, and report progress, as required in the PLRP. The PLRP shall document the chosen compliance option and specified compliance option components for all areas within the Order coverage area with runoff contributing to an exceedance of Water Quality-Based Effluent Limitations or Receiving Water Limitations. The Permittee may use the catchments identified pursuant to Provision G.2.b (Information Management and Program Assessment: Catchment Delineation) or alternative catchment delineations to support the PLRP design. For all contributing areas within the Order coverage area, the Permittee shall designate one of the following two options and develop the specified plan components:
- a) Option 1: Volume Reduction
    - i) PLRP Alternative Requirements – For catchments with volume reduction measures installed and functioning per design, pursuant to the PLRP, the Permittee may implement the PLRP Alternative Requirements specified throughout the Permit.
    - ii) Requirements –
      - (1) Volume Reduction – Via infiltration, evapotranspiration, and/or reuse to support beneficial uses, the Permittee shall retain the following: 1) all non-stormwater runoff; and 2) all stormwater runoff generated by the 85<sup>th</sup> percentile, 24-hour storm event.<sup>30</sup>
      - (2) Multiple Benefits – The Permittee’s volume reduction approach(es) shall incorporate green infrastructure and low impact development principles where feasible, and shall at a minimum achieve at least two of the following quantifiable water management, environmental, and/or community benefits:
        - (a) Provides water supply augmentation with stormwater;
        - (b) Provides environmental and habitat protection and improvement (e.g., wetland or riparian area enhancement/creation, instream flow improvement)
        - (c) Increases urban green space, increases tree canopy, and/or reduces heat island effects;
        - (d) Improves air quality, reduces energy uses, reduces greenhouse gas emissions, and/or provides a carbon sink;
        - (e) Decreases flood risk by reducing runoff rate and/or volume and restoring floodplains; and

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<sup>30</sup> The Permittee may propose alternative volumetric-based retention standard informed by historic, current, and forecasted climatic trends and conditions.

- (f) Provides other community benefits (e.g., employment opportunities, recreational and public use areas, community involvement, enhancements targeting socio-economically disadvantaged communities).
- iii) Plan Components –
  - (1) Implementation Approach – The Permittee shall outline its proposed approach for achieving the volume reduction requirements, including how it will incorporate effective technologies, approaches, and practices, including green infrastructure.
  - (2) Schedule –
    - (a) Timeframe – The Permittee shall include a schedule for completing the volume reduction requirements for identified catchments. The Permittee may propose a compliance pathway based on a long-range timeframe, up to 20-years from this Order’s effective date. If the long-range timeframe exceeds the implementation schedule specified in an applicable TMDL identified in Attachment C, the Permittee shall seek a time schedule order as specified in Provision B.2.b (TMDLs Where Final Compliance Deadlines Have Passed).
    - (b) Interim Milestones – The Permittee shall include milestones, at a minimum five-year frequency (i.e., 2024, 2029, 2034, 2039).<sup>31</sup> The Permittee shall ensure milestones reflect measurable progress at a steady, or accelerated, completion pace over the long-range timeframe.
    - (c) Detailed Short-term Schedule – The Permittee shall include a detailed schedule (e.g., design and construction phases for retention facilities) for Years 3-5 of the Permit term. If the Central Coast Water Board does not reissue the Order by the Order expiration date (see Provision E.14 (General Provisions: Duration of Order)), the Permittee shall submit and implement a subsequent Detailed Short-term Schedule covering the five years subsequent to the Order’s expiration date.
  - (3) Financial Strategy – The Permittee shall outline its funding procurement and management strategy to support project development and long-term maintenance and lifecycle costs.
  - (4) Quantification – The Permittee shall demonstrate the following for volume reduction projects:
    - (a) Order coverage areas covered by volume reduction option are tributary areas to volume reduction projects;
    - (b) Volume reduction project design, with operation and maintenance, will retain intended volumes in perpetuity; and
    - (c) Proposed volume reduction projects incorporate quantifiable multiple benefits.
- b) Option 2: Iterative Approach

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<sup>31</sup> When seeking time schedule orders pursuant to Provision B.2.b [Effluent Limitations: TMDLs Where Final Compliance Deadlines Have Passed], the Permittee may use the PLRP to justify proposed interim and final deadlines.

- i) Requirements – The Permittee shall implement retention-based control measures, non-retention-based control measures, or a combination of retention- and non-retention-based control measures, to achieve Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations).
- ii) Plan Components – The Permittee shall develop the following plan components for each water quality-based effluent limitation and receiving water limitation exceedance pursuant to Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations), for all contributing Order coverage areas utilizing the iterative approach:
  - (1) Implementation Approach – A detailed description of the Permittee’s strategy for structural, non-structural, and source control measure selection, assessment, and implementation, to ensure that implemented control measures will effectively abate pollutant sources, reduce pollutant loads, and achieve timeframes specified in Provision F.3.b.ii(3)(a) (Timeframes).
  - (2) Source Analysis and Control –
    - (a) Identification of sources where runoff from the Order coverage area may be contributing to an exceedance of water quality-based effluent limitations or receiving water limitations, including specific information on various source locations and their magnitude;
    - (b) Prioritization of sources, based on suspected contribution to exceedances of water quality-based effluent limitations or receiving water limitations, ability to control the source, and other pertinent factors;
    - (c) Identification of control measures that will address pollutant sources and reduce pollutant loads; and
    - (d) Prioritization of control measures, based on expected effectiveness at abating sources and reducing pollutant loads, as well as other pertinent factors.
  - (3) Schedule
    - (a) Timeframes – The Permittee shall include a schedule to achieve compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations), accounting for the technological, operational, and economic factors that affect the design, development, and implementation of the necessary control measures, that adheres to the following:
      - (i) Water Quality-Based Effluent Limitations – Comply with interim targets and final water quality-based effluent limitations according to compliance schedules included in Attachment C; and
      - (ii) Receiving Water Limitation Exceedances – Address receiving water limitation exceedances within a timeframe that is as short as possible.
    - (b) Action-Oriented Interim Milestones – The Permittee shall include quantifiable interim milestones to document how it will achieve Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations) by the timeframes

specified in Provision F.3.b.ii(3)(a) (Timeframes). At a minimum, the interim milestones shall include the following information: source type targeted and prioritized; task category (e.g., source identification and assessment, source control measure, structural control measure, other long-term load reduction solution); task description; schedule for completing task; and task completion date.

- (c) Water Quality Improvement-Related Interim Targets – The Permittee shall identify interim targets and dates for their achievement to ensure adequate progress toward achieving compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations). The interim targets shall represent measurable, continually decreasing Permittee discharge concentrations, loads, or other appropriate interim measures of pollution reduction and progress towards wasteload allocations and receiving water limitations.
- (4) Monitoring Program – A detailed description, including a schedule, of a monitoring program the Permittee will implement to assess effluent and receiving water quality, control measure implementation effectiveness, and progress towards any interim targets and ultimate compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations). The monitoring program shall be designed to validate implementation efforts and the PLRP technical approach to quantitatively demonstrate compliance.<sup>32</sup> The Permittee shall request updates to its Monitoring and Reporting Program, from the Central Coast Water Board Executive Officer pursuant to Provision K (Monitoring), to reflect monitoring program modifications.
- (5) Effectiveness Assessment and Iterative Process – The Permittee shall provide the following to document how it will modify program actions based on effectiveness evaluations:
- (a) A detailed description of how the Permittee will assess control measure and program effectiveness; and
- (b) A detailed description of how the Permittee will modify the program to improve upon BMPs determined to be ineffective during the effectiveness assessment.
- (6) The Permittee shall conduct a Reasonable Assurance Analysis (RAA), to demonstrate the ability of the proposed management strategy to comply with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations), by the timeframes specified in Provision F.3.b.ii(3)(a) (Timeframes), that adheres to the following:
- (a) Supports Planning – Support planning and implementation activities the Permittee plans to undertake to achieve compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations).

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<sup>32</sup> For Sediment Toxicity and Pyrethroid Pesticides in Sediment in the Lower Salinas River Watershed TMDL monitoring, the Permittee may elect to participate in regional and/or statewide collaborative monitoring efforts, so long as these efforts align with this Order.

- (b) Quantifies Links between Actions and Water Quality Targets – Use detailed quantifications and modeling to assess relationships between water quality targets and planned implementation activities.
  - (c) Uses Peer-Reviewed Methods and Best Available Data – Use peer-reviewed modeling and quantification methods that best address compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations) based on best available data, expertise, and resources.
  - (d) Communicates Uncertainty – Characterize, minimize, and communicate uncertainties.
  - (e) Transparent – To ensure an open and transparent process, 1) disclose the procedures used to identify modeling and quantification methods, by communicating data selection decisions and differentiating between data used for calibration and validation; and 2) communicate how compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations) are translated into targets within models.
  - (f) Avoids Unsupported Simplifications – Use the best available scientific information in making simplifications and streamlining procedures when incorporating methods to reduce the complexity of analysis and modeling.
  - (g) Includes Validation Milestones at Appropriate Scale – Validation milestones should align appropriate goals and outcomes with achievable timelines and be consistent with the Monitoring Program.
- c) Long-Term Assurance – Once the Permittee has demonstrated full compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations), at a catchment scale, the Permittee shall update the PLRP to document a long-term assurance approach to ensure the Permittee’s load reduction strategies/projects will continue to function, pursuant to intended design objectives, in perpetuity. The Permittee shall implement the documented long-term assurance approach and make modifications as necessary. The Permittee shall assess if its Watershed Asset Management Program (see Provision I (Asset Management)) can serve the purpose of this requirement.
- 4) Submittal, Approval, Commencement, and Revision Process –
- a) PLRP Submittal and Approval – By the end of Year 2, the Permittee shall submit a complete PLRP, pursuant to the requirements of Provision F (Pollutant Load Reduction Plan), to the Central Coast Water Board Executive Officer for review and approval. The Central Coast Water Board will provide a minimum 30-day public review period.
  - b) PLRP Implementation Commencement– The Permittee shall commence PLRP implementation immediately after Central Coast Water Board Executive Officer approval (or as otherwise specified in approval). The Permittee shall maintain a current PLRP in SMARTS.
  - c) PLRP Revisions – The Permittee shall notify the Central Coast Water Board Executive Officer of any subsequent proposed PLRP revisions. If the Permittee

proposes substantive changes, the Central Coast Water Board Executive Officer will provide a minimum 30-day public review period prior to approval of a modified PLRP.

## **G. Information Management and Program Assessment**

- 1) Spatially-Based Stormwater Information Management System(s) – The Permittee shall maintain spatially-based Stormwater Information Management System(s) (SIMS) achieving the following:
  - a) Content – Maintains information specified in this Provision as well as information specified in the Information Management Requirements throughout this Order
  - b) Update Frequency – Updated monthly, unless Order specifies alternate update frequency for specific information, to document Order implementation and changes to applicable areas or conditions (e.g., newly annexed areas, new and/or modified infrastructure and land uses)
  - c) Platform – Uses spatially-based information management software
  - d) Central Coast Water Board Accessibility – Provides remote viewer access to Central Coast Water Board staff
  - e) Information Retention – Information, required by this Order, retained and available to Central Coast Water Board staff for a minimum of five (5) years
- 2) Watershed Characterization – To characterize the Permittee’s watersheds, the Permittee shall maintain the following information in SIMS:
  - a) Urban Subwatersheds – Delineated subwatersheds, covering all existing areas within the Order coverage area and all areas within the Permittee’s sphere of influence, defined by both natural topographic divides and anthropogenic features such as constructed portions of the MS4.
  - b) Catchment Delineation – Delineated drainage areas within the urban subwatersheds that reasonably represent areas that convey stormwater runoff to outfalls or to other drainage areas.
  - c) Waterbodies – Ephemeral, intermittent, and perennial waterbodies based on existing information including, but not limited to, the following:
    - i) NHD Flow Line<sup>33</sup> (USEPA and USGS);
    - ii) NHD Water Body<sup>34</sup> (USEPA and USGS);
    - iii) National Wetlands Inventory<sup>35</sup> (USFWS); and
    - iv) Relevant environmental documents (e.g., developed per CEQA, NEPA) that include waterbody delineations reflecting current conditions.
  - d) Infiltration Zones – Identify and map zones that infiltrate stormwater to support baseflow and interflow to wetlands and surface waters, and deep vertical infiltration to groundwater, based on available information that describes conditions including, but not limited to, the following:

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<sup>33</sup> National Hydrography Dataset (NHD) linear features of types: stream/river, canal/ditch, pipeline, artificial path, coastline, and connector.

<sup>34</sup> NHD polygonal features of types: playa, ice mass, lake, pond, reservoir, swamp, marsh, and estuary.

<sup>35</sup> [The National Wetlands Inventory](#) is a national program established by the United States Fish and Wildlife Service to map wetlands. Web. 20 June 2019

- i) Groundwater basins (per most recent California Department of Water Resources Bulletin 118)
- ii) Groundwater recharge areas
- iii) Soil type
- iv) Surface geology
- v) Land cover type and condition affecting rainfall infiltration
- e) Hydrologic Connectivity – Information necessary to reasonably estimate pollutant loads delivered to receiving waters from each catchment.
- f) Land Cover – Land use designations and associated impervious cover. For roads, at a minimum, the Permittee shall designate between paved (low, moderate, and high traffic densities) and unpaved; and private and Permittee-owned.
- g) Transient Camps – By the end of Year 1, areas with reoccurring homeless encampments.
- h) Socio-Economically Stressed Areas – By the end of Year 1, areas housing disadvantaged populations.<sup>36</sup>
- i) Precipitation – Precipitation characterization to inform runoff estimates.
- j) Stream Condition – By the end of Year 3, the Permittee shall conduct a rapid assessment<sup>37</sup> of all second and higher order streams within the Order coverage area.
- k) Flood Inundation Areas – By the end of Year 1, most recent Federal Emergency Management Agency (FEMA) Flood Hazard Map and other available information incorporating projections of climate-change induced alterations in storm hydrology.
- l) Riparian Vegetation and Habitat – Maintain updated maps of riparian vegetation and habitat for waterbodies identified in Provision G.2.c (Waterbodies). For those mapped areas, collect and maintain the following information for existing riparian vegetation and habitat:
  - i) Aerial and ground-level photography
  - ii) Stream condition assessments (see above)
  - iii) General condition and quality of riparian vegetation and habitat based on, but not limited to, the following:
    - (1) Presence or absence of riparian vegetation
    - (2) Canopy cover of low flow channel expressed in terms of shading
    - (3) Presence of multiple vegetation layers (i.e., canopy, understory, and ground cover)
    - (4) Ratio of native to exotic plant species
    - (5) Pollutant filtering capacity (e.g., grassy strips along the top of streambank)
    - (6) Human impact (e.g., channelization, stabilization, levies, homeless encampments, worn and compacted footpaths)
  - iv) For each second and higher order stream, acreage and/or lineal feet of good, fair, and poor quality for riparian vegetation and habitat

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<sup>36</sup> The Permittee may use the Department of Water Resources' Disadvantaged Community maps and consider revising to address localized conditions.

<sup>37</sup> The Permittee shall use the [Center for Watershed Protection's manual for the Unified Stream Assessment](#) or equivalent when conducting rapid assessment of stream corridors. Web. 20 June 2019

- 3) MS4 System Map – The Permittee shall maintain the MS4 System Map in SIMS to include individual identifiers and descriptions, that include information such as name, type, location, and discharge information, where applicable, for the following system components:
  - a) Stormwater Conveyance System – All segments of the MS4. The map shall identify which portions of the system are open channels (e.g., ditches, manmade channels) and other conveyance features (e.g., culverts).
  - b) Inputs – Inlets to the MS4 and, based on existing information, connections over 8 inches in diameter to MS4 conveyances. For inlets, the Permittee shall specify presence of internal storage (e.g., sump) and/or water quality device (e.g., screen, filter, separator).
  - c) Outlets – Outfalls (or outlets) to receiving waters, the MS4, and/or to structural BMPs.
  - d) Other Components – Identify other critical components (e.g., cleanouts, pump stations, diversion structures, trash capture devices) of system influencing maintenance capacity and conveyance.
- 4) Structural BMPs – The Permittee shall include, in SIMS, the Permittee-owned and Privately-owned structural BMPs below (Provision G.4.a and G.4.b). For each BMP, the Permittee shall include the following attributes: individual identifiers; location; type; ownership type (private or public); contributing land use(s); tributary area of contributing drainage area; relevant treatment, retention, and/or detention capacity information; designation of whether a maintenance plan and/or maintenance agreement exists; and indication of municipal stormwater permit triggering structural BMP requirements (if applicable). For structural Stormwater Control Measures (SCMs) installed pursuant to the Central Coast Post-Construction Requirements (Resolution No. R3-2013-0032) incorporated herein, the Permittee shall also track information required pursuant to Central Coast Post-Construction Requirements Structural SCM O&M Database requirements.
  - a) Permittee-owned – Centralized and decentralized structural BMPs that serve a water quality function, including trash capture devices.
  - b) Privately-owned – Structural SCMs<sup>38</sup> installed pursuant to post-construction requirements in this Order and the Permittee's previous municipal stormwater permits with structural SCM requirements.
- 5) Stormwater Pollutant Loading and Volume Quantification – The Permittee shall implement the below process to assess stormwater pollutant loading and volume quantification. The Permittee may use an alternate approach to conduct a stormwater volume and pollutant loading analysis, so long as the Permittee can demonstrate its approach will result in outputs that are equally defensible to the approach described below.
  - a) Unmitigated Condition – Annually, the Permittee shall update volume and loading estimates and catchment rankings for the unmitigated condition.
    - i) Stormwater Volume and Pollutant Loading –

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<sup>38</sup> Applicable structural SCMs include SCMs installed to comply with the following: Order Nos. R3-2004-0135 and R3-2012-0005; and Central Coast Post-Construction Requirements.

- (1) Theoretical – Stormwater volume and pollutant loading estimates for all catchments under an unmitigated scenario (i.e., pollutant loading estimates assuming no BMPs) that provides a starting point for comparing loading estimates once the Permittee includes BMPs (both existing and future). The Permittee shall use a catchment scale load modeling approach for quantifying average annual stormwater discharge and pollutant loading from all municipal catchments to the designated receiving waters.
  - (2) Landscape Specific – By the end of Year 2, the Permittee shall refine the loading estimates based on site-specific data. At a minimum, the Permittee shall account for the following: catchment-scale water quality monitoring results (see Provision K (Monitoring)), pollutant accumulation on roadways, socio-economic conditions, and institutional knowledge about relative watershed conditions throughout Permittee’s jurisdictional area.
- ii) Catchment Ranking – At a minimum, for the unmitigated condition, the Permittee shall maintain the following relative rankings of all municipal catchments:
    - (1) Ranking based on stormwater volume – Ranked from greatest potential annual stormwater volume (e.g., units in acre-feet per year) and runoff rate (e.g., units in acre-feet/acre per year) to least potential annual stormwater volume and runoff rate; and
    - (2) Ranking based on pollutant loading estimates – Ranked from greatest potential annual pollutant loading (e.g., units in pounds per year) and loading rate (e.g., units in pounds/acre per year) to least potential annual pollutant loading and loading rate. The Permittee shall conduct a separate ranking for each pollutant for which it has collected data.
  - b) Structural BMP Performance Assessment – At a minimum, annually for Permittee owned and/or maintained BMPs, and every five years for privately owned BMPs, the Permittee shall choose and implement one of the following options for obtaining structural BMP performance data, based on field assessments, to inform current load reductions:
    - i) Assessment option 1 – For all inventoried structural BMPs, using an effective approach for assessing structural BMP performance, estimate stormwater volume and pollutant load reduction based on: 1) intended BMP function; and 2) current BMP condition based on empirical data (i.e., BMPs ability to function relative to intended design); or
    - ii) Assessment option 2 – The Permittee may conduct an alternate approach for obtaining empirical structural BMP condition data, based on field assessments, so long as the Permittee can demonstrate its option yields equivalent or more meaningful data for informing BMP stormwater volume and pollutant load reductions.
  - c) Non-structural BMP Performance Assessment – By the end of Year 2, the Permittee shall identify at least three Permittee-implemented non-structural-BMPs (e.g., street sweeping, non-structural trash management activities) for performance assessments and propose assessment methods. At a minimum

- every two years thereafter, the Permittee shall obtain non-structural BMP performance data, based on field assessments, to inform current load reductions.
- d) PLRP Alternative Requirements<sup>39</sup> – The Permittee may propose alterations to the structural and non-structural BMP Performance Assessment approaches and frequencies.
  - e) Loading Reductions Based on BMP Assessment – Annually, the Permittee shall update the volume and load reduction estimates and catchment rankings based on BMP assessments.
    - i) Stormwater Volume and Pollutant Loading – Stormwater volume and pollutant loading estimates for each catchment based on BMP performance assessment. The Permittee shall use a catchment scale load modeling approach for quantifying average annual stormwater discharge and pollutant loading from all municipal catchments to the designated receiving waters.
    - ii) Catchment Ranking – At a minimum, after accounting for reductions from implemented BMPs, the Permittee shall maintain the following relative rankings of all municipal catchments:
      - (1) Ranking based on stormwater volume – Ranked from greatest potential stormwater volume and runoff rate to least potential stormwater volume and runoff rate; and
      - (2) Ranking based on pollutant loading estimates – Ranked from greatest potential pollutant loading and loading rate to least potential pollutant loading and loading rate. The Permittee shall conduct a separate ranking for each pollutant for which it has collected data.
- 6) Order Compliance Demonstration – The Permittee shall use SIMS<sup>40</sup> to track and demonstrate compliance with the requirements of this Order. At a minimum, the Permittee shall maintain information about the following to demonstrate Order compliance:
- a) Trash Management – Updated Jurisdictional Map pursuant to Provision L.1.b (Trash Management: Jurisdictional Map);
  - b) Inventories and Prioritizations – Inventories and prioritizations (e.g., high and low prioritized projects, facilities, operations, and areas; good/poor performers) specified in the following Provisions:
    - i) Commercial and Industrial
    - ii) Municipal Facilities
    - iii) Construction Projects
    - iv) Post-Construction Projects
  - c) Illicit Discharges – High Priority Illicit Discharge Detection and Elimination areas and identified and suspected illicit discharges;

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<sup>39</sup> Compliance option only applies to BMPs located and/or implemented in catchments pursuant to the PLRP Alternative Requirements (see Provision F.3.a.i).

<sup>40</sup> Where a spatially-based tool is not applicable, the Permittee may use other applicable tracking system(s) and/or database(s), so long as the system achieves the conditions outlined in Provision G.1.(a), (b), (d), and (e).

- d) MS4<sup>41</sup> Maintenance – System prioritization, inspections, cleaning, and maintenance;
- e) Data Collection – Water quality sampling and screening results not tracked through the MRP;
- f) Water Quality Complaints – Notifications of suspected illicit discharges and other water quality concerns;
- g) Inspections and Investigations (e.g., inspections conducted, inspections scheduled/needed) – Documentation of each inspection and investigation to provide evidence that the inspection or investigation occurred, observations (including Inspection Rating if applicable) and outcomes, any required corrective actions, and any follow-up actions needed by Permittee; and
- h) Enforcement – Documentation of Enforcement Response Plan implementation, including tracking instances of violations, that at a minimum includes the following:
  - i) Name of owner/operator of site/source
  - ii) Location of pollution source (e.g., construction site, industrial facility)
  - iii) Description of violation
  - iv) Required schedule for returning to compliance
  - v) Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner
  - vi) Accompanying documentation of enforcement response (e.g., citations, NOVs)
  - vii) Any referrals to different departments or agencies
  - viii) Date violation was resolved
  - ix) Indication of chronic violators and summary of actions taken to address chronic violators

## H. Legal Authority and Enforcement

- 1) Legal Authority – The Permittee shall maintain adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract, or similar means. This legal authority must, at a minimum, authorize or enable the Permittee to:
  - a) Effectively implement all the requirements of this Order;
  - b) Require persons within the Permittee's jurisdiction to comply with conditions in the Permittee's ordinances, permits, or orders (i.e., hold dischargers to its MS4 accountable for their contributions of pollutants and flows);
  - c) Utilize enforcement mechanisms as outlined in Provision H.2 (Enforcement Measures) to require compliance with applicable municipal codes, ordinances, statutes, standards, specifications, permits, contracts, and other regulations;
  - d) Where possible, control through interagency agreement, the contribution of pollutants and flows between its MS4 and other storm drain conveyance systems and/or flood conveyance systems (e.g., Monterey County, the State of California Department of Transportation, Monterey County Water Resources Agency, Non-

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<sup>41</sup> For the purposes of this tracking, the MS4 includes Permittee owned and operated conveyance systems, roads, and structural BMPs.

- Traditional Small MS4s, rail transport entities, United States Department of Defense);
- e) Carry out all inspections, surveillance, and monitoring necessary to determine compliance and non-compliance with applicable municipal codes, ordinances, statutes, standards, specifications, permits, contracts, and other regulations, and with this Order. The Permittee shall have authority to enter, monitor, inspect, take measurements, review and copy records, and require regular reports from owners of structural BMPs and all other entities discharging into the Permittee's MS4;
  - f) Require the use of control measures to prevent or reduce the discharge of pollutants to achieve effluent and receiving water limitations;
  - g) Prohibit all non-stormwater discharges through the MS4 to receiving waters not otherwise authorized pursuant to Provision A (Discharge Prohibitions);
  - h) Prohibit and eliminate illicit discharges and connections to the MS4;
  - i) Control the discharge of spills, dumping, or disposal of materials other than stormwater to the MS4;
  - j) Control the contribution of pollutants in discharges of runoff associated with industrial and construction activity to the Permittee's MS4. This requirement applies both to industrial and construction sites with coverage under an NPDES permit, as well as to those sites that do not have coverage under an NPDES permit; and
  - k) Control the tracking of dirt and other debris onto streets, regardless of its source (e.g., construction sites, commercial operations, landscape operations, agricultural operations).
- 2) Enforcement Measures – The Permittee shall maintain and implement an effective progressive Enforcement Response Plan to ensure effective implementation of the requirements of this Order. The Enforcement Response Plan shall outline the Permittee's potential responses to violations (e.g. non-compliance of municipal codes, ordinances, statutes, standards, specifications, permits, contracts) and shall address repeat and continuing violations through progressively stricter responses as needed to achieve compliance. The Enforcement Response Plan shall describe how the Permittee will use each enforcement response type listed below, based on the type of violation:
- a) Verbal Warnings – Verbal warnings are primarily consultative in nature. At a minimum, verbal warnings shall specify the nature of the violation and required corrective action.
  - b) Written Notices – Written notices of violation (NOVs) shall stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
  - c) Escalated Enforcement Measures – The Permittee shall have the legal ability to employ any combination of the enforcement actions listed below (or their functional equivalent) and to escalate enforcement responses where necessary to correct persistent violations, repeat or escalating violations, or incidents that have the potential to cause significant detrimental impacts to human health or the environment:

- i) Citations (with fines) – Assess and issue monetary fines, which may include civil and administrative penalties.
    - ii) Stop Work Orders – Issue stop work orders that require construction, industrial and commercial activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate BMPs.
    - iii) Withholding of Plan Approvals or Other Authorizations – For facilities, sites or operations in violation, use of the Permittee’s own approval process affecting the facility, site or operation’s ability to discharge to the MS4 to abate the violation.
    - iv) Additional Measures – Other escalated measures provided under local legal authorities. This includes work the Permittee may perform to improve BMPs and collect the funds from the responsible party in an appropriate manner, such as collecting against the project’s bond or directly billing the responsible party to pay for work and materials.
    - v) Recidivism Reduction – Measures (e.g., incentives, disincentives, increased inspection frequency) to address chronic violators.
  - d) Timely Correction of Potential and Actual Discharges – The Permittee shall develop and implement procedures for assigning due dates for corrective actions. The Permittee shall require timely correction of all potential and actual discharges. The Permittee shall require actual, and not otherwise authorized, non-stormwater discharges to cease immediately. The Permittee shall require corrective actions before the next rain event, but no longer than 10 business days after the potential and/or actual discharges are discovered. The Permittee may permit temporary corrective actions and allow additional time for permanent corrective actions. If more than 10 business days are required for compliance, the Permittee shall record a rationale in SIMS.
- 3) Process to Refer Non-compliance of Construction and Industrial General Permit Enrollees to the Central Coast Water Board – The Permittee shall notify the Central Coast Water Board with the below information when the Permittee has exhausted its procedures in the progressive Enforcement Response Plan and cannot bring a Construction General Permit or Industrial General Permit enrollee into compliance with the Permittee’s ordinances, statutes, permits, contracts and other requirements, or this Order, or otherwise deems the site to pose an immediate and significant threat to water quality:
- a) Oral and email notification within five business days of determining its procedures have not brought the enrollee into compliance
  - b) The Construction General Permit or Industrial General Permit WDID number
  - c) Type of noncompliance, suspected violation, or violation
  - d) Site location including address
  - e) Site contact and legal owner
  - f) Estimate of site size
  - g) Records of communication with the responsible party regarding non-compliance
- 4) Certified Statement – Annually, the Permittee shall submit a statement, certified by its legal counsel, that the Permittee has the legal authority to implement and enforce each of the requirements contained in this Order. The statement shall include:

- a) Identification of all departments within the Order coverage area that conduct urban runoff related activities and their roles and responsibilities under this Order;
- b) Citation of applicable ordinances or other appropriate legal authorities and their relationship to the requirements of this Order;
- c) Identification of the local administrative and legal procedures available to mandate compliance with applicable ordinances;
- d) Description of how these ordinances or other legal mechanisms are implemented and how actions taken can be appealed; and
- e) Description of how the municipality can issue administrative orders and injunctions, or if it must go through the court system for enforcement actions.

## I. Asset Management

- 1) Watershed Asset Management Program – The Permittee must develop and implement an adaptive Watershed Asset Management Program to establish intended levels of service for its MS4 consistent with the Order conditions, that at a minimum includes the following:<sup>42</sup>
  - a) Asset Inventory – By the end of Year 2 (except for phased approach for storm drain system assets), for the below listed asset categories, prepare and maintain an inventory which describes the following asset characteristics (as applicable): asset description, class, and/or category; purchase, installation, establishment, or adoption date; useful life; type and/or material; quantity; and size and/or capacity.
    - i) Hard Assets – Include all hard assets critical to the MS4, including, but not limited to the following:
      - (1) Storm drain system – Annually, starting in Year 1, the Permittee shall complete a minimum of 30,000 linear feet<sup>43</sup> covering the below components. The Permittee shall prioritize components designed for larger capacity flows for earlier assessments.
        - (a) All components identified on MS4 System Map pursuant to Provision G.3 [Information Management and Program Assessment]. Utilize a logical grouping system where feasible.
        - (b) Roads – All roadways that convey stormwater, including curb and gutter systems.<sup>44</sup>
      - (2) Structural controls (see Provision G.4 (Information Management and Program Assessment)) – Centralized and decentralized structural BMPs that serve a water quality function.

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<sup>42</sup> The Permittee may rely on existing asset management systems and/or the SIMS to meet Watershed Asset Management Program requirements, so long as the system incorporates the information specified in this Provision. This Order requires the SIMS and the Watershed Asset Management Program to track some overlapping asset information.

<sup>43</sup> Roads atop a MS4 conveyance system are counted as within the same lineal feet and not counted twice.

<sup>44</sup> The Permittee may rely on other roadway condition and repair and maintenance tracking and plans for achieving the roads inventory and other roads requirements in this Provision, so long as the Permittee ensures the other tools and documents account for water quality when assigning roadway condition and when informing and prioritizing roadway improvements.

- (3) Equipment – All equipment and systems, individually valued over \$5,000 in replacement costs, used to maintain and improve MS4. This includes software and data management systems.
  - ii) Soft Assets – Include all non-constructed elements the Permittee must manage to achieve levels of service to comply with this Order. These elements include items such as personnel services, program assessments, plans and guidance documents, policies, ordinances, requirements, educational materials, department behavior, public behavior, regulatory relationships, monitoring data, etc.
  - iii) Natural Assets – Based on existing and available data, include natural assets, such as waterbodies, riparian vegetation and habitat, and lands that may provide water capture, water quality improvement, and/or stormwater protection services.
- b) Level of Service – By the end of Year 3, and thereafter as storm drain system components are inventoried, for each inventoried asset<sup>45</sup> identify the following:<sup>46</sup>
- i) Required performance level to comply with the Permit. The Permittee shall account for stormwater volume and pollutant load reductions, including achievement of water quality-based effluent limitations (Provision B.2.a) and receiving water limitations (Provision C.1), when establishing performance levels.
  - ii) Current performance level with respect to complying with the Permit accounting for the following:
    - (1) Condition assessment – Assessment to inform each asset’s condition.<sup>47</sup> The Permittee may implement a risk-based condition assessment, or comparable assessment method, to cost effectively and efficiently assess condition.
    - (2) Effectiveness – Each asset’s effectiveness at complying with this Order based on factors such as design, capacity, quality, and intended function.
  - iii) Consequence of failure and likelihood of failure.
- c) Valuation – By the end of Year 3, and thereafter as storm drain system components are inventoried, for each inventoried asset, identify the following (as applicable):
- i) Principal cost (if available)
  - ii) Lifecycle Costs –
    - (1) Annual operations and maintenance costs and other ongoing expenses
    - (2) Replacement costs
  - iii) Amount users will pay for the level of service provided by each asset

## 2) Asset Improvement Planning –

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<sup>45</sup> When addressing the soft assets, the Permittee may propose a less precise and simplified approach, potentially by grouping assets. This requirement does not intend for the Permittee to conduct extensive effectiveness assessments for individual soft assets.

<sup>46</sup> The Permittee may include additional factors (e.g., asset performance to meet citizens’ desires, multiple benefits associated with assets such as flood risk management and water supply augmentation with stormwater) to help inform and support the Permittee’s determination of funding needs.

<sup>47</sup> As applicable, the Permittee may use the Rapid Assessment Methodologies currently employed to meet other Permit requirements to populate the condition assessment.

- a) Adaptation – By the end of Year 4, and update thereafter as storm drain system components are inventoried, identify projected new or significant modifications to existing assets necessary to meet desired levels of service for at least the next 20 years. This includes projects identified in the Permittee’s Pollutant Load Reduction Plan (see Provision F). The Permittee shall account for new and/or increased liabilities, risks, and stressor to the MS4 resulting from climate change that may impact the desired levels of service.
- b) Asset Improvement Plan<sup>48</sup> – By the end of Year 5, and update thereafter as storm drain system components are inventoried, submit an Asset Improvement Plan that evaluates data obtained through asset assessment and adaptation strategies to inform the following based on a 20-year timeframe:
  - i) Prioritization and Schedule – Develop a schedule, informed by a prioritization process, outlining the following:
    - (1) Maintenance of inventoried assets
    - (2) Rehabilitation and replacement of inventoried assets
    - (3) Installation, generation, and/or initiation of new assets
  - ii) Forecasted costs – Projected costs necessary to meet the desired level of service, for the next 20 years.
  - iii) 20-year Financial Strategy – Compare projections with available funding sources and identify the financial strategy for sustained funding of asset management and development to sustain service and performance.

## **J. Fiscal Analysis and Cost Reporting**

- 1) The Permittee shall secure the resources necessary to meet all requirements of this Order. Inability to secure financial or other resources shall not excuse violation with any provision of this Order.
- 2) Fiscal Analysis – The Permittee shall prepare and submit a fiscal analysis of each year of implementing this Order. The analysis shall include the following: 1) costs incurred to comply with this Order, and 2) an estimate of costs for the upcoming Permit year.
  - a) The analysis shall include annual capital and operation and maintenance expenditures necessary to implement the requirements of this Order. The Permittee’s analysis shall break down costs, describe the source of funds it proposes to meet necessary expenditures, including legal restrictions on the use of such funds, and identify any resource sharing with others involved in Program implementation (including volunteer programs or programs of other agencies). The analysis shall include the following cost categories (related to this Order only):
    - i) Stormwater program management (overhead)
    - ii) Pollutant Load Reduction Plan
      - (1) Development, including costs of plans and Reasonable Assurance Analysis
      - (2) Implementation, including:

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<sup>48</sup> In place of a static document, the Permittee may develop a living document and/or set of tools that fulfills the components outlined in Provision I.2.b.

- (a) Green street projects: provide costs for individual projects as separate entries
  - (b) Regional projects: provide costs by project; include details on project design in order to better understand unit costs (e.g., linear miles of green street, acre-feet of stormwater captured)
  - (c) Restoration projects
- iii) Trash Reduction Implementation Plan implementation
- iv) Asset management program development and implementation
- v) Minimum control measures
  - (1) Public education and involvement
  - (2) Industrial and commercial facilities programs, including inspections and enforcement activity
  - (3) Planning and land development programs (e.g. post construction stormwater management in new development and redevelopment), including environmental review, development project approval and verification, and permitting, licensing, and enforcement
  - (4) Oversight of construction and construction site stormwater runoff control, including inspections and enforcement activity
  - (5) Municipal maintenance activities
  - (6) Illicit connections and illicit discharges program, including enforcement
  - (7) Additional institutional best management practices
- vi) Monitoring
  - (1) Effluent/outfall and receiving water quality monitoring
  - (2) Best management practice effectiveness monitoring
  - (3) Data analysis
- vii) Information Management and Reporting costs
  - (1) Information management systems
  - (2) Annual reporting
- b) The following information shall be included for each cost category, as applicable:
  - i) Description of costs
  - ii) Total cost
  - iii) Funding source (including any limitations on the use of such funds)
  - iv) Capital expenditures (other than for land)
  - v) Land costs
  - vi) Personnel costs
  - vii) Number and classifications of personnel
  - viii) Cost of consultants
  - ix) Overhead costs
  - x) Construction costs
  - xi) Operations and maintenance costs

## **K. Monitoring**

- 1) Stormwater Monitoring Program
  - a) The Permittee shall implement a stormwater monitoring program designed to achieve the following five primary objectives:

- i) Assess the chemical, physical, and biological impacts of discharges from the municipal stormwater sewer system (MS4) on receiving waters
    - ii) Assess compliance with Provision B.2.a (Water Quality-Based Effluent Limitations) and Provision C.1 (Receiving Water Limitations)
    - iii) Characterize pollutant loads in MS4 discharges
    - iv) Identify sources of pollutants in MS4 discharges
    - v) Measure and improve the effectiveness of pollutant controls implemented under this Order
  - b) The Permittee shall comply with the Monitoring and Reporting Program and future revisions thereto, in Attachment D of this Order or, implement the monitoring program approved per Provision F (Pollutant Load Reduction Plan). Provision F.3.b.4 (Pollutant Load Reduction Plan: Monitoring Program) requires the Permittee to assess necessary MRP updates to support the Pollutant Load Reduction Plan and request, from the Central Coast Water Board Executive Officer, approval of updates to the MRP if needed.
- 2) Urban Catchment Monitoring – The Permittee shall conduct Urban Catchment Monitoring and Stormwater Discharge Trend Monitoring in accordance with Attachment D (Monitoring and Reporting Program).
  - 3) Receiving Water Monitoring and Background Receiving Water Monitoring – The Permittee shall conduct Receiving Water Monitoring and Background Receiving Water Monitoring in accordance with Attachment D (Monitoring and Reporting Program).

#### **L. Trash Management**

- 1) Trash Management Implementation Plan and Jurisdictional Map – The Permittee shall attain full compliance with Provision A.1.b.i (Trash Discharge Prohibition) by October 1, 2029, by installing, operating, and maintaining any combination of Full Capture Systems\*,<sup>49</sup> Multi-Benefit Projects\*, other Treatment Controls\*, and/or Institutional Controls\* within the Permittee’s jurisdiction. The Permittee may determine the locations or land uses within its jurisdiction to implement any combination of controls.<sup>50</sup> The Permittee shall demonstrate that such combination achieves Full Capture System Equivalency\* by completing the following measures:
  - a) Trash Management Implementation Plan – The Permittee shall maintain and implement a Trash Management Implementation Plan that includes the following:
    - i) Locations of proposed and existing certified Full Capture Systems,<sup>51</sup> the drainage area served, design specifications and treatment capacity treated by each Full Capture System, and rationale for each selected Full Capture System;
    - ii) In drainage areas without certified Full Capture Systems, the combination of

<sup>49</sup> All terminology marked with an asterisk is defined in the Trash Amendments glossary.

<sup>50</sup> Controls include, but are not limited to, Full Capture Systems, Multi-Benefit Projects, other Treatment Controls, and/or Institutional Controls as defined in the Trash Amendments.

<sup>51</sup> “[Certified Full Capture System List of Trash Treatment Control Devices](#),” State Water Board. Web. 20 June 2019

- controls selected by the Permittee that will achieve Full Capture System Equivalency, rationale for selected combination of controls, how the combination of controls is designed to achieve Full Capture System Equivalency, and how Full Capture System Equivalency will be demonstrated. The Permittee shall determine Trash generation rates/loads using the Visual Trash Assessment Approach<sup>52</sup> or equivalent spatially explicit approach based on location-specific data and technically acceptable and defensible assumptions and methods;
- iii) Requests by the Permittee, if any, for authorization to substitute a Priority Land Use\* or Designated Land Use<sup>53</sup> with an equivalent Alternate Land Use\* that generates trash at equivalent rates to, or greater than, the land use being substituted. The Permittee shall provide data or information which establishes that trash generation rates from the Alternate Land Use(s) are greater than or equal to the Priority Land Use(s) being substituted;
  - iv) A compliance time schedule based on the shortest practicable time to achieve full compliance with the trash discharge prohibition, including the following interim milestones:
    - (1) By the end of Year 2, 30 percent of all Priority Land Use and Designated Land Use areas meeting Full Capture or Full Capture System Equivalency; and
    - (2) By the end of Year 5, 50 percent of all Priority Land Use and Designated Land Use areas meeting Full Capture or Full Capture System Equivalency.
  - v) A description of how the Permittee will coordinate its efforts to install, operate, and maintain Full Capture Systems, Multi-Benefit Projects, and other Treatment Controls with State of California Department of Transportation in significant trash generating areas and/or Priority Land Uses, as applicable.
- b) Jurisdictional Map – The Permittee shall maintain a Jurisdictional Map in SIMS, updated at a minimum, annually, including the following:
- i) All Priority Land Use areas and Designated Land Use areas (Provision L.2) discharging to the MS4;
  - ii) The corresponding stormwater conveyance system, including inputs, outlets, and other components (see Provision G.3 – MS4 System Map), that collect and convey discharges from Priority Land Use areas and Designated Land Use areas;

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<sup>52</sup> The Visual Trash Assessment Approach was evaluated as part of the Tracking California's Trash project conducted by the Bay Area Stormwater Management Agencies Association (BASMAA). The evaluation concluded that if visual assessments were conducted consistent with the protocol, the method could reliably establish baseline trash levels and detect progress in reducing trash in MS4 discharges over time. The State Water Board, in partnership with the California Stormwater Quality Association (CASQA), has provided training on the Visual Trash Assessment Approach.

<sup>53</sup> Designated Land Use is terminology used in this Order to refer to specific land uses or locations outside of Priority Land Uses that the Central Coast Water Board determines generate substantial amounts of Trash (see Chapter IV.A.3.d of the Trash Provisions). Pursuant to the Trash Amendments, the Central Coast Water Board may determine that other specific land uses or locations generate substantial amounts of Trash and the time schedule for full compliance at these specific land uses or locations. In no case may the final compliance date be later than ten (10) years from the determination.

- iii) Corresponding trash generation rates/loads for 1) open channels and their adjacent riparian areas; and 2) Priority Land Use and Designated Land Use drainage areas not treated by certified Full Capture Systems. Trash generation rates/loads shall be determined using the Visual Trash Assessment Approach or equivalent spatially explicit approach based on location-specific data and technically acceptable and defensible assumptions and methods;
  - iv) GIS-mapped locations and drainage area served for each of the Full Capture Systems, Multi-Benefit Projects, other Treatment Controls, and/or Institutional Controls installed or utilized by the Permittee; and
  - v) GIS-mapped locations and drainage areas served by Full Capture System Equivalency.
- 2) Designated Land Use areas – At a minimum, the Permittee shall include the following Designated Land Use areas on the Jurisdictional Map and address these areas in the Trash Management Implementation Plan:
- a) All non-Priority Land Use areas the Permittee identified in the Permittee’s January 2019 Trash Reduction Implementation Plan<sup>54</sup> as, “schools, areas with ‘High’ or ‘Very High’ trash results during baseline trash visual assessments, and any other areas known to be susceptible to trash generation;” and
  - b) Transient Camps (see Provision G.2 (Information Management and Program Assessment: Watershed Characterization)).
- 3) Interim Trash Reduction BMPs – For portions of the Permittee’s coverage area that have not achieved full compliance with the Prohibition of Discharge of Trash\*, the Permittee shall implement the following interim trash reduction BMPs:
- a) Municipally Owned or Operated Areas – The Permittee shall designate and implement BMPs to control trash and litter from the following sites and sources, at minimum:
    - i) Public parks
    - ii) Permittee owned or operated public venues (e.g., the Municipal Stadium)
    - iii) Municipal facilities (as defined in Provision M.1 (Municipal Maintenance: Municipal Facilities Inventory)).
  - b) Inspection and Cleaning of Surface Drainage Structures
    - i) The Permittee shall visually inspect annually all open channels and other surface drainage structures,<sup>55</sup> which are part of the Permittee’s MS4 or part of receiving waters within the Order coverage area that are not owned and operated by MCWRA, for trash and other debris.

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<sup>54</sup> “On January 1, 2019, the Permittee submitted the *Trash Reduction Implementation Plan, Phase I (2019-2022) for the City of Salinas* (January 2019 Trash Reduction Implementation Plan) in response to the Central Coast Water Board’s June 1, 2017 *Water Code Section 13383 Order to Submit Method to Comply with Statewide Trash Amendments; Requirements for the City of Salinas Phase I Municipal Separate Storm Sewer System (MS4)*, p. 4

<sup>55</sup> “Surface drainage structure” means 1) any surface device constructed to convey stormwater that is owned or operated by the Permittee (with the exception of streets, gutters, inlets, catch basins, and outfalls), such as basins, structural BMPs, culverts, trash/debris screens, and pump stations; and 2) any surface feature within the MS4 where trash or debris may collect.

- ii) The Permittee shall prioritize and inspect the problem areas, such as those with recurrent illegal dumping, at least three times per year.
  - iii) The Permittee shall remove, within 14 working days, trash and other debris found during visual inspections. The Permittee shall document surface drainage structure maintenance in SIMS.
- 4) Trash Monitoring Plan – By the end of Year 1, the Permittee shall develop and implement a monitoring plan to demonstrate its progress toward attaining interim milestones; the effectiveness of the Full Capture Systems, Multi-Benefit Projects, other Treatment Controls, and/or Institutional Controls; and compliance with the 30 percent and 50 percent targets for meeting Full Capture or Full Capture System Equivalency in Priority Land Use and Designated Land Use areas. The Permittee shall use SIMS to track and demonstrate results.
- a) In developing the monitoring approach, the Permittee shall answer the following questions:
    - i) What type of and how many Treatment Controls, Institutional Controls, and/or Multi-Benefit Projects have been used and in what locations?
    - ii) How many Full Capture Systems have been installed (if any), in what locations have they been installed, and what is the individual and cumulative area served by them?
    - iii) What is the effectiveness of the total combination of Treatment Controls, Institutional Controls, and Multi-Benefit Projects employed by the Permittee?
    - iv) Has the amount of Trash discharged from the Permittee decreased from the previous year? If so, by how much? If not, explain why.
    - v) Has the amount of Trash in the Permittee's receiving water(s) decreased from the previous year? If so, by how much? If not, explain why.
  - b) In the monitoring plan, identify and incorporate confidence levels to ensure accurate monitoring and assessment results.
  - c) Report the results of the monitoring plan annually.

## **M. Municipal Maintenance**

- 1) Municipal Facilities Inventory
  - a) Information Fields – The Permittee shall maintain a Municipal Facilities Inventory with the following minimum information for each facility:
    - i) Facility name
    - ii) Facility address (physical and mailing)
    - iii) Narrative description of activities performed at facility
    - iv) Potential sources of stormwater pollution
  - b) Categories – 6 months after the effective date of this Order, and annually thereafter, the Permittee shall update the inventory to include all Permittee-owned or operated facilities that are potential significant sources of pollution in stormwater, including the following if applicable:
    - i) Airports
    - ii) Animal control facilities
    - iii) Chemical storage facilities
    - iv) Composting facilities

- v) Equipment storage and maintenance facilities (including landscape maintenance-related operation)
  - vi) Flood control facilities
  - vii) Fueling or fuel storage facilities
  - viii) Golf courses
  - ix) Hazardous waste disposal, handling, and transfer facilities
  - x) Incinerators
  - xi) Landfills
  - xii) Materials storage yards
  - xiii) Parking lots
  - xiv) Parks
  - xv) Pesticide storage facilities
  - xvi) Public buildings (e.g., schools, libraries, police stations, fire stations, municipal buildings)
  - xvii) Public works and corporation yards
  - xviii) Public restrooms
  - xix) Recycling facilities
  - xx) Solid waste handling and transfer facilities
  - xxi) Swimming pools
  - xxii) Transportation hubs (e.g., bus transfer stations)
  - xxiii) Vehicle storage and maintenance yards,
  - xxiv) All other Permittee-owned or operated facilities or activities the Permittee determines may contribute a substantial pollutant load to the MS4
- 2) Facility and Activity Management – The Permittee shall implement appropriate BMPs, including effective source control measures, for the below Permittee-owned or operated facilities and activities. The Permittee shall implement assessment procedures to ensure appropriate BMPs are installed and maintained. The Permittee shall develop, maintain, and implement standard operating procedures and/or stormwater pollution prevention plans for those Permittee-owned or operated facilities and activities posing the highest potential risk for discharging significant sources of pollution in stormwater.
- a) Facilities identified in the Municipal Facilities Inventory, and
  - b) Municipal maintenance operations and events with the potential to discharge pollutants in stormwater, including but not limited to the following:
    - i) Road and parking lot maintenance including sidewalk repair, curb and gutter repair, pothole repair, pavement marking and striping, saw cutting, concrete work, buried utility repairs and installation, sealing, and re-paving;
    - ii) Vehicle and equipment fueling, cleaning (see Provision M.3 (Equipment and Vehicle Washing) for additional requirements), maintenance, and repair;
    - iii) Outdoor storage of raw and/or hazardous materials;
    - iv) Bridge maintenance, including re-chipping, grinding, saw cutting, and painting;
    - v) Right-of-way maintenance, including mowing, pesticide application, vegetation removal, and vegetation planting;
    - vi) Landscape maintenance operations on municipal property (e.g., public rights-of-way, parks, and landscaped areas);

- vii) Power washing;
  - viii) Litter, debris, and graffiti removal;
  - ix) Pesticide and fertilizer application, storage, and disposal (see Provision M.4 [Pesticide and Fertilizer Management] for additional requirements);
  - x) Flood channel maintenance (e.g., clearing, mowing, sediment removal, and vegetation removal); and
  - xi) Outdoor public events that have the potential to generate significant pollutants (e.g., outdoor festivals, parades, farmers markets, and street fairs).
- 3) Equipment and Vehicle Washing – The Permittee shall implement BMPs to prohibit discharge of equipment and vehicle wash wastewater to the MS4 or directly to receiving waters from municipal facilities. The Permittee shall meet this requirement by either installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to the sanitary sewer collection system (with appropriate approvals and any pretreatment standards met), ceasing the activity, washing the equipment or vehicles at another properly managed location such as a private car wash, and/or applying for and obtaining a separate stormwater permit.
- 4) Pesticide and Fertilizer Management – By the end of Year 2, the Permittee shall develop and implement the following policies and procedures to manage pesticide and fertilizer application, storage, and disposal for Permittee-owned and operated facilities; MS4 conveyances and structural BMPs; streets; and activities:
- a) Integrated Pest Management (IPM) Policy – The Permittee shall adopt and implement a policy requiring the minimization of pesticide and fertilizer use and requiring the use of IPM at Permittee-owned or operated facilities and activities. The Permittee shall include quantifiable targets for pesticide and fertilizer reductions in the policy.
  - b) Procedures – Develop and implement procedures for:
    - i) Preventative Measures to Support IPM Policy Implementation –
      - (1) Pest population monitoring, including unwanted vegetation, sufficient to inform the following:
        - (a) Pesticide use only when pesticides are needed; and
        - (b) Abatement of conditions conducive to pest populations and unwanted vegetation;
      - (2) Limit or replace pesticide use (e.g., manual weed and insect removal);
      - (3) Limit or eliminate the use of fertilizers;
      - (4) Establish and implement criteria for the selection and use of any pesticides, such that least-toxic alternatives are given first consideration;
      - (5) Reduce mowing of grass to allow for greater pollutant attenuation, but not jeopardize motorist safety; and
      - (6) Implement procedures to encourage the retention and planting of native vegetation to reduce water, pesticide and fertilizer needs;
    - ii) Application –
      - (1) Eliminate the application of pesticides and fertilizers (1) when two or more consecutive days with greater than 50 percent chance of rainfall are predicted by NOAA, (2) during the 48 hours following a 0.2-inch per hour

- rain event, or (3) when water is flowing off the area where the application is to occur;
- (2) Prohibit pesticide and fertilizer application within 50 feet of a waterbody; and
  - (3) Implement a standardized protocol for the routine and non-routine application of pesticides (including pre-emergent) and fertilizers;
- iii) Applicator Oversight –
- (1) Assign responsibilities to a designated staff position and/or department to coordinate Permittee activities and ensure that the IPM policy is implemented;
  - (2) Designate staff positions responsible for pest management activities, including but not limited to pesticide and fertilizer applications, physical controls, maintenance activities, and mitigation of conditions conducive to pests;
  - (3) Provide direct supervision by a pesticide applicator, certified in the appropriate category, of municipal employees or contractors applying restricted use pesticides; and
  - (4) Ensure that pest management services that are provided by vendors (pest control advisors, pesticide applicators, and structural pest control operators) are required contractually to follow the Permittee's IPM policy. The Permittee shall be able to demonstrate that vendors' pest management activities comply with the IPM policy. This could include service records that document pest monitoring activities, pesticide application records, recommendations provided to facility managers, and adherence to third-party certifications (i.e., Green Pro or Eco-Wise).
- iv) Storage and Disposal –
- (1) Store pesticides and fertilizers indoors or under cover on paved surfaces, or within secondary containment;
  - (2) Regularly inspect storage areas;
  - (3) Collect and properly dispose of unused pesticides and fertilizers; and
  - (4) Reduce the use, storage, and handling of hazardous materials to decrease spill potential;
- v) Banned or Unregistered – Prohibit storage or application of banned or unregistered pesticides.
- c) United States Environmental Protection Agency (USEPA) and California Department of Pesticide Regulation (DPR) Coordination – To support the reduction of pesticide loading to receiving waters, the Permittee shall conduct the below activities through either 1) the Permittee's individual program; or 2) a regional or statewide collaboration among MS4 permittees.
- i) Track USEPA pesticide regulatory activities as they relate to urban surface water quality and, when necessary, encourage USEPA to implement its authority under the Federal Insecticide, Fungicide, and Rodenticide Act to protect urban water quality.
  - ii) Track DPR pesticide regulatory activities as they relate to urban surface water quality and, when necessary, encourage DPR to implement its authority

- under the California Food and Agriculture Code to protect urban water quality, in coordination with the California Water Code.
- iii) Assemble and submit information (such as monitoring data) as needed to assist USEPA and DPR in evaluating whether urban pesticide applications are impacting water quality.
  - iv) Communicate with USEPA and DPR regarding regulatory actions, policies, and procedures relating to pesticides of concern for urban water quality. This communication may be in various forms, such as formal written comments, other forms of correspondence, and meetings.
- d) IPM Training
- i) Ensure that all Permittee employees who, within the scope of their duties apply or use pesticides, are trained in IPM practices and the Permittee's IPM policy (pursuant to Provision M.4.a) and procedures (Provision M.4.b);
  - ii) Record Keeping – The Permittee shall retain a list of employees, and contractors as applicable, trained during each Order reporting year, with a list of training topics covered.
- 5) MS4 Conveyance System Operation and Maintenance – Pursuant to the Permittee's existing stormwater management program, the Permittee shall properly operate and maintain all Permittee-owned and/or maintained MS4 system features to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP). By the end of Year 2, the City shall update and implement its MS4 conveyance system operations and maintenance procedures based on the following:
- a) Prioritization – The Permittee shall assess and prioritize MS4 conveyance system facilities for cleanout and assign a priority to each facility. The Permittee shall designate High/Low Priority Catch Basins based on historical sediment and debris accumulation data, Stormwater Pollutant Loading and Volume Quantification (see Provision G.5 (Information Management and Program Assessment)), catch basin's ability to capture materials (e.g., basin includes sump), and municipal staff's knowledge of local conditions.
  - b) Inspections – The Permittee shall develop and implement a strategy to inspect MS4 conveyance systems to identify system components requiring cleaning or maintenance to reduce pollutant discharges to receiving waters or other MS4s. The Permittee's strategy shall include a schedule to inspect all conveyance system components and to inspect catch basins according to the following schedule:
    - i) High Priority Catch Basins – A minimum of once annually during the dry season.
    - ii) Low Priority Catch Basins – A minimum of once every five years during the dry season.
  - c) Catch Basin Cleaning – The Permittee shall develop sediment and debris accumulation metrics and/or triggers to inform catch basin cleaning. For all inspected basins, prior to the rainy season, the Permittee shall remove all sediment and debris in each catch basin exceeding identified thresholds.
  - d) MS4 Conveyance System Component Maintenance – The Permittee shall develop and implement procedures for cleaning prioritized MS4 conveyance system components based on inspection results. The Permittee shall incorporate

cleaning of surface drainage components with recurrent illegal dumping and high trash and debris loading into maintenance schedule.

- e) PLRP Alternative Requirements – The Permittee may designate MS4 conveyance system components and catch basins, located in catchments pursuant to the PLRP Alternative Requirements (see Provision F.3.a.i), as low priority.
- 6) Street Sweeping and Cleaning – The Permittee shall maintain its street sweeping and cleaning program pursuant to its existing stormwater management program until it makes the updates specified below.
- a) Prioritization – By the end of Year 2, based on historical sediment and debris accumulation data, Stormwater Pollutant Loading and Volume Quantification (see Provision G.5 (Information Management and Program Assessment)), roadway conditions, and municipal staff’s knowledge of local conditions, the Permittee shall use consistent metrics to designate streets and/or street segments within its jurisdiction as one of the following:
    - i) High Priority Streets – Streets and/or street segments that consistently generate high volumes of pollutants.
    - ii) Medium Priority Streets – Streets and/or street segments that consistently generate moderate volumes of pollutants.
    - iii) Low Priority Streets – Streets and/or street segments that consistently generate low volumes of pollutants.
  - b) Frequency –
    - i) By the end of Year 3, the Permittee shall sweep all streets according to the following schedule or propose equal or more protective street sweeping frequencies:
      - (1) High Priority Streets – A minimum of twice per month
      - (2) Medium Priority Streets – A minimum of monthly
      - (3) Low Priority Streets – A minimum of quarterly
  - c) Effectiveness –
    - i) Operation and Maintenance – The Permittee shall operate and maintain sweepers to optimize pollutant removal.
    - ii) Parking restrictions – By the end of Year 3, the Permittee shall revise and commence implementation of its parking restriction strategy, including parking restrictions and public outreach, to ensure that street sweepers can access and sweep gutters for all High and Medium Priority Streets and to increase the effectiveness of sweeping operations for the entire roadway width. By the end of Year 5, the Permittee shall complete implementation of the revised parking restrictions. The Permittee may propose an alternate strategy for reducing pollutants in areas with parked cars, so long as the Permittee can demonstrate the alternate strategy will result in an equivalent or greater reduction in pollutant loading.
    - iii) Sweeper equipment selection – When replacing existing sweeping equipment, the Permittee shall select and operate high-performing sweepers that are efficient in removing pollutants, including fine particulates, from impervious surfaces.

- iv) Areas technically infeasible to sweep – In areas where street sweeping is technically infeasible (e.g., streets without curbs), the Permittee shall increase implementation of other trash/litter BMP procedures to minimize pollutant discharges to storm drains and waterbodies. The Permittee shall show on its street sweeping map the location of these areas.
  - d) Parking Facility Maintenance – The Permittee shall keep Permittee-owned parking lots exposed to stormwater clear of debris and excessive oil buildup and cleaned no less than once a month.
  - e) Tracking of Dirt and Other Debris onto Streets – The Permittee shall develop and implement effective BMPs to reduce the tracking of dirt and other debris onto streets, regardless of its source (e.g., construction sites, commercial operations, landscape operations, agricultural operations).
  - f) PLRP Alternative Requirements – The Permittee may designate streets and parking facilities, located in catchments pursuant to the PLRP Alternative Requirements (see Provision F.3.a.i), as Low Priority Streets and propose less frequent parking facility maintenance.
- 7) Disposal of Waste Materials – The Permittee shall dispose of all material removed from the MS4 properly and ensure it does not reenter the system.
- 8) Structural BMP Inspections and Maintenance
- a) Inspections and Verification – Annually, the Permittee shall inspect Permittee-owned or operated centralized and decentralized structural BMPs that serve a water quality function, inventoried pursuant to Provision G.4.a (Information Management and Program Assessment: Structural BMPs), to verify SCMs are maintained such that the SCMs continue to fully achieve the intended function. The Permittee shall utilize results from the Structural BMP Performance Assessment (See Provision G.5.b (Information Management and Program Assessment)) to inform inspection findings. For Permittee-owned Regulated Projects subject to the Central Coast Post-Construction Requirements, the Permittee shall ensure it has maintained site design measures pursuant to the Stormwater Control Plan.
  - b) Maintenance – The Permittee shall maintain all Permittee-owned or operated structural SCMs such that the SCMs continue to fully achieve the intended functions in perpetuity. The Permittee shall perform required maintenance for all Permittee-owned or operated SCMs receiving low performance results pursuant to the Structural BMP Performance Assessment.
  - c) Operation and Maintenance Plans – For Permittee-owned or operated structural SCMs with Operation and Maintenance Plans, the Permittee shall implement the Operation and Maintenance Plans. The Permittee shall update Operation and Maintenance Plans when the Permittee identifies that proposed maintenance activities are ineffective.
- 9) Flood Management Projects – By the end of Year 2, the Permittee shall develop and implement a process for incorporating green infrastructure and water quality and habitat enhancement features into new and rehabilitated flood management facilities that are associated with the Permittee or that discharge to the MS4. This process

shall include implementation of BMPs that will reduce the impacts to site water quality and hydrology.

- 10) Monterey County Water Resources Agency Coordination – The Permittee shall coordinate with Monterey County Water Resources Agency to identify each MS4’s contributions, roles and responsibilities, jurisdictions, and legal authority regarding stormwater management and maintenance of the Reclamation Ditch.

## **N. Illicit Discharge Detection and Elimination**

- 1) Prioritization – Annually, the Permittee shall identify High Priority Illicit Discharge Detection and Elimination (IDDE) areas within the MS4 likely to have illicit discharges or illicit connections. At a minimum, the Permittee shall assess the following in the prioritization:
- a) Infrastructure – Areas with older infrastructure that are more likely to have illicit connections, including areas with older sanitary sewer lines or with a history of sanitary sewer overflows or cross-connections;
  - b) Historical or Reoccurring Issues – Areas with a history of past illicit discharges or a history of illegal dumping, including areas frequented by recreational vehicles or mobile businesses;
  - c) Land Use or Condition –
    - i) Commercial and Industrial Areas – Areas containing facilities on the Permittee’s Commercial and Industrial Inventory
    - ii) Construction Sites during the Dry Season<sup>56</sup>
    - iii) Socio-Economically Stressed Areas (see Provision G.2.h)
    - iv) Transient Camps (see Provision G.2.g)
  - d) Onsite Sewage Disposal Systems – Areas with onsite sewage disposal systems;
  - e) Pesticide and fertilizer application areas – Areas with a history and/or likely potential of heavy pesticide and fertilizer application; and
  - f) Institutional knowledge – Any other areas likely to have illicit discharges or illicit connections.
- 2) Illicit Discharge Detection – The Permittee shall use the Center for Watershed Protection’s guide on IDDE: A Guidance Manual for Program Development and Technical Assistance<sup>57</sup> (Center for Watershed Protection IDDE Manual) or equivalent, to develop and implement effective ongoing activities to detect illicit connections and illicit discharges into the MS4. As part of the activities, the Permittee shall include the following or equivalent:
- a) Drive-by inspections – At least quarterly, at times of day most likely for illicit discharges, the Permittee shall conduct drive-by illicit discharge inspection screenings of the High Priority IDDE areas. The Permittee shall increase the inspection frequency at locations with on-going issues.

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<sup>56</sup> Provision P (Construction Site Management) addresses oversight of non-stormwater discharges from construction sites during the Rainy Season.

<sup>57</sup> Brown, Edward, Deb Caraco, and Robert Pitt. [\*Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment\*](#). Ellicott City, MD: The Center for Watershed Protection; University of Alabama, October 2004. Web. 20 June 2019

- b) Dry weather screening – The Permittee shall implement and revise if necessary, written procedures for dry weather field screening, including field observations and field monitoring, to detect illicit discharges. The Permittee shall design dry weather screening BMPs to emphasize frequent, geographically widespread field monitoring to detect and eliminate illicit discharges and illicit connections to the MS4. The Permittee shall account for the following to select dry weather field screening monitoring stations:
    - i) Locate stations downstream of any sources of suspected illegal or illicit activity
    - ii) Locate stations to the degree practicable at the farthest manhole or other accessible location downstream within representative assessment areas
    - iii) Give priority to locating stations in High Priority IDDE areas
    - iv) Determine alternate stations in place of selected stations that do not have flow
  - c) Illicit connection and sanitary sewer cross-connection detection – By the end of Year 2, the Permittee shall develop and implement a program to investigate portions of the MS4 identified in the IDDE prioritization process for illicit connections and sanitary sewer cross-connections.
  - d) Pesticide and fertilizer application – By the end of Year 2, the Permittee shall develop and implement a program to investigate areas prioritized for heavy pesticide and fertilizer application and misuse. Annually thereafter, the Permittee shall provide a summary of its investigation observations to the Monterey County Agricultural Commissioner and Central Coast Water Board staff. For instances of egregious misuse of pesticides and fertilizers, the Permittee shall notify the Monterey County Agricultural Commissioner and Central Coast Water Board staff within 24-hours.
- 3) Source Investigation and Elimination – The Permittee shall use the Center for Watershed Protection IDDE Manual or equivalent, to develop and implement effective ongoing activities, including standard operating procedures, to investigate and eliminate illicit connections and illicit discharges into the MS4. As part of the activities, the Permittee shall include the following or equivalent:
- a) Discharges for investigation – At a minimum, investigations for discharges identified through the following:
    - i) Illicit Discharge Detection process
    - ii) Water Quality Complaint Reporting System (see Provision R.3 (Public Education and Involvement: Water Quality Complaints))
    - iii) City staff or other mechanisms (e.g., Sanitary Sewer Overflow reports)
  - b) Abatement and cleanup – Protocols to implement after the discovery or a report of a suspected illicit discharge with actions to abate, contain, and/or cleanup all illicit discharges.
  - c) Source identification – Procedures for identifying and locating illicit discharge sources during or immediately following containment and cleanup activities.
  - d) Corrective action to eliminate illicit discharge – Procedures for effectively eliminating identified illicit discharges for Permittee discharges and discharges caused by non-Permittee owned or managed sources. The Permittee shall

implement measures to verify discharge has been eliminated and to prevent repeat discharges.

- 4) No Dumping Messaging –
  - a) MS4 system inlet labels – By the end of Year 3, the Permittee shall label all unlabeled public storm drain inlets with a legible, no dumping message in English and Spanish. Annually thereafter, the Permittee shall re-label all inlets that have illegible labels.
  - b) Illegal dumping signs – The Permittee shall post and maintain legible signs, in English and Spanish prohibiting illegal dumping at designated public access points to creeks, other relevant waterbodies, and channels.
- 5) Incidental Runoff and Excessive Water Application – The Permittee shall prohibit the excessive application of potable and recycled water (e.g., over-watering of lawns or gardens causing water to escape from irrigated areas and run off into gutters, ditches, streets, sidewalks and other MS4 system components). The Permittee shall implement measures to reduce incidental runoff to the MEP that at a minimum include the following components:
  - a) Leak detection (e.g., leaking broken sprinkler head) and correction of leaks
  - b) Proper design and aiming of sprinkler heads
  - c) Management of ponds containing recycled water such that no discharge occurs unless the discharge is a result of a 25-year, 24-hour storm event or greater
  - d) City staff informing responsible parties of observed incidental runoff
  - e) Installation of moisture sensing irrigation controllers by new development
  - f) Any other actions necessary to reduce to the MEP the discharge of incidental runoff to the MS4 or Waters of the United States.

## **O. Commercial and Industrial**

- 1) Commercial and Industrial Inventory
  - a) Information Fields – The Permittee shall maintain a Commercial and Industrial Inventory with the following minimum information for each facility or operation:
    - i) Facility or operation name
    - ii) Owner/operator contact information
    - iii) Principal stormwater contact
    - iv) Address of facility (physical and mailing)
    - v) Nature of business or activity
    - vi) Standard Industrial Classification (SIC) codes
    - vii) A description of the facility or operation activities that have the potential to contaminate stormwater
    - viii) Notation whether the facility or operation discharges stormwater to the City's Industrial Wastewater Treatment Facility (IWTF)

- ix) Notation whether the facility or operation has the following related to the Industrial General Permit<sup>58</sup> with the State Water Board: enrollment (include Waste Discharge Identification (WDID) number for enrolled facilities), No Exposure Certification (NEC), Notice of Non-Applicability (NONA), or Notice of Termination (NOT)
  - b) Categories – On a monthly basis, the Permittee shall update the inventory to include all facilities and/or operations in each of the categories listed in Table 2 - Commercial and Industrial Facilities and/or Operations Categories
- 2) Source Control BMPs – The Permittee shall require all facilities and operations included in the Commercial and Industrial Inventory to implement effective source control BMPs for pollutant generating activities with the potential of the following to occur: unauthorized non-stormwater discharges; vehicle or equipment accidental spills or leaks, fueling, cleaning, or repair; outdoor storage of liquids or raw materials; storage or handling of solid waste; building or grounds maintenance; parking or storage area maintenance; stormwater conveyance system maintenance; and sidewalk or street washing.
- 3) Inspections
- a) Prioritization – Annually, the Permittee shall prioritize facilities and operations in the Commercial and Industrial Inventory for inspection, based on potential threat to water quality, accounting for the following factors:
    - i) Activity type
    - ii) Materials used
    - iii) Wastes generated
    - iv) Pollutant discharge potential
    - v) Non-stormwater discharges
    - vi) Sensitivity of and proximity to receiving water bodies
    - vii) Whether the facility is subject to the Industrial General Permit or an individual NPDES permit
    - viii) Facility design, accounting for diversions to sanitary sewer and the Permittee’s Industrial Wastewater Treatment Facility
    - ix) Total area of the facility or operation, area where industrial or commercial activities occur, and area of the facility or operation exposed to rainfall and runoff
    - x) Time since previous inspection
    - xi) The facility or operation’s compliance history
    - xii) Any other relevant factors
  - b) Scope – The Permittee shall confirm the following for each inspected facility or operation:
    - i) For applicable facilities, Industrial General Permit (Waste Discharge Identification (WDID) number and SWPPP) coverage or No Exposure Certification. The Permittee shall notify applicable industrial facilities identified

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<sup>58</sup> State Water Resources Control Board General Permit for Storm Water Discharges Associated with Industrial Activities, National Pollutant Discharge Elimination System (NPDES) No. CAS000001, Order No. 2014-0057-DWQ.

- as not having either a current WDID or No Exposure Certification that they shall obtain coverage under the Industrial General Permit and will be referred to the Central Coast Water Board;
- ii) Effective selection, implementation, installation, and maintenance of Source Control BMPs (see Provision O.2) and any additional BMPs necessary to reduce pollutant discharges that may cause or contribute to exceedances of water quality standards; and
  - iii) Compliance with Permittee stormwater regulations (e.g., municipal codes, ordinances, statutes, standards, specification, permits, contracts).
- c) Inspection Rating System – The Permittee shall develop and implement an inspection rating system to assess inspected facilities and operations to, at a minimum, rate compliance with items identified in Provision O.3.b (Scope).
- d) Frequency – The Permittee shall implement the following inspection frequencies:
- i) Annually, the Permittee shall inspect a minimum of 20 percent of the facilities and operations (or up to 250 facilities and/or operations) included in the Commercial and Industrial Inventory, using the prioritization to inform facilities for inspection. When calculating the percentage of facilities or operations inspected, multiple inspections of the same facility, conducted for Low-Performing Facilities and Operations, shall be considered as one inspection.
  - ii) Low-Performing Facilities and Operations – The Permittee shall develop and implement a reinspection process, using the rating system, for facilities and operations requiring timely corrections for actual and potential discharges observed. The Permittee shall continue to reinspect the low-performing facility or operation as necessary, at intervals not to exceed thirty days, until there is a demonstrable improvement.
- e) PLRP Alternative Requirements<sup>59</sup> – The Permittee may propose alterations to the inspection approach, including reduced inspection frequencies.
- 4) Commercial Pesticide Applicator Inventory – By the end of Year 1, the Permittee shall develop and maintain a list of commercial pesticide applicators conducting business within the Order coverage area informed by one or a combination of the following: 1) commercial pesticide applicator businesses using the Permittee’s business license system; 2) licensed pesticide applicator businesses with addresses within the Order coverage area;<sup>60</sup> or 3) another source with commercial pesticide applicator business information.

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<sup>59</sup> Compliance option only applies to industrial or commercial activities located in catchments pursuant to the PLRP Alternative Requirements (see Provision F.3.a.i).

<sup>60</sup> May obtain lists from other agencies (e.g., California Department of Pesticide Regulation, County Agricultural Commissioners, Structural Pest Control Board, California Department of Public Health).

**Table 2. Commercial and Industrial Facilities and/or Operations Categories**

<b>Facility and/or Operation Type</b>	<b>Facility and/or Operation Subcategory</b>
Industrial Facilities	Industrial facilities, as defined by 40 Code of Federal Regulations section 122.26(b)(14), including facilities subject to the Industrial General Permit or other individual NPDES permit.
Industrial Facilities	Facilities subject to section 313 of the Emergency Planning and Community Right-to-Know Act, 42 United States Code 11023 (commonly known as SARA Title III)
Industrial Facilities	Hazardous waste treatment, disposal, storage, and recovery facilities
Commercial Food Facilities and Operations	Eating or drinking establishments, including food markets
Commercial Food Facilities and Operations	Meat cutting, packing, and processing
Commercial Automotive Repair Facilities and Operations	Automobile and other vehicle body repair or painting
Commercial Automotive Repair Facilities and Operations	Automobile repair, maintenance, fueling, or cleaning
Commercial Automotive Repair Facilities and Operations	Trucking centers, including repair, maintenance, fueling, or cleaning
Retail or Wholesale Gasoline Outlets	
Commercial Car Washes	
Livestock operations within the Order coverage area that discharge into the Permittee's MS4	
Nurseries and greenhouses	
Commercial Retail Centers	Shopping malls, strip malls, and shopping centers
Commercial Retail Centers	Big box stores and warehouse stores
Commercial Mobile Operations	Mobile automobile or other vehicle washing, including commercial car washes
Commercial Mobile Operations	Mobile carpet, drape, or furniture cleaning
Commercial Mobile Operations	Mobile tallow services
Commercial Mobile Operations	Mobile sanitary services (e.g., septic and grease trap pumping, portable toilet servicing)
Commercial Mobile Operations	Mobile water damage services
Commercial Mobile Operations	Power washing services
Commercial Mobile Operations	Mobile pet grooming facilities

<b>Facility and/or Operation Type</b>	<b>Facility and/or Operation Subcategory</b>
Commercial Mobile Operations	Street and parking lot mobile sweeping services
Commercial Trash and Garbage Facilities or Operations	Refuse haulers, transfer stations, and tallow rendering facilities
Commercial Trash and Garbage Facilities or Operations	Recycling centers
Aviation, Marine, and Equipment Facilities and Operations	Airplane repair, maintenance, fueling, or cleaning
Aviation, Marine, and Equipment Facilities and Operations	Boat repair, maintenance, fueling, or cleaning
Aviation, Marine, and Equipment Facilities and Operations	Equipment repair, maintenance, fueling, or cleaning
Commercial Construction Facilities or Operations	Cement mixing or cutting
Commercial Construction Facilities or Operations	Masonry operations
Commercial Construction Facilities or Operations	Granite, marble, and tile cutting
Commercial Construction Facilities or Operations	Building material retailers and storage
Commercial Construction Facilities or Operations	Painting and coating
Commercial Landscaping and Pest Control Operations	Agricultural chemical dealers and fertilizer/pesticides mixing facilities
Commercial Landscaping and Pest Control Operations	Botanical or zoological gardens and exhibits
Commercial Landscaping and Pest Control Operations	Cemeteries
Commercial Landscaping and Pest Control Operations	Golf courses, parks, and other recreational areas/facilities
Miscellaneous Commercial Facilities or Operations	Animal and veterinary facilities
Miscellaneous Commercial Facilities or Operations	Commercial laundries
Miscellaneous Commercial Facilities or Operations	Other facilities with a history of un-authorized discharges to the MS4

## **P. Construction Site Management**

- 1) Construction Project Inventory –
  - a) Information Fields – The Permittee shall maintain a Construction Project Inventory with the following minimum information for each site:

- i) Relevant contact information (e.g., name, address, phone, email, for the owner and contractor)
  - ii) Basic site information including location, permitting status, size of the project and disturbance area
  - iii) Construction site start and anticipated completion dates
  - iv) Current construction phase
  - v) Area in square feet of new and replaced impervious surfaces
  - vi) Designation of sites requiring Construction General Permit<sup>61</sup> coverage and general coverage information, including Waste Discharge Identification number (WDID), Rainfall Erosivity Waiver, and Risk Level
  - vii) Sites referred to the Central Coast Water Board for noncompliance or not enrolling in the General Construction Permit
  - viii) Additional information used to inform project threat to water quality (see Provision P.3.b)
  - ix) Required inspection frequency
- b) Applicable Projects – The Permittee shall maintain a construction site inventory, updated weekly, to track all phases of the Permittee’s permit process, inspections, construction site stormwater compliance, and project closeout for all construction projects within the Permittee’s jurisdictional authority.
- 2) BMPs – The Permittee shall require all construction sites to design, install, and maintain site-specific, and seasonally and phase-appropriate, effective BMPs to prevent construction site discharges of pollutants and impacts to water quality that achieve the following:
- a) Source control
  - b) Erosion and sediment control
  - c) Run-on and runoff control
  - d) Active treatment systems, as necessary
  - e) Good site practices
  - f) Protection of existing riparian and wetland vegetation and habitat
  - g) Prevention of non-stormwater discharges
  - h) Final site stabilization
- 3) Prioritization – The Permittee shall designate the following projects in the Construction Project Inventory as High Priority Construction Projects:
- a) All construction sites requiring Construction General Permit coverage that have not obtained an Erosivity Waiver from the State Water Board; and
  - b) All other sites determined by the Permittee or Central Coast Water Board staff as significant threats to water quality. In evaluating threat to water quality, the Permittee shall consider the following factors:
    - i) Soil erosion potential or soil type
    - ii) Site slope

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<sup>61</sup> State Water Resources Control Board, Order No. 2009-0009-DWQ [As Amended by Orders No. 2010-0014-DWQ and 2012-0006-DWQ], [National Pollution Discharge Elimination System General Permit No. CAS000002: Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities](#). Web. 20 June 2019

- iii) Project size and type
  - iv) Sensitivity of receiving waterbodies
  - v) Proximity to receiving waterbodies
  - vi) Non-stormwater discharges
  - vii) Past record of non-compliance by the operators of the construction site
  - viii) Any other relevant factors determined by the Permittee or Central Coast Water Board staff
- 4) Plan Review and Approval Procedures –
- a) Plan Submittal – The Permittee shall require High Priority Construction Projects to prepare and submit an erosion/pollution control plan or Stormwater Pollution Prevention Plan (SWPPP). The Permittee shall require High Priority Construction Projects to resubmit revised plans for review and approval.
  - b) Prior to Issuance of Grading or Building Permit – Prior to issuing a grading or building permit, the Permittee shall ensure the following, and document reviews of each construction plan using a checklist or similar process:
    - i) High Priority Construction Projects –
      - (1) The erosion/pollution control plan or SWPPP complies with the Permittee’s stormwater-related ordinances and incorporates appropriate site-specific construction site BMPs pursuant to Provision P.2 (BMPs); and
      - (2) The erosion/pollution control plan or SWPPP lists applicable state and federal permits directly associated with the grading activity, including, but not limited to the Construction General Permit, State Water Board and Central Coast Water Board Clean Water Act Section 401 Water Quality Certification, United States Army Corps of Engineers 404 permit, and California Fish and Wildlife 1600 Agreement. The Permittee shall include as a condition of the grading permit that the owner submit evidence to the Permittee that all permits directly associated with the grading activity have been obtained prior to commencing the soil disturbing activities authorized by the grading permit.
    - ii) Non-High Priority Construction Sites – For all projects in the Construction Project Inventory, not designated as high priority, the Permittee shall ensure project plans comply with the Permittee’s stormwater-related ordinances and incorporate appropriate site-specific construction site BMPs pursuant to Provision P.2 (BMPs).
  - c) Prior to Occupancy Certification – Prior to occupancy, the Permittee shall field verify that all projects included in the Construction Project Inventory have achieved final stabilization.
  - d) Plan Reviewers and Permitting Staff – The Permittee shall ensure applicable staff, including contracted third parties, tasked with implementing Provision P.4 (Plan Review and Approval Procedures), include one of the following certifications pursuant to the State Water Board sponsored program:
    - i) Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD)
    - ii) Qualified SWPPP Practitioner (QSP) working under the supervision of a plan reviewer certified as a QSD

- 5) Notifications and Inspections – The Permittee shall conduct inspections to determine compliance with applicable stormwater-related ordinances and effectiveness of installed BMPs in preventing the discharge of construction pollutants into the MS4; and the Permittee shall require timely corrections of all actual and potential discharges observed.
- a) Rainy Season Notification – By September 1 of each year, the Permittee shall remind all site developers and/or owners disturbing one acre or more of soil, hillside projects, and high priority sites to prepare for the upcoming Rainy Season.
  - b) Inspection Frequency –
    - i) Non-High Priority Construction Sites – For all projects in the Construction Project Inventory, not designated as high priority, the Permittee shall, at a minimum, conduct monthly inspections during the Rainy Season.
    - ii) High Priority Construction Sites – For all High Priority Construction Projects, the Permittee shall, at a minimum, conduct the following inspections:
      - (1) Weekly inspections during the rainy season
      - (2) Inspections within two business days (48 hours) after each event that produces 0.5 inches or more precipitation
    - iii) Low-Performing Construction Sites – The Permittee shall develop and implement a protocol for increased inspection frequencies, using the rating system, for sites requiring timely corrections for actual and potential discharges observed, until there is a demonstrable improvement.
  - c) Inspection Scope – The Permittee shall evaluate the adequacy and effectiveness of site-specific BMPs and require timely corrections of all actual and potential problems observed. Inspections of construction sites shall include, but are not limited to, the following:
    - i) Assessment of compliance with Permittee's stormwater-related ordinances, including the implementation and maintenance of the verified erosion/pollution control plan or SWPPP;
    - ii) Assessment of the adequacy and effectiveness of the site-specific BMPs implemented pursuant to Provision P.2 (BMPs);
    - iii) Visual observations for the following:
      - (1) Actual discharges of sediment and/or construction related materials into storm drains and/or waterbodies
      - (2) Evidence of sediment and/or construction-related material discharges into storm drains and/or waterbodies
      - (3) Illicit connections
      - (4) Potential illicit connections
    - iv) Verification that most updated erosion/pollution control plan or SWPPP is retained onsite during all construction phases.
  - d) Inspection Rating System – The Permittee shall develop and implement an inspection rating system to assess inspected sites to, at a minimum, rate compliance with items identified in Provision P.5.c (Inspection Scope). The Permittee shall use rating system results to inform Enforcement Response Plan implementation and inspection frequencies.

- e) PLRP Alternative Requirements<sup>62</sup> – The Permittee may propose a reduced inspection frequency.
- f) Construction Inspectors – The Permittee shall ensure applicable staff, including contracted third parties, tasked with implementing Provision P.5 (Notifications and Inspections), include one of the following certifications pursuant to the State Water Board sponsored program:
  - i) QSD
  - ii) QSP

## **Q. Post-Construction**

- 1) Post-Construction Project Inventory
  - a) Information Fields – The Permittee shall maintain a Post-Construction Project Inventory with the following minimum information:<sup>63</sup>
    - i) Site name
    - ii) Site address
    - iii) Waste Discharge Identification number, if applicable
    - iv) Date of first discretionary or ministerial approval of project design
    - v) Central Coast Post-Construction Requirements (i.e., Performance Requirement Nos. 1, 2, 3, 4, 5) applied to project or applicable exemptions
    - vi) Total project area of disturbance
    - vii) Existing impervious area
    - viii) Proposed impervious area
    - ix) Construction commencement date
    - x) Compliance strategy (e.g., proposed SCMs, source control measures, alternative compliance)
  - b) Project Thresholds – On a monthly basis, the Permittee shall update the inventory to include all projects with greater than or equal to 2,500 square feet of new and/or replaced impervious surface that received first discretionary or ministerial approval of project design after March 6, 2014.
- 2) Post-Construction Requirements – The Permittee shall adhere to Resolution No. R3-2013-0032, approving Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region (Central Coast Post-Construction Requirements), adopted by the Central Coast Water Board on July 12, 2013, and incorporated herein.
  - a) The Permittee shall apply the Central Coast Post-Construction Requirements to all applicable projects.
  - b) PLRP Alternative Requirements<sup>64</sup> – The Permittee shall apply the Central Coast Post-Construction Requirements to all applicable projects; however, the

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<sup>62</sup> Compliance option only applies to Construction Projects located in catchments pursuant to the PLRP Alternative Requirements (see Provision F.3.a.i).

<sup>63</sup> Provision G.4 (Information Management and Program Assessment: Structural BMPs) includes inventory requirements for installed structural SCMs.

<sup>64</sup> Compliance option only applies to Regulated Projects located in catchments pursuant to the PLRP Alternative Requirements (see Provision F.3.a.i).

Permittee is not required to apply the requirements to replaced impervious surfaces at Regulated Projects.<sup>65</sup>

- 3) Source Control – The Permittee shall require Regulated Projects to control the sources of pollutants (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into the Permittee’s MS4. At a minimum, the Permittee shall require Regulated Projects to adhere to the following:
  - a) Label all storm drain inlets with legible no dumping message; and
  - b) Implement source control measures for the following:
    - i) Fueling areas;
    - ii) Loading areas
    - iii) Outdoor material storage areas
    - iv) Outdoor work areas (e.g., processing, manufacturing)
    - v) Vehicle and equipment wash areas
    - vi) Waste management areas (garbage, recycling, restaurant food waste)
- 4) Field Verification Inspections of Structural SCMs
  - a) During Construction – The Permittee shall inspect all structural SCMs during installation to verify proper SCM installation and to verify appropriate safeguards are in place to prevent construction site pollutants and flows from compromising structural SCMs long-term performance.
  - b) After Installation – The Permittee shall field verify Regulated Projects, pursuant to Provision G.5.b (Information Management and Program Assessment: Structural BMP Performance Assessment), to ensure site design measures and SCMs are designed, constructed, and functioning in accordance with the Central Coast Post-Construction Requirements. The Permittee shall not issue final approval/occupancy for the site until it has verified proper installation of all structural SCMs.
  - c) Long-term Operation and Maintenance – At least every 5 years, the Permittee shall inspect structural SCMs<sup>66</sup> to verify SCMs are maintained such that the SCMs continue to fully achieve the intended function. The Permittee shall utilize results from the Structural BMP Performance Assessment (see Provision G.5.b (Information Management and Program Assessment)) to inform inspection findings. For Regulated Projects subject to the Central Coast Post-Construction Requirements, the Permittee shall ensure the owner or operator has also maintained site design measures pursuant to the Stormwater Control Plan. The Permittee shall require owners and operators with insufficient structural SCMs or site design measures to perform required maintenance to come into compliance.
  - d) PLRP Alternative Requirements<sup>67</sup> – The Permittee may rely on a self-inspection program, conducted by Regulated Projects, to ensure site design measures and

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<sup>65</sup> The Central Coast Post-Construction Requirements define Regulated Project.

<sup>66</sup> Applicable structural SCMs include privately owned or operated SCMs installed to comply with following: Order Nos. R3-2004-0135 and R3-2012-0005; and Central Coast Post-Construction Requirements.

<sup>67</sup> Compliance option only applies to Regulated Projects located in catchments pursuant to the PLRP Alternative Requirements (see Provision F.3.a.i).

SCMs installed pursuant to the Stormwater Control Plans are in place and continuing to function as designed.

- 5) Riparian Area Setback Requirements – The Permittee shall apply the following riparian area setback requirements to all development projects:
- a) Setbacks – At a minimum, the Permittee shall prohibit development activities within the following setback areas:
    - i) Creek Setbacks – 100-foot setback area along Gabilan and Natividad Creeks and other creeks as established by Salinas General Plan COS-17. 30-foot setback for all other streams identified pursuant to Provision G.2.c (Information Management and Program Assessment: Waterbodies). The Permittee shall measure the setback from the top of streambank, or from the outside edge of riparian vegetation, whichever is farthest from the centerline of the stream.
    - ii) Wetland Setbacks – 100-foot setback along wetlands not associated with streams as established by Salinas General Plan COS-17. 30-foot setback for all other wetlands identified pursuant to Provision G.2.c (Information Management and Program Assessment: Waterbodies). The Permittee shall measure the wetland setback from the outside edge of the wetland.
    - iii) Exceptions – The Permittee may grant exceptions for passive recreation uses within the setback area, so long as the Permittee establishes and enforces specific development standards to protect beneficial uses from potential impacts of stormwater runoff associated with these land uses. If the Permittee allows recreational trails to be located within the setback, the Permittee shall implement a re-vegetation program wherein a vegetative buffer is established between the trail and the outside edge of the riparian vegetation.
  - b) Protection – The Permittee shall protect existing riparian vegetation and habitat, pursuant to Provision G.2.I (Information Management and Program Assessment: Riparian Vegetation and Habitat) from ground disturbance, except for riparian vegetation and habitat restoration-related activities. The Permittee shall require the project applicant to protect the existing riparian vegetation and habitat on the applicant's land, in perpetuity. The Permittee may delegate the responsibility of protecting existing riparian vegetation and habitat to itself or another entity, so long as the project applicant and responsible entity agree.
  - c) Alternative Options
    - i) Biotic Resources Study – The Permittee may consider approval of development activities within the setback if a biotic resources study (prepared for the Permittee's City Planner by his or her designee) makes the findings listed below. The Permittee shall notify Central Coast Water Board staff 15 days prior to approval of new development or redevelopment within a setback area.
      - (1) The encroachment would have no adverse impact on the riparian and/or wetland resources' capacity to attenuate the effects of urban storm runoff on the receiving water; or,
      - (2) The implementation of alternative mitigation measures will achieve comparable or better attenuation of the effects of urban storm runoff than the strict application of the 30- and 100-foot setback.

- ii) In-Lieu Fee Compliance Program – The Permittee may develop an in-lieu fee compliance program for projects subject to the riparian area requirements. If a project applicant can demonstrate infeasibility of achieving these requirements onsite and/or that greater watershed benefit could be attained with an off-site project(s), then the Permittee may allow the project applicant to pay an in-lieu fee towards a Permittee-managed project. The fee shall go towards a project that meets the following criteria:
  - (1) Is located within the same Urban Subwatershed as the development project being mitigated or in an Urban Subwatershed deemed to have a more critical need for restoration of watershed processes
  - (2) Provides equal or greater quality and quantity of watershed processes as the portion of the development project being mitigated
  - (3) Includes a complete implementation schedule and project plan
  - (4) Is scheduled to commence construction within two years of the construction commencement of the development project being mitigated
  - (5) The Permittee accepts responsibility for project completion and long-term maintenance

## **R. Public Education and Involvement**

- 1) General – The Permittee shall implement effective comprehensive stormwater public education to support the implementation of this Order and to reduce pollutant discharges to the MS4 through changes in target audiences' behavior.
- 2) Collaboration – The Permittee may comply with requirements of this Provision by collaborating with other entities. The Permittee is responsible for the implementation of the requirements of this Provision regardless of who conducts the activities.
- 3) Water Quality Complaints –
  - a) Water Quality Complaint Reporting System – The Permittee shall promote, publicize, and facilitate public reporting of suspected illicit discharges, poor construction site management, and other water quality concerns associated with discharges into or from the MS4 through the development and implementation of an effective central contact point reporting system. The Permittee shall ensure the reporting system accommodates languages representative of the general population.
  - b) Complaint Follow-up – The Permittee shall investigate and follow-up on all complaints. The Permittee may develop and implement a prioritization strategy, based on suspected threat to water quality, if investigating all complaints is not practicable.
- 4) Priority Stormwater Issues – By the end of Year 1, the Permittee shall identify a minimum of six highest Priority Stormwater Issues to address with the public education BMPs. Unless the Permittee can demonstrate these issues are not priority water quality issues, the Permittee shall incorporate the following in the Priority Stormwater Issues: trash, agricultural-related pollutants, and stormwater program funding challenges.

- 5) Target Audiences – By the end of Year 1, the Permittee shall identify the target audience(s) for each identified Priority Stormwater Issue. The Permittee shall ensure the target audiences incorporate the following:
  - a) Underserved Target Audiences – The public education BMPs shall target various ethnic and socioeconomic groups through culturally effective and appropriate methods
  - b) School Children – The Permittee shall collaboratively conduct or participate in development and implementation of a plan to educate school children
- 6) Outcomes – By the end of Year 1, using all appropriate media, the Permittee’s public education BMPs shall:
  - a) Measurably increase the knowledge of the target audiences regarding each identified Priority Stormwater Issue
  - b) Measurably change the behavior of target audiences for each identified Priority Stormwater Issue so that they implement desired behaviors and stop undesirable behaviors
- 7) Assessment – Beginning in Year 3, the Permittee shall assess the effectiveness of public education efforts at changing awareness and behavior.
- 8) Education Strategies and Methods – By the end of Year 1, the Permittee shall incorporate the use of Community-Based Social Marketing<sup>68</sup> techniques or equivalent into its public education BMPs to effectively change the behavior of the identified target audiences regarding each Priority Stormwater Issue.
  - a) At a minimum, the Permittee shall use the following Community-Based Social Marketing or equivalent techniques:
    - i) Research on barriers to desired behaviors and benefits of desired behaviors (e.g., literature review, observation, focus groups)
    - ii) Elicit commitment to implement desired behavior from target audience
    - iii) Remove barriers to desired behavior
    - iv) Provide incentives for desired behavior
    - v) Use the concept of social norms/modeling of desired behavior
    - vi) Use education messages that are specific, easy to remember, from a credible source, and appropriate for the target audience
    - vii) Use prompts reminding target audience of desired behavior
  - b) Pilot Project
    - i) By the end of Year 2, the Permittee shall implement a pilot project for at least one Priority Stormwater Issue using Community-Based Social Marketing or equivalent techniques.
    - ii) In Year 3 and each subsequent year, the Permittee shall expand effective components of pilot project throughout the Order coverage area.
- 9) Facilitate Disposal of Used Oil and Toxic Materials – The Permittee shall facilitate the proper management and disposal of all used oil, vehicle fluids, toxic materials,

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<sup>68</sup> A variation of social marketing, referred to as Community-Based Social Marketing by Canadian environmental psychologist Doug McKenzie-Mohr.

and other household hazardous wastes. The Permittee may coordinate with the Salinas Valley Solid Waste Authority (SVSWA), or other designated disposal company that currently implements program(s) to achieve this requirement. The Permittee shall ensure the availability of collection sites and publicize their availability each year.

- 10) Pesticide Use Education – By the end of Year 1, conduct the following outreach programs through either 1) the Permittee’s individual program; or 2) an existing pesticide use reduction outreach program designed to reach consumers residing in the vicinity of the Permittee’s jurisdiction:
- a) Point-of-Purchase – Make available point-of-purchase outreach materials to pesticide retailer(s) in the Permittee’s jurisdictional area. These materials shall provide targeted information on proper pesticide use and disposal, potential adverse impacts on water quality and less toxic methods of pest prevention and control.
  - b) Residents and Businesses Hiring Pest Control Professionals – Conduct outreach to residents and businesses who may hire structural pest control and landscape professionals. This outreach should a) explain the links between pesticide use and water quality; b) provide information about structural pest control Integrated Pest Management certification programs and Integrated Pest Management for landscape professionals; and c) provide information on hiring structural pest control operators and landscape professionals.<sup>69</sup>
  - c) Pest-Control Professionals –
    - i) General Outreach – Conduct outreach to pest control professionals encouraging them to promote Integrated Pest Management services to customers and to become Integrated Pest Management-certified.
    - ii) Targeted Outreach – Using the Permittee’s Commercial Pesticide Applicator Inventory (see Provision O.4), conduct focused outreach to the licensed commercial pesticide applicators posing the highest risk to water quality, based on accessible data, using Permittee-identified metrics (e.g., pesticide application quantities, pesticide type applied, history of misuse or misapplication). At a minimum, targeted outreach shall address 20 percent of the inventoried applicators and the Permittee shall tailor outreach methods and material to achieve measurable results (e.g., pesticide application quantity reductions, shift of use towards products with lower risk to water quality). The targeted outreach program shall explain to applicators the City’s notification process, to the Monterey County Agricultural Commissioner and Central Coast Water Board, for instances of pesticide misuse.
- 11) Events and Activities – The Permittee shall create opportunities each year for the public to participate in the implementation of stormwater management activities (e.g., stream clean-ups, storm drain stenciling, volunteer monitoring, education activities).

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<sup>69</sup> Pesticide information is available at the [Statewide Integrated Pest Management Program website](#).  
Web. 20 June 2019

- 12) Website – The Permittee shall maintain an up-to-date stormwater website, which shall include material to facilitate implementation of the public education and involvement BMPs. The website shall, at a minimum, include the following information:
- a) How the public can get involved in planning and implementation of activities related to the stormwater management program
  - b) Contact information for the water quality complaint reporting system
  - c) Who to contact for each aspect of the stormwater management program
  - d) A copy of this Order and other critical documents and requirements related to the stormwater management program
  - e) Resources related to the Priority Stormwater Issues

### **S. Annual Reporting**

- 1) Submittal Date – For each water year (October 1 – September 30), the Permittee shall develop and submit an Annual Report by January 31<sup>st</sup> of each year, starting January 31, 2021.
- 2) Electronic Submittal – The Permittee shall submit Annual Reports using the Stormwater Multiple Application and Report Tracking System (SMARTS).
- 3) Content – The Permittee shall submit an Annual Report including the following elements:
  - a) SIMS Summary Report – Annual summary of information tracked through SIMS, at a minimum including the following:
    - i) Pollutant loading and volume quantifications for the following conditions pursuant to Provision G.5 (Information Management and Program Assessment: Stormwater Pollutant Loading and Volume Quantification):
      - (1) Unmitigated condition; and
      - (2) Loading reductions based on BMP assessments;
    - ii) Using quantitative metrics where possible, provide recap of information tracked for demonstrating compliance with requirements of this Order pursuant to Provision G.6 [Information Management and Program Assessment: Order Compliance Demonstration]
    - iii) Trash Management – Current Jurisdictional Map pursuant to Provision L.1.b (Trash Management: Jurisdictional Map).
  - b) Pollutant Load Reduction Plan – Description of actions taken for the previous water year to demonstrate progress at meeting the requirements of Provision F (Pollutant Load Reduction Plan). The Permittee shall describe load reduction progress in context of its PLRP and a clear statement documenting compliance with applicable requirements of the PLRP, including interim milestones and targets, and dates for achieving them, as specified in the PLRP. The Permittee shall discuss any deviations from submitted PLRP, provide rationale for those deviations, and, if necessary, describe how the Permittee will compensate for any noted shortfalls in expected pollutant load reductions.

- c) Trash Management – The Permittee shall provide the results from the Trash Monitoring Plan pursuant to Provision L.4 (Trash Management: Trash Monitoring Plan).
  - d) Pesticide Management – The Permittee shall submit the following Integrated Pest Management (IPM) information:
    - i) Quantities and types of pesticide and fertilizer active ingredients used annually for application at Permittee owned and operated areas (see Provision M.4 – Municipal Maintenance).
    - ii) Submit documentation to demonstrate the Permittee’s compliance with the IPM Policy. This documentation should summarize annual IPM Policy implementation (e.g., pest monitoring; mitigation of conditions conducive to pests; criteria used when pesticides and fertilizers were applied).
    - iii) In cases when pesticides or fertilizers known to adversely impact water quality are selected for use at Permittee-owned and operated areas, explain why less harmful alternatives were infeasible.
    - iv) The Permittee shall describe actions taken to coordinate and support USEPA and DPR pesticide regulatory efforts through joint regional or statewide pesticide reduction efforts or the Permittee’s individual program.
    - v) Summary of the Permittee’s observations from its investigation of areas prioritized for heavy pesticide and fertilizer application and misuse pursuant to Provision N.2 (Illicit Discharge Detection and Elimination: Illicit Discharge Detection).
  - e) Fiscal analysis pursuant to Provision J.2.
  - f) General Reporting of Non-Compliance – If the Permittee is unable to certify compliance with any requirement of this Order, the Permittee shall submit in SMARTS the reason for failure to comply, a description and schedule of tasks necessary to achieve compliance, and an estimated date for achieving full compliance.
  - g) Certified statement pursuant to Provision H.4.
- 4) Monitoring and Reporting Program – The Permittee shall comply with monitoring reporting requirements in Provision K (Monitoring) and Attachment D (Monitoring and Reporting Program).
- 5) Standard Provisions – The Permittee shall comply with reporting requirements in the Standard Provisions pursuant to Attachment E (Standard Provisions).
- 6) Other Reports and Submittals – The Permittee shall submit all deliverables pursuant to Attachment F (Summary of Milestones and Deadlines).

**Attachment A – Acronyms**

<b>Acronym</b>	<b>Acronym Meaning</b>
BASMAA	Bay Area Stormwater Management Agencies Association
BMP	Best Management Practice
CASQA	California Association of Stormwater Quality
CBSM	Community-Based Social Marketing
CCAMP	Central Coast Ambient Monitoring Program
CCR	California Code of Regulations
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CTR	California Toxics Rule
CWA	Federal Clean Water Act
CWC	California Water Code
CWP	Center for Watershed Protection
DPR	Department of Pesticide Regulation
GIS	Geographic Information System
IDDE	Illicit Discharge Detection and Elimination
IPM	Integrated Pest Management
ISWEBE	Inland Surface Waters, Enclosed Bays, and Estuaries
IWTF	(Salinas) Industrial Wastewater Treatment Facility
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
LID	Low Impact Development
O&M	Operation and Maintenance
MBNMS	Monterey Bay National Marine Sanctuary
MEP	Maximum Extent Practicable
MRP	Monitoring and Reporting Program
MS4	Municipal Separate Storm Sewer System
NHD	National Hydrography Dataset
NEC	No Exposure Certification
NONA	Notice of Non-Applicability
NOV	Notice of Violation
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System (e.g., Industrial and Construction Stormwater General Permits, Low Threat Discharge Permits)
NTR	National Toxics Rule
PLRP	Pollutant Load Reduction Plan
PRC	Public Resources Code
QAPP	Quality Assurance Project Plan
QSD	Qualified SWPPP Developer
QSP	Qualified SWPPP Practitioner

<b>Acronym</b>	<b>Acronym Meaning</b>
RAA	Reasonable Assurance Analysis
SCM	Stormwater Control Measure
SIC	Standard Industrial Classification
SIMS	Stormwater Information Management System(s)
SMARTS	Stormwater Multiple Application and Report Tracking System
SVSWA	Salinas Valley Solid Waste Authority
SWAMP	Surface Water Ambient Monitoring Program
SWCP	Stormwater Control Plan
SWRCB	State Water Resource Control Board
SWPPP	Stormwater Pollution Prevention Plan
ROWD	Report of Waste Discharge
TMDL	Total Maximum Daily Load
USC	United States Code
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
WDID	Waste Discharge Identification
WLA	Wasteload Allocation
WQBEL	Water Quality-Based Effluent Limitation

## Attachment B – Definitions

**Basin Plan** – Water Quality Control Plan, Central Coast Basin, Region 3, and amendments, adopted by the Central Coast Water Board.

**Beneficial Uses** – The uses of waters of the state protected against quality degradation including, but not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or reserves (California Water Code section 13050(f)). The Basin Plan identifies beneficial uses for Salinas Hydrologic Unit waterbodies.

**Best Management Practices (BMP)** – Physical structures, activities, prohibitions of practices, maintenance procedures, and other management practices or control measures to prevent or reduce the pollution of receiving waters and hydrologic process and beneficial use impacts to watersheds.

**Catch Basin** - A catch basin (also known as a storm drain inlet) is an inlet to the storm drain system that typically includes a grate or curb inlet where stormwater enters the catch basin and an area to capture sediment, debris and associated pollutants. Catch basins can act as pretreatment for other treatment practices by capturing large sediments. The performance of catch basins at removing sediment and other pollutants depends on the design of the catch basin (e.g., the size of the capture area, depth below outflow), and routine maintenance to retain any storage available to capture sediment.

**Central Coast Ambient Monitoring Program (CCAMP)** – The Central Coast Water Board's regionally scaled water quality monitoring and assessment program found on the [CCAMP website](#).

**Central Coast Post-Construction Requirements** – Resolution No. R3-2013-0032, approving Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region, adopted by the Central Coast Water Board on July 12, 2013, and incorporated into this Order.<sup>1</sup>

**Channel** – An open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two waterbodies.

**Clean Water Act Section 303(d)** – A list of impaired waterbodies in which water quality does not meet applicable water quality standards and/or is not expected to meet water quality standards, even after the application of technology-based pollution controls

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<sup>1</sup> When applying the Central Coast Post-Construction Requirements, refer to Attachment C (Definitions Related to Post-Construction Requirements) of the Central Coast Post-Construction Requirements for defining terms related to implementing those requirements.

required by the CWA. The discharge of runoff to these waterbodies by the Permittee is significant because these discharges can cause or contribute to violations of applicable water quality standards.

**Construction General Permit** – The general NPDES permit adopted by the State Water Resources Control Board (Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002 for Storm Water Discharges Associated with Construction and Land Disturbance Activities (or subsequent updates)), which authorizes the discharge of stormwater from construction activities under certain conditions.

**Development Project** – New development or redevelopment of any public or private project with land disturbing activities (e.g., structural development, including construction or installation of a building or structure, the creation of impervious surfaces, public agency projects, or land subdivision).

**Discharge** – When used without qualification the “discharge of a pollutant.”

**Discharge of a Pollutant** – The addition of any “pollutant” to waters of the United States from any point source. The term discharge includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges from pipes, sewers, or other conveyances, leading into privately owned treatment works.

**Discharger** – The City of Salinas and any other responsible party or site owner or operator within the Order coverage area whose site or activity discharges stormwater or non-stormwater.

**Dry Season** – From May 1<sup>st</sup> through September 30<sup>th</sup>.

**Effluent Limitation** – Any restriction imposed on quantities, discharge rates, concentrations, and/or mass loadings of pollutants which are discharged from point sources into receiving waters.

**Ephemeral** – A stream that flows only in direct response to precipitation, storm events, or seasonally, but normally lasts no longer than 30 days following the event.

**Erosion** – The diminishing or wearing away of land due to wind, water, or glacial ice. Often the eroded debris (silt or sediment) becomes a pollutant via stormwater runoff. Erosion occurs naturally; however, land disturbing and grading activities such as farming, development, road building, and timber harvesting can intensify erosion.

**Floodplain** – Any land area susceptible to being inundated by water from any source.

**General Plan** – A statement of policies, including text and diagrams, setting forth objectives, principles, standards, and plan proposals, for the future physical development of a city.

**Green Infrastructure** – Site-specific practices and infrastructure that mimic stormwater management from natural hydrology and reduces effective imperviousness. Examples of green infrastructure include green street medians, green roofs, and rain gardens.

**Hydromodification Impacts** – Geomorphic alterations to the bed and/or banks of waterbodies (such as erosion, sedimentation, headcutting, and channel incision) resulting from changes in flow and sediment transport regimes caused by development.

**Illicit Connection** - Pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4.

**Illicit Discharges** - All non-stormwater discharges except those authorized under a separate NPDES permit or Provision A (Discharge Prohibitions) of the Order. Any discharge that is prohibited under local, state, or federal statutes, ordinances, codes, regulations, or the Discharge Prohibitions Provision of this Order.

**Impervious Surface** – A hard, non-vegetated surface area that prevents or significantly limits the entry of water into the soil mantle, as would occur under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

**Incidental Runoff** - Unintended small amounts (volume) of runoff from potable and recycled water used for irrigation and lawn watering, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow, or if it is due to negligence.

**Industrial General Permit** – The general NPDES permit adopted by the State Water Resources Control Board (Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (or subsequent updates)), which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

**Integrated Pest Management (IPM)** – Integrated pest management is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control

materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

**Intermittent** – A stream that flows only certain times of the year. Intermittent streams should usually have flow at least 30 days after a storm event or throughout seasonal periods. Intermittent streams should have a defined stream channel and evidence of sediment transport.

**Low Impact Development (LID)** – A stormwater management strategy aimed at maintaining or restoring the natural hydrologic functions of a site or project to achieve natural resource protection objectives and fulfill environmental regulatory requirements; low impact development employs a variety of natural and constructed features that reduce the rate of runoff, filter pollutants out of runoff, facilitate the infiltration of water into the ground and replenishment of local natural surface water systems, and/or allow for on-site storage of water for a beneficial use.

**Maximum Extent Practicable (MEP)** – The technology-based standard established by Congress in Clean Water Act section 402(p)(3)(B)(iii) that operators of MS4s shall meet. MEP is a dynamic performance standard that evolves over time. As urban runoff management knowledge increases, meeting the MEP standard requires the Permittee's stormwater management program to be continually assessed and modified to incorporate improved programs, water quality control measures, BMPs, and other program components to address the pollutants of concern. Factors that shall be considered when defining MEP include, but are not limited to the following: effectiveness, regulatory compliance, public acceptance, cost, and technical feasibility. This continual assessment, revision, and improvement of the stormwater management program implementation are expected to ultimately achieve compliance with water quality standards.

**Municipal Separate Storm Sewer System (MS4)** – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains), as defined in 40 CFR 122.26(b)(8): (1) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law ... including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under section 208 of the CWA) that discharges into waters of the United States; (2) Designed or used for collecting or conveying stormwater; (3) Which is not a combined sewer; and (4) Which is not part of a Publicly Owned Treatment Works (POTW), as defined in 40 CFR 122.26. When used without qualification, means the MS4 owned or operated by the Permittee.

**National Pollutant Discharge Elimination System (NPDES)** – A national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA.

**Natural** – (1) Conditions on site prior to human-induced land activities; (2) not anthropogenic in origin.

**New Development** – Land disturbing activities that include the construction or installation of buildings, roads, driveways and other impervious surfaces. Development projects with pre-existing impervious surfaces are not considered New Development.

**Non-Stormwater** – All discharges into and from a MS4 that do not originate from precipitation events (i.e., all discharges from a MS4 other than storm water). Non-stormwater includes illicit discharges and NPDES permitted discharges.

**Non-Structural BMP** – BMPs with no associated physical structures that are used to manage flow and reduce pollutants in stormwater.

**Nuisance** – Anything which meets all of the following requirements: 1) Is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; 2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and 3) Occurs during, or as a result of, the treatment or disposal of wastes (Water Code section 13050(m)).

**Order** – When used without qualification, means Order No. R3-2019-0073 (NPDES Permit No. CA0049981).

**Outfall** – A point source as defined in 40 CFR section 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States but does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the United States and are used to convey waters of the United States [40 CFR § 122.26(b)(9)].

**Perennial** – A stream that normally continues to flow throughout the year through wet and dry seasons.

**Permittee** – A discharger enrolled under this Order as being responsible for permit requirements within its Order Coverage Area.

**Pesticide** – An umbrella term that includes: 1) insecticides, herbicides, and other agricultural and lawn-and-garden chemicals; and 2) many industrial, institutional and home-cleaning products, such as algaecides (used to control algae in swimming pools and waterbodies), disinfectants, sanitizers, mildew removers, and insect repellents.<sup>2</sup>

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<sup>2</sup> “[A Guide to Pesticide Regulation in California](#),” 2017 update, California Department of Pesticide Regulation, page 24, Web. 26 August 2019.

**Pests** – Pests can be insects or animals (e.g., mice), unwanted plants (weeds) or organisms that cause plant disease.<sup>3</sup>

**Project Applicant** – A property owner or representative of a property owner (includes both public and private projects) who has filed an application for a City development permit.

**Rainy Season** – From October 1 to April 30<sup>th</sup>. Same as Wet Season.

**Receiving Waters** – Waters of the United States.

**Redevelopment** – On a site that has already been developed, construction or installation of a building or other structure subject to the Permittee's planning and building authority including: 1) the creation or addition of impervious surfaces; 2) the expansion of a building footprint or addition or replacement of a structure; or 3) structural development including construction, installation or expansion of a building or other structure. It does not include routine road maintenance, nor does it include emergency construction activities required to immediately protect public health and safety.

**Regulated Project** – Defined pursuant to Section B.1 of the Central Coast Post-Construction Requirements.

**Restore** – Return to a natural condition, or to a state approaching a natural condition.

**Retain** – To keep or hold runoff in a particular place, condition, or position without discharging to surface waters.

**Retrofit** – Modification of existing development with the purpose of restoring watershed processes degraded by alteration of urban stormwater discharges.

**Riparian Area** – The vegetated area adjacent to a watercourse or other body of water.

**Run-on** – Stormwater or non-stormwater that drains to the subject area.

**Runoff** – All flows that consist of stormwater or non-stormwater that drain from the subject area (includes run-on leaving the area).

**Provision** – When used without qualification, refers to the entire section of Permit Provisions contained in this Order. For example, "this Provision" used in the Municipal Maintenance section refers to the entire Municipal Maintenance section (Provision M).

**Source Control BMP** – Land use or site planning practices, or structural or nonstructural measures that aim to prevent runoff pollution by reducing the potential for

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<sup>3</sup> Ibid.

contamination at the source of pollution. Source control BMPs minimize the contact between pollutants and precipitation and runoff.

**Sphere of Influence** – The probable physical boundaries and service area of a local government agency. The following factors must be considered when developing the sphere: 1) The present and planned uses in the area, including agricultural and open-space lands; 2) The present and probable need for public facilities and services in the area; 3) The present capacity of public facilities and the adequacy of public services which the agency provides or is authorized to provide; and 4) The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

**Stormwater** – Stormwater runoff, snow melt runoff and surface runoff and drainage. Surface runoff and drainage pertains to runoff and drainage resulting from precipitation events

[40 CFR 122.26(b)(13)].

**Stormwater Control Measures (SCM)** – Stormwater management measures integrated into project designs that emphasize protection of watershed processes through replication of pre-development runoff patterns (rate, volume, duration). Physical control measures include, but are not limited to, bioretention/rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water use. Design control measures include but are not limited to conserving and protecting the function of existing natural areas, maintaining or creating riparian buffers, using onsite natural drainage features, directing runoff from impervious surfaces toward pervious areas, and distributing physical control measures to maximize infiltration, filtration, storage, evaporation, and transpiration of stormwater before it becomes runoff.

**Stormwater Control Plan** – A plan, developed by the Regulated Project applicant, detailing how the project will achieve the applicable Central Coast Post-Construction Requirements (for both onsite and offsite systems).

**Structural BMP** – Physical structures used to manage flow and reduce pollutants in stormwater.

**Surface Runoff** – Flow over the ground surface, characterized by volume, rate, and duration.

**Surface Water Ambient Monitoring Program (SWAMP)** – The State Water Board's program to monitor surface water quality; coordinate consistent scientific methods; and design strategies for improving water quality monitoring, assessment, and reporting.

**Top of Streambank** – The break in slope at the top of a streambank, where the streambank meets the floodplain. The streambanks are the slopes of the active channel, between which streamflow is normally confined.

**Total Maximum Daily Loads (TMDL)** – The maximum amounts of a pollutant that can be discharged into a waterbody from all sources (point and nonpoint) and still maintain water quality standards. Under CWA section 303(d), TMDLs must be developed for all waterbodies that do not meet water quality standards even after application of technology-based controls, more stringent effluent limitations required by a state or local authority, and other pollution control requirements such as BMPs.

**Trash** – All improperly discarded solid material from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials.

**Wasteload Allocation (WLA)** – The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.

**Water Quality Objective** – Numerical or narrative limits or levels of water quality constituents or characteristics which are established for the reasonable protection of designated beneficial uses of the water or the prevention of nuisance within a specific area [Water Code section 13050 (h)].

**Water Quality Standards** – Water quality standards, as defined in CWA section 303(c) consist of the designated beneficial uses (e.g., swimming, fishing, municipal drinking water supply) of a waterbody and water quality criteria necessary to protect those uses.

**Water Quality-Based Effluent Limitation (WQBELs)** – Any restriction imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from point sources to waters of the United States necessary to achieve a water quality standard.

**Water Year** – October 1<sup>st</sup> – September 30<sup>th</sup>.

**Waters of the State** – Any water, surface or underground, including saline waters within the boundaries of the State [California Water Code section 13050 (e)]. The definition of the Waters of the State is broader than that for the Waters of the United States in that all water in the State is considered to be a Water of the State regardless of circumstances or condition.

**Waters of the United States** – As defined in the 40 CFR 122.2, the Waters of the United States are defined as: "(a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate "wetlands;" (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or

destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as waters of the United States under this definition: (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial seas; and (g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA."

**Watershed** – All the land area that contributes runoff to a particular point along a waterway. Watersheds typically consist of numerous catchments defined by either natural or manmade topographic divides. Undeveloped watersheds are typically defined by natural topographic divides, such as mountain and/or hill ridgelines. All of the rainfall and runoff that occurs within the boundaries of a watershed is eventually conveyed to a discharge location, such as a river system that discharges into the ocean.

**Watershed Processes** – For the purposes of this Order, watershed processes are those affected by the following: stormwater, actions to manage stormwater, and/or land uses that alter stormwater runoff patterns. Watershed processes must be protected to attain water quality standards. Watershed processes include the following:

- 1) Overland Flow: Precipitation reaching the ground surface that does not immediately soak in must run over the land surface (thus, "overland" flow).
- 2) Groundwater Recharge and Infiltration: These closely linked hydrologic processes are dominant across much of California's intact landscapes. They can be thought of as the inverse of overland flow; precipitation that reaches the ground surface and does not immediately run off has most likely infiltrated.
- 3) Interflow: Interflow takes place following storm events as shallow subsurface flow (usually within 3 to 6 feet of the surface) occurring in a more permeable soil layer above a less permeable substrate.
- 4) Evapotranspiration: In undisturbed humid-region watersheds, the process of returning water to the atmosphere by direct evaporation from soil and vegetation surfaces, and by the active transpiration by plants, can account for nearly one-half of the total annual water balance; in more arid regions, this fraction can be even higher.
- 5) Delivery of Sediment to Receiving Waters: Sediment delivery into the channel network is a critical process for the maintenance of various habitat features in fluvial systems (although excessive sediment loading from watershed disturbance can instead be a significant source of degradation).
- 6) Delivery of Organic Matter to Receiving Waters: The delivery of organic matter is critical to receiving water health as it forms the basis for the aquatic food web.

- 7) Chemical and Biological Transformations: This encompasses the suite of watershed processes that alter the chemical composition of water as it passes through the soil column on its path to (and after entry into) a receiving water.

**Wetland** – An area is wetland if, under normal circumstances, it (1) is saturated by groundwater or inundated by shallow surface water for a duration sufficient to cause anaerobic conditions within the upper substrate; (2) exhibits hydric substrate conditions indicative of such hydrology; and (3) either lacks vegetation or the vegetation is dominated by hydrophytes.

### **Attachment C – Water Quality-Based Effluent Limitations**

The Water Quality-Based Effluent Limitations (WQBELs) in this Attachment are based on wasteload allocations (WLAs), assigned to the Permittee in Total Maximum Daily Loads (TMDLs)<sup>1</sup>, and apply to discharges of urban runoff from the Permittee's MS4.

#### ***Water Quality-Based Effluent Limitations for Nutrients in the Lower Salinas River Watershed***

**TMDL:** Nitrogen Compounds and Orthophosphate in the Lower Salinas River and Reclamation Canal Basin, and the Moro Cojo Slough Subwatershed, Resolution No. R3-2013-0008, Effective Date: May 7, 2014.

**WQBELs and Deadlines for Attainment:** The Permittee shall attain the interim and final WLAs in Tables C-1 and C-2. The Permittee shall attain the final WLAs as soon as possible, but not later than **May 7, 2044** and maintain such attainment thereafter. These requirements constitute the WLA-derived Water Quality-Based Effluent Limitations referenced in Provision B.2.a of this Order.

**Demonstration of Compliance with WQBELs:** The Permittee shall demonstrate compliance with the effluent limitations in Provision B.2.a associated with the applicable WLAs for nutrients by any of the following methods:

- 1) Prior to the final compliance deadline, implementation of a Pollutant Load Reduction Plan (PLRP) consistent with Provision F (Pollutant Load Reduction Plan) to address the applicable WLAs in the applicable waterbodies, or through 2.a – 2.c below.
- 2) At the final compliance deadline, one of the following:
  - a) Receiving water monitoring and/or other information, as authorized by the Central Coast Water Board Executive Officer, that reasonably demonstrates attainment of applicable WLAs in the applicable waterbodies.
  - b) Effluent monitoring and/or other information, as authorized by the Central Coast Water Board Executive Officer, that reasonably demonstrates attainment of water quality within the Permittee's discharge equivalent to the applicable WLAs.
  - c) No discharges from the Permittee's MS4 to the applicable waterbodies.

If the Permittee anticipates it cannot demonstrate compliance with the final WLAs in Tables C-1 and C-2 by the final compliance deadline, the Permittee shall timely request and implement a Central Coast Water Board-approved time schedule order for meeting applicable nutrient WLAs in accordance with Provision B.2.b of this Order.

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<sup>1</sup> Approved by the Central Coast Water Board, State Water Resources Control Board, and Office of Administrative Law (OAL).

**Table C-1: WLAs by Receiving Water for Nutrients**

<b>Waterbody</b>	<b>Receiving Water Nitrate as N WLA (mg/L)</b>	<b>Receiving Water Orthophosphate as P WLA (mg/L)</b>	<b>Receiving Water Unionized Ammonia as N WLA (mg/L)</b>
Salinas River	Year-round: 10 Dry Season (May 1- Oct. 31): 1.4 Wet Season (Nov. 1- Apr. 30): 8.0	Dry Season (May 1- Oct. 31): 0.07 Wet Season (Nov. 1- Apr. 30): 0.3	Year-round: 0.025
Santa Rita Creek and Reclamation Canal	Year-round: 10 Dry Season (May 1- Oct. 31): 6.4 Wet Season (Nov. 1- Apr. 30): 8.0	Dry Season (May 1- Oct. 31): 0.13 Wet Season (Nov. 1- Apr. 30): 0.3	Year-round: 0.025
Gabilan Creek, Natividad Creek, and Alisal Creek	Year-round: 10 Dry Season (May 1- Oct. 31): 2.0 Wet Season (Nov. 1- Apr. 30): 8.0	Dry Season (May 1- Oct. 31): 0.07 Wet Season (Nov. 1- Apr. 30): 0.3	Year-round: 0.025

**Table C-2. Interim and Final WLAs**

<b>Waterbody</b>	<b>First Interim Receiving Water WLA</b>	<b>Second Interim Receiving Water WLA</b>	<b>Final Receiving Water WLA</b>
All waterbodies identified in Table C-1	Achieve Year-round allocation for Nitrate as identified in Table C-1  Achieve Year-round allocation for Unionized ammonia as identified in Table C-1  <b>May 7, 2026</b>	Achieve Wet Season (Nov. 1 - Apr. 30) allocations for Nitrate as N and Orthophosphate as P as identified in Table C-1  <b>May 7, 2034</b>	Achieve Dry Season (May 1 – Oct. 31) allocations for Nitrate as N and Orthophosphate as P as identified in Table C-1  <b>May 7, 2044</b>

***Water Quality-Based Effluent Limitations for Fecal Coliform in the Lower Salinas River Watershed***

**TMDL:** Fecal Coliform in the Lower Salinas River Watershed, Resolution No. R3-2010-0017, Effective Date: December 20, 2011.

**WQBELs and Deadlines for Attainment:** The Permittee shall attain the final WLAs in Table C-3. The Permittee shall attain the final WLAs as soon as possible, but not later

than **December 20, 2024** and maintain such attainment thereafter. These requirements constitute the WLA-derived Water Quality-Based Effluent Limitations referenced in Provision B.2.a of this Order.

**Demonstration of Compliance with WQBELs:** The Permittee shall demonstrate compliance with the effluent limitations in Provision B.2.a associated with the applicable WLAs for fecal coliform by any of the following methods:

- 1) Prior to the final compliance deadline, implementation of a Pollutant Load Reduction Plan (PLRP) consistent with Provision F (Pollutant Load Reduction Plan) to address the applicable WLAs in the applicable waterbodies, or through 2.a – 2.c below.
- 2) At the final compliance deadline, one of the following:
  - a) Receiving water monitoring and/or other information, as authorized by the Central Coast Water Board Executive Officer, that reasonably demonstrates attainment of applicable WLAs in the applicable waterbodies.
  - b) Effluent monitoring and/or other information, as authorized by the Central Coast Water Board Executive Officer, that reasonably demonstrates attainment of water quality within the Permittee’s discharge equivalent to the applicable WLAs.
  - c) No discharges from the Permittee’s MS4 to the applicable waterbodies.

If the Permittee anticipates it cannot demonstrate compliance with the final WLAs in Table C-3 by the final compliance deadline, the Permittee shall timely request and implement a Central Coast Water Board-approved time schedule order for meeting applicable fecal coliform WLAs in accordance with Provision B.2.b of this Order.

**Table C-3: WLAs by Receiving Water for Fecal Coliform**

Waterbody	Receiving Water Fecal Coliform WLA
Gabilan Creek, Santa Rita Creek, Reclamation Canal, Natividad Creek, Salinas River, Alisal Creek	Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN/100mL, nor shall more than ten percent of total samples during any 30-day period exceed 400 MPN/100 mL

***Water Quality-Based Effluent Limitations for Sediment Toxicity and Pyrethroid Pesticides in Sediment in the Lower Salinas River Watershed***

**TMDL:** Sediment Toxicity and Pyrethroid Pesticides in Sediment in the Lower Salinas River Watershed, Resolution No. R3-2016-0003, Effective Date: June 28, 2018.

**WQBELs and Deadlines for Attainment:** The Permittee shall attain the final WLAs in Tables C-4 and C-5. The Permittee shall attain the final WLAs as soon as possible, but not later than **June 28, 2023** and maintain such attainment thereafter. These requirements constitute the WLA-derived Water Quality-Based Effluent Limitations referenced in Provision B.2.a of this Order.

**Demonstration of Compliance with WQBELs:** The Permittee shall demonstrate compliance with the effluent limitations in Provision B.2.a associated with the applicable WLAs for sediment toxicity and pyrethroids in sediment by any of the following methods:

- 1) Prior to the final compliance deadline, implementation of a Pollutant Load Reduction Plan (PLRP) consistent with Provision F (Pollutant Load Reduction Plan) to address the applicable WLAs in the applicable waterbodies, or through 2.a – 2.c below.<sup>2</sup>
- 2) At the final compliance deadline, one of the following:
  - a) Receiving water monitoring and/or other information, as authorized by the Central Coast Water Board Executive Officer, that reasonably demonstrates attainment of applicable WLAs in the applicable waterbodies.
  - b) Effluent monitoring and/or other information, as authorized by the Central Coast Water Board Executive Officer, that reasonably demonstrates attainment of water quality within the Permittee’s discharge equivalent to the applicable WLAs.
  - c) No discharges from the Permittee’s MS4 to the applicable waterbodies.

If the Permittee anticipates it cannot demonstrate compliance with the final WLAs in Tables C-4 and C-5 by the final compliance deadline, the Permittee shall timely request and implement a Central Coast Water Board-approved time schedule order for meeting applicable sediment toxicity and pyrethroids in sediment WLAs in accordance with Provision B.2.b of this Order.

**Table C-4: WLAs by Receiving Water for Sediment Toxicity**

<b>Waterbody</b>	<b>Receiving Water Sediment Toxicity WLA</b>
Gabilan Creek, Natividad Creek, Reclamation Canal, Salinas River, Tembladero Slough, Old Salinas River, Alisal Creek	Toxicity to invertebrates shall be tested using chronic toxicity test, 10-day sediment exposure with <i>Hyaella Azteca</i> .  Standard Aquatic Toxicity Test – <i>Hyaella Azteca</i> (10-day chronic)  Biological Endpoint Assessed – Survival

<sup>2</sup> Actions outlined in the PLRP to reduce MS4 pesticide discharges shall: 1) address the Permittee’s own use of pesticides, and to the extent authorized by law, the use of such pesticides by other sources within their jurisdictions; and 2) may include participation or support of regional or statewide pesticide reduction programs.

**Table C-5: WLAs by Receiving Water for Pyrethroids in Sediment**

Waterbody	Receiving Water Pyrethroids in Sediment WLA
Gabilan Creek, Natividad Creek, Reclamation Canal, Salinas River, Tembladero Slough, Old Salinas River, Alisal Creek	<p>Allocation for Pyrethroid Sediment Concentration Toxicity Unit (TU): The pyrethroid sediment concentration TU allocation is a comparison of toxic levels of pyrethroids in sediment to published criteria (refer to pyrethroids in sediment criteria in Table C-6 below). Samples and criteria are for organic carbon normalized concentrations (oc). The pyrethroid TU formula is as follows:</p> $\text{Pyrethroid TU} = \frac{\text{sample concentration (oc)}}{\text{known LC50 concentrations values (oc)}}$ <p>Pyrethroid TUs for the pyrethroid concentrations measured in sediment are summarized using the below formula. The summary is for two TU formulas, but it could be applied to additional pyrethroids identified in the pyrethroids in sediment criteria in Table C-6 below.</p> <p>Sum Pyrethroid TUs = Pyrethroid TU (1) + Pyrethroid TU (2)</p> <p>The allocation for the sum pyrethroid TUs is where:</p> <p>Sum Pyrethroid TUs &lt; 1.0</p>

**Table C-6: Pyrethroids in Sediment Criteria Table**

Chemical	LC50 <sup>1</sup> ng/g <sup>2</sup> (ppb <sup>3</sup> )	LC50 ug/g <sup>4</sup> oc <sup>5</sup> (ppm <sup>6</sup> )
Bifenthrin	12.9	0.52
Cyfluthrin	13.7	1.08
Cypermethrin	14.87	0.38
Esfenvalerate	41.8	1.54
Lambda-Cyhalothrin	5.6	0.45
Permethrin	200.7	10.83
Bifenthrin	12.9	0.52

<sup>1</sup>LC50 – median lethal concentration for amphipods (*Hyalella azteca*)

<sup>2</sup> ng/g – nano grams per gram

<sup>3</sup> ppb – parts per billion

<sup>4</sup> ug/g – microgram per gram

<sup>5</sup> oc – organic carbon normalized concentrations

<sup>6</sup> ppm – parts per million

## Attachment D – Monitoring and Reporting Program

### 1) General Provisions

- a) The Permittee may choose to comply with any requirement of this Attachment through a collaborative effort with other entities. If the Permittee elects to comply with monitoring requirements of this Order through a collaborative effort, the Permittee shall provide documentation to the Central Coast Water Board, such as a written agreement, letter, or similar document that confirms the collaborative arrangement. Regardless of any collaborative efforts, the Permittee is solely responsible for complying with this Attachment and this overall Order.
- b) The Permittee shall request changes to this Monitoring and Reporting Program (MRP) and associated Quality Assurance Project Plan (QAPP) corresponding with development and implementation of the PLRP (Provision F). Any such revisions to the MRP require approval by the Central Coast Water Board or, for revisions increasing the frequency of monitoring or reporting only, the Executive Officer.
- c) All sampling shall be conducted by a qualified professional. All laboratory analyses shall be conducted according to USEPA approved methods unless otherwise noted, and at a State certified laboratory or at a laboratory approved by the Central Coast Water Board Executive Officer.

### 2) Quality Assurance Project Plan (QAPP) Development

- a) The 2019 QAPP<sup>1</sup> shall serve as the sampling plan for this MRP until such time as the Central Coast Water Board Executive Officer approves changes to the MRP or QAPP. The 2019 QAPP, and any subsequent QAPP shall meet the requirements in Attachment D, Provision 2.b, below.
- b) The QAPP shall include receiving water and site-specific information, project organization and responsibilities, and all quality assurance components of the MRP. The QAPP shall also include the laboratory and field requirements to be used for analyses and data evaluation. Specifically, the QAPP must include all site locations for sites proposed to fulfill MRP requirements. The QAPP must propose specific catchment monitoring site locations, describe catchment trend monitoring instrumentation, and other details necessary to best assess water quality conditions. The QAPP must contain adequate detail for Permittee and Central Coast Water Board staff to identify and assess the technical and quality objectives, measurement and data acquisition methods, and limitations of the data generated under the monitoring program. All sampling and laboratory methodologies and QAPP content must be consistent with USEPA methods and State Water Board Surface Water Ambient Monitoring Program (SWAMP)

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<sup>1</sup> City of Salinas staff, Central Coast Water Board staff, and Central Coast Water Board Quality Assurance Officer approved revisions to the City's QAPP in May 2019, aligning with the Monitoring and Reporting Program approved by the Central Coast Water Board Executive Officer in July 2017.

protocols. The QAPP shall include the following minimum required components, in accordance with USEPA guidelines<sup>2</sup> and SWAMP templates.<sup>3</sup>

- i) Project Management – The Project Management component must address basic project management, including the project history and objectives, roles and responsibilities of the participants, and other aspects.
  - ii) Data Generation and Acquisition – The Data Generation and Acquisition component must address all aspects of project design and implementation. The component must include maps and specific GIS coordinates of proposed monitoring locations to fulfill MRP requirements, and describe methods for sampling, measurement and analysis, instrumentation, data collection or generation, and data handling. The QAPP must ensure that quality control activities are employed and properly documented. Quality control requirements are applicable to all the constituents sampled as part of the MRP, as described in the relevant method.
  - iii) Assessment and Oversight – The Assessment and Oversight component must describe activities for assessing the effectiveness of the implementation of the MRP and associated QA and QC activities. The purpose of the assessment is to provide project oversight that will ensure that the QAPP is implemented as prescribed.
  - iv) Data Validation and Usability – The Data Validation and Usability component must address the quality assurance activities that occur after the data collection, laboratory analysis and data generation phases are complete. Implementation of these elements ensures that the data conform to the specified criteria, thus achieving MRP objectives.
- c) The Central Coast Water Board may conduct an audit of the Permittee's contracted laboratories at any time in order to evaluate compliance with the QAPP.
- 3) Urban Catchment Monitoring
- a) The Permittee shall implement Urban Catchment Monitoring of stormwater discharges in accordance with a QAPP/Sampling Plan approved by the Central Coast Water Board Executive Officer. The Urban Catchment Monitoring program shall be designed to assess catchments with high or very high runoff and/or pollutant loading priorities as identified using modeled loading estimates. The primary objectives of Urban Catchment Monitoring shall be to:
    - i) Characterize storm loading of pollutants with sufficient frequency that changes in event mean concentrations and pollutant loads can be detected over time,
    - ii) Include automated sampling of rising limb of hydrograph and both discrete and composited sample analysis to calculate precipitation-adjusted loading rates and trends in loads discharged to the receiving water from three catchments.

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<sup>2</sup> [EPA Requirements for Quality Assurance Project Plans](#); EPA QA/R-5. Washington, D.C.; Office of Environmental Information; USEPA, March 2001. Web. 20 June 2019

<sup>3</sup> [SWAMP resources](#) for developing QAPPs, including QAPP templates, can be found at the State Water Board website. (Quality Assurance). Web. 20 June 2019

- b) Urban Catchment sampling must include three locations, each representative of a different mix of land uses.
  - c) The Permittee must implement automated sampling for high precision monitoring of hydrology and pollutant loading from the three urban catchments, including the following elements:
    - i) Temporally intensive stormwater hydrology monitoring (ten-minute intervals) at outfalls to capture the variability of urban runoff
    - ii) Integration of local precipitation data to correct pollutant load time series for variability in precipitation
    - iii) Consistent implementation for five years as water quality improvement actions within the contributing urban catchments are implemented, maintained and adaptively managed.
  - d) The Permittee shall conduct stormwater discharge sampling for each selected urban catchment prior to the point where the urban catchment discharges to the associated receiving water, and as close to the point of discharge as is practical. Where there are concerns for human health and safety or sampling is not feasible due to conditions in the receiving water, the Permittee may conduct sampling at the lowest manhole in the urban catchment in which stormwater discharge water is not mixed with backflow from the receiving water. The Permittee shall indicate sampling site identifiers and locations in the QAPP/Sampling Plan. The QAPP shall include maps delineating the upstream drainages and primary urban land uses of each urban catchment selected for sampling.
  - e) Pump Station Monitoring - The Permittee shall conduct stormwater discharge of a single urban catchment to characterize long-term trends in pollutant loading, in accordance with the QAPP/Sampling Plan approved by the Central Coast Water Board Executive Officer. The purpose of stormwater discharge trend monitoring is to characterize storm loading of pollutants with sufficient frequency that changes in event mean average pollutant concentrations and loads can be detected over time. The Permittee shall conduct stormwater discharge trend monitoring at the Salinas stormwater pump station unless otherwise approved by the Central Coast Water Board Executive Officer.
  - f) Urban Catchment Monitoring and stormwater discharge trend monitoring shall include the parameters and frequencies identified in Table D-1. Analysis of monitoring parameters shall be conducted according to the methods specified in Table D-4.
- 4) Receiving Water Monitoring
- a) The Permittee shall conduct Receiving Water Monitoring in accordance with the QAPP/Sampling Plan approved by the Central Coast Water Board Executive Officer. The purpose of Receiving Water Monitoring is to track status and long-term trends (five years or more) in receiving water quality and beneficial uses.
  - b) The Permittee shall conduct Receiving Water Monitoring at the Reclamation Ditch (site 309ALD).
  - c) The Permittee shall include a sampling schedule in the QAPP/Sampling Plan. At a minimum, Receiving Water Monitoring shall include the sampling frequencies, parameter lists, and other requirements described in Table D-2, unless approved

- by the Central Coast Water Board Executive Officer. Analysis of monitoring parameters shall be conducted according to the methods specified in Table D-4.
- d) Receiving Water Monitoring shall include the following types of monitoring, evaluation parameters, and other requirements listed below and described in detail in Table D-2:
    - i) Flow Monitoring
    - ii) Water Quality (physical parameters, metals, nutrients, pesticides)
    - iii) Toxicity (water and sediment)
    - iv) Assessment of Benthic Invertebrates (bioassessment)
  - e) Water column toxicity analyses shall be conducted on 100 percent (undiluted) sample. If the source of toxicity is unresolved, the Central Coast Water Board Executive Officer may require a Toxicity Identification Evaluation to identify the cause of the toxicity.
  - f) The Permittee may coordinate with the Cooperative Monitoring Program for Agriculture to obtain monitoring data required by Attachment D, Provision 4.
- 5) Background Receiving Water Monitoring
- a) The Permittee shall conduct Background Receiving Water Monitoring in accordance with the QAPP/Sampling Plan approved by the Central Coast Water Board Executive Officer. The purpose of Background Receiving Water Monitoring is to provide a basis for comparing pollutant loads between points upstream and downstream of the Order coverage area for identified pollutants.
  - b) The Permittee shall conduct Background Receiving Water Monitoring at site 309GAB, upstream of urban influences in Gabilan Creek, and site 309NAD on Natividad Creek.
  - c) The Permittee shall include a sampling schedule in the QAPP/Sampling Plan. At a minimum, Background Receiving Water Monitoring shall include the sampling frequencies, parameter lists, and other requirements described in Table D-3, unless approved by the Central Coast Water Board Executive Officer. Analysis of monitoring parameters shall be conducted according to the methods specified in Table D-4.
  - d) The Permittee may coordinate with the Cooperative Monitoring Program for Agriculture to obtain monitoring data required by Attachment D, Provision 5.
- 6) Data Analyses – Annually, the Permittee shall analyze data from the monitoring programs specified in this MRP and/or an approved monitoring program per Provision F (Pollutant Load Reduction Plan) and provide the following specific analytical products:
- a) Urban Catchment Monitoring – Quantified annual, seasonal, and select event runoff volumes discharged from three selected urban catchments
  - b) First Flush – Event runoff volumes and associated event pollutant mass loading rates for all constituents sampled for first flush events
  - c) Trend Analyses –
    - i) Precipitation-adjusted runoff volumes and trend analysis
    - ii) Trends over time detected with statistical testing that incorporate factors to account for variations in rainfall and flow such as event discharge, event rainfall totals, antecedent rainfall totals, and hydrograph position

- d) Annual Load – Event mean concentration (EMC) for each runoff discharge interval for each catchment
  - e) Parameter-Specific Analyses –
    - i) Quantified annual and select event pollutant loads for urban catchment parameters
    - ii) An evaluation of pesticide and toxicity analyses, as applicable
    - iii) An evaluation of bioassessment results, as applicable
- 7) Reporting
- a) Within three months following the collection of the first quarter of monitoring data, and quarterly thereafter (i.e., by January 1, April 1, July 1, and October 1), the Permittee shall submit all water quality monitoring data collected in accordance with this Order to the Central Coast Water Board. Data shall include all stormwater discharge and receiving water monitoring data and shall be submitted electronically through the California Data Upload and Checking System (CalDUCS) (currently available at this [website](#); Central Coast Water Board staff will notify the Permittee if the website address changes). Data shall be submitted in a format that successfully passes the CalDUCS checking requirements, and shall include proper documentation of site locations, quality assurance data, methods, equipment identifications, and other information specified by CalDUCS templates. Each quarter, the Permittee shall notify Central Coast Water Board staff via e-mail once final data delivery is achieved.
  - b) In each Annual Report, the Permittee shall include:
    - i) Monitoring objectives and design
    - ii) Urban catchments selected for Urban Catchment Monitoring
    - iii) Location of sampling sites and map(s)
    - iv) Rainfall records for the time period covered
    - v) A summary of water quality data for any sites monitored as part of related monitoring programs that have also been used to evaluate receiving water as described
    - vi) A discussion of the data which clearly illustrates compliance with this Order and all applicable water quality standards
    - vii) Results of analysis conducted per Attachment D Provision 6, including results of all analyses arranged in tabular form so that the required information is readily discernible
    - viii) An evaluation of pesticide and toxicity analyses results, as applicable
    - ix) An evaluation of bioassessment results
    - x) A description of each method used to evaluate and analyze all monitoring results
    - xi) Identification and prioritization of potential water quality and beneficial use issues based on analysis of all monitoring results
  - c) The Permittee shall make available upon request by Central Coast Water Board staff:
    - i) Copies of chain-of-custody forms
    - ii) Field data sheets, signed laboratory reports, and laboratory raw data
    - iii) Associated laboratory and field quality control samples results
    - iv) A summary of Quality Assurance Evaluation results

- v) Electronic or hard copies of photos obtained from all monitoring sites, clearly labeled with site ID and date

**Table D-1: Urban Catchment Monitoring<sup>4</sup>**

<b>Locations</b>	<b>Parameters</b>	<b>Frequency</b>
Outfalls: Three (3) Urban Catchment Outfalls Pump Station: 309U19 (grab sample)	Precipitation Discharge Temperature	Annually, continuous at 10-minute intervals
Same as above	Turbidity Fecal Coliform TDS TSS	Annually, at least three significant rain events each rainy season, including first flush, up to 4 discrete samples per event
Same as above	pH Hardness Electrical Conductivity Nitrate + Nitrite (as N) Total Ammonia as N Ammonia, Unionized Orthophosphate	Annually, first flush only, up to 4 discrete samples per event
Same as above	Copper (total) Zinc (total) Arsenic (total) Cadmium (total) Lead (total)	Annually, first flush only, composite of up to 4 discrete samples per event
Same as above	Pyrethroid Pesticides Fipronil	Year 1 and Year 5, first flush only, composite of up to 4 discrete samples per event

<sup>4</sup> Methods and units specified in Table D-2

**Table D-2: Receiving Water Monitoring<sup>5</sup>**

<b>Locations</b>	<b>Parameters</b>	<b>Frequency</b>
Rec Ditch: 309ALD	Photo monitoring (each event) Flow (CFS) pH Electrical Conductivity Dissolved Oxygen Temperature Turbidity Hardness Total Dissolved Solids Total Suspended Solids Total Nitrogen Nitrate + Nitrite (as N) Total Ammonia as N Unionized Ammonia Total Phosphorus (as P) Orthophosphate Fecal Coliform	One Year Only - Monthly sampling October through April, including two storm events, and in July and September. Storm event sampling shall include the first flush
Rec Ditch: 309ALD	Water Column Toxicity Test <i>Hyalella azteca</i> (96-hour) <i>Chironomus dilutes</i> (96-hr)	One Year Only - Once in dry season, once in rainy season, from grab samples
Rec Ditch: 309ALD	Toxicity Identification Evaluation	As directed by Central Coast Water Board Executive Officer to resolve source of toxicity
Rec Ditch: 309ALD	Pyrethroids Imidacloprid	One Year Only – Once in dry season, once in rainy season, concurrent with water column toxicity monitoring, from grab samples
Rec Ditch: 309ALD	Arsenic (total) Cadmium (total) Copper (total) Lead (total) Nickel (total) Zinc (total and dissolved)	One Year Only – Once in dry season, once in rainy season, from grab samples, concurrent with water column toxicity monitoring
Rec Ditch: 309ALD Salinas River: 309DAV	Benthic Invertebrate and Algae Bioassessment and Associated Physical Habitat Assessment	One Year Only - once in spring

<sup>5</sup> Ibid.

Locations	Parameters	Frequency
Rec Ditch: 309ALD	Sediment Toxicity Pyrethroid Pesticides in Sediment Sediment Grain Size Analysis Total Organic Carbon	One Year Only, concurrent with bioassessment

**Table D-3: Background Receiving Water Monitoring<sup>6</sup>**

Locations	Parameters	Frequency
Gabilan Creek: 309GAB Natividad Creek: 309NAD	Nitrate + Nitrite (as N) Orthophosphate Fecal Coliform Flow	Monthly sampling October through April, including two storm events, and in July and September. Storm event sampling shall include the first flush

**Table D-4. Stormwater Monitoring Analytical Methods**

Parameters and Tests	Analytical Method <sup>1</sup>	Reporting Limit <sup>2</sup>
Temperature (water)	Field Measure	0.1 Degrees Celsius
pH	Field Measure	0.1 pH units
Electrical Conductivity	Field Measure, SM2510B	100 µS/cm
Turbidity	Field Measure or EPA 180.1	0.5 NTUs
Fecal coliform	SM9221 C E-2	Allow max. detection of 160,000 MPN/100 ml
Zinc (total)	EPA 200.7, EPA 200.8	1.0 (ug/L)
Copper (total)	EPA 200.7, EPA 200.8	0.05 (ug/L)
Arsenic (total)	EPA 200.8	0.3 (ug/L)
Cadmium (total)	EPA 200.8	0.01 (ug/L)
Lead (total)	EPA 200.8	0.01 (ug/L)
Nickel (total)	EPA 200.8	0.02 (ug/L)
Zinc (total and dissolved)	EPA 200.8	0.10 (ug/L)
Total Dissolved Solids	EPA 160.1	10 (mg/L)
Total Suspended Solids	EPA 160.2	0.5 (mg/L)
Orthophosphate	EPA 300.0	0.01(mg/L)
Total Nitrogen	Calculation	0.5 (mg/L)
Nitrate + Nitrite (as N)	EPA 300.0, EPA 353.2	0.1 (mg/L)
Total Ammonia (as N)	EPA 350.1	0.1 (mg/L)
Unionized Ammonia <sup>3</sup>	Calculation	NA (mg/L)
Total Phosphorus (as P)	EPA 365.4	0.06 (mg/L)
Hardness	SM2340B <sup>4</sup>	1.0 (mg/L)

<sup>6</sup> Ibid.

Parameters and Tests	Analytical Method <sup>1</sup>	Reporting Limit <sup>2</sup>
Pesticides in Water - Pyrethroids	EPA 625-NCL	2-10 (ng/L)
Pesticides in Water - Fipronil	EPA 8270M	2 (ng/L)
Pesticides in Water - Imidacloprid	EPA 8270D-NCL	4 (ng/L)
Sediment Toxicity	<i>Hyalella azteca</i> 10-day EPA 100.1	NA
Water Column Toxicity	<i>Hyalella azteca</i> (96-hour) <sup>5</sup> <i>Chironomus dilutus</i> (96-hr)	NA
Toxicity Identification Evaluation	NA	NA
Pesticides in Sediment - Pyrethroid	EPA 8270D-NCL <sup>6</sup>	2 (ng/L)
Sediment Grain Size Analysis	% clay, silt, sand, gravel	1%
Total Organic Carbon	EPA 415.1	0.01%
Benthic Invertebrate Assessment and Associated Physical Habitat Assessment <sup>7</sup>	SWAMP SOP	NA

<sup>1</sup> In-field water testing instruments/equipment are permitted as a substitute for laboratory analysis if the method is approved by USEPA, meets Reporting Limit/Practical Quantification Limit specifications where provided in the MRP, and appropriate sampling methodology and quality assurance checks can be applied to ensure that QAPP standards are met to ensure accuracy of the test.

<sup>2</sup> NTU – Nephelometric turbidity unit; RL – Reporting Limit; NA – Not applicable; uS/cm – microSiemens per centimeter; ug/L – micrograms per liter; MPN/100 ml – Most Probable Number per 100 milliliters.

<sup>3</sup> Unionized ammonia must be calculated from field temperature, field pH, and Total Ammonia.

<sup>4</sup> Several analytical methods can be used, including EPA 200.7, EPA 130.1-2, EPA 2340B, EPA SM2340C, or EPA SM3120.

<sup>5</sup> Test conditions per SCCWRP recommendation acceptable. See page 7 of [“Stormwater Monitoring Coalition: Toxicity Testing Laboratory Guidance”](#)

<sup>6</sup> Extraction by Separatory Funnel Extraction, EPA 3510C.

<sup>7</sup> Ode, P.R. 2007. Standard Operating Procedures for Collecting Benthic Macroinvertebrate Samples and Associated Physical and Chemical Data for Ambient Bioassessments in California, State Water Board Surface Water Ambient Monitoring Program (SWAMP), as subsequently revised. The Permittee may petition the Central Coast Water Board Executive Officer to modify their sampling procedures if these referenced procedures change during the term of this Order. Biological assessments shall include benthic macroinvertebrates and algae. Bioassessment sampling method shall be multihabitat reach-wide. Macroinvertebrates shall be identified according to the Standard Taxonomic Effort Level II of the Southwestern Association of Freshwater

Invertebrate Taxonomists, using the most current SWAMP approved method. Current guidelines are documented in (1) SWAMP Standard Operating Procedure (SOP) and Interim Guidance on Quality Assurance for SWAMP Bioassessments, Memorandum to SWAMP Roundtable from Beverly H. van Buuren and Peter R. Ode, 5-21-07, and (2) Amendment to SWAMP Interim Guidance on Quality Assurance for SWAMP Bioassessments, Memorandum to SWAMP Roundtable from Beverly H. van Buuren and Peter R. Ode, 9-17-08. For algae, include mass (ash-free dry weight), chlorophyll a, diatom and soft algae taxonomy, and reach-wide algal percent cover. Physical Habitat (PHab) Assessment shall include the SWAMP basic method plus 1) depth and pebble count + CPOM, 2) cobble embeddedness, 3) discharge measurements, and 4) in-stream habitat. The Permittee may petition the Central Coast Water Board Executive Officer to modify these sampling procedures if SWAMP procedures change during the term of this Order.

**Attachment E – Standard Provisions**

- 1) Standard Provisions – Permit Compliance
  - a) Duty to Comply
    - i) The Discharger must comply with all of the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act and the California Water Code (Water Code) and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof. (40 Code of Federal Regulations section 122.41(a); Water Code sections 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)
    - ii) The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 Code of Federal Regulations section 122.41(a)(1).)
  - b) Need to Halt or Reduce Activity Not a Defense – It shall not be a defense for a Discharger 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 Order. (40 Code of Federal Regulations section 122.41(c).)
  - c) Duty to Mitigate – The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 Code of Federal Regulations section 122.41(d).)
  - d) Proper Operation and Maintenance – The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This Provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 Code of Federal Regulations section 122.41(e).)
  - e) Property Rights
    - i) This Order does not convey any property rights of any sort or any exclusive privileges. (40 Code of Federal Regulations section 122.41(g).)
    - ii) The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 Code of Federal Regulations section 122.5(c).)
  - f) Inspection and Entry – The Discharger shall allow the Central Coast Water Board, State Water Board, USEPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (33 United States Code section 1318(a)(4)(b); 40 Code of Federal Regulations section 122.41(i); Water Code section 13383):

- i) Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 United States Code section 1318(a)(4)(b)(i); 40 Code of Federal Regulations section 122.41(i)(1); Water Code section 13383);
  - ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 United States Code section 1318(a)(4)(b)(ii); 40 Code of Federal Regulations section 122.41(i)(2); Water Code section 13383);
  - iii) Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (33 United States Code section 1318(a)(4)(b)(ii); 40 Code of Federal Regulations section 122.41(i)(3); Water Code section 13383); and
  - iv) Sample or monitor, at reasonable times, for the purposes of ensuring Order compliance or as otherwise authorized by the Clean Water Act or the Water Code, any substances or parameters at any location. (33 United States Code section 1318(a)(4)(b); 40 Code of Federal Regulations section 122.41(i)(4); Water Code section 13383.)
- g) Bypass
- i) Definitions
    - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 Code of Federal Regulations section 122.41(m)(1)(i).)
    - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 Code of Federal Regulations section 122.41(m)(1)(ii).)
  - ii) Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance E.1.g(iii), E.1.g(iv), E.1.g(v) below. (40 Code of Federal Regulations section 122.41(m)(2).)
  - iii) Prohibition of bypass. Bypass is prohibited, and the Central Coast Water Board may take enforcement action against a Discharger for bypass, unless (40 Code of Federal Regulations section 122.41(m)(4)(i)):
    - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 Code of Federal Regulations section 122.41(m)(4)(i)(A));
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that

- occurred during normal periods of equipment downtime or preventive maintenance (40 Code of Federal Regulations section 122.41(m)(4)(i)(B)); and
- (3) The Discharger submitted notice to the Central Coast Water Board as required under Standard Provisions – Permit Compliance E.1.g(v) below. (40 Code of Federal Regulations section 122.41(m)(4)(i)(C).)
- iv) The Central Coast Water Board may approve an anticipated bypass, after considering its adverse effects, if the Central Coast Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance E.1.g(iii) above. (40 Code of Federal Regulations section 122.41(m)(4)(ii).)
- v) Notice
- (1) Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass. All notices shall also be submitted electronically to the initial recipient (State Water Board) defined in Standard Provisions – Reporting E.5.j below. Notices shall comply with 40 Code of Federal Regulations part 3, 40 Code of Federal Regulations section 122.22, and 40 Code of Federal Regulations part 127. (40 Code of Federal Regulations section 122.41(m)(3)(i).)
- (2) Unanticipated bypass. The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions – Reporting E.5.e.ii(1) below (24-hour notice). All notices shall be submitted electronically to the initial recipient (State Water Board) defined in Standard Provisions – Reporting E.5.j below. Notices shall comply with 40 Code of Federal Regulations part 3, 40 Code of Federal Regulations section 122.22, and 40 Code of Federal Regulations part 127. (40 Code of Federal Regulations section 122.41(m)(3)(ii).)
- h) Upset – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 Code of Federal Regulations section 122.41(n)(1).)
- i) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance E.1.h(ii) below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 Code of Federal Regulations section 122.41(n)(2).)
- ii) Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 Code of Federal Regulations section 122.41(n)(3)):

- (1) An upset occurred and that the Discharger can identify the cause(s) of the upset (40 Code of Federal Regulations section 122.41(n)(3)(i));
  - (2) The permitted facility was, at the time, being properly operated (40 Code of Federal Regulations section 122.41(n)(3)(ii));
  - (3) The Discharger submitted notice of the upset as required in Standard Provisions – Reporting E.5.e.ii(1) below (24-hour notice) (40 Code of Federal Regulations section 122.41(n)(3)(iii)); and
  - (4) The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance E.1 above. (40 Code of Federal Regulations section 122.41(n)(3)(iv).)
- iii) Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 Code of Federal Regulations section 122.41(n)(4).)
- 2) Standard Provisions – Permit Action
- a) General – This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 Code of Federal Regulations section 122.41(f).)
  - b) Duty to Reapply – If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 Code of Federal Regulations section 122.41(b).)
  - c) Transfers – This Order is not transferable to any person except after notice to the Central Coast Water Board. The Central Coast Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the Clean Water Act and the Water Code. (40 Code of Federal Regulations sections 122.41(l)(3), 122.61.)
- 3) Standard Provisions – Monitoring
- a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 Code of Federal Regulations section 122.41(j)(1).)
  - b) Monitoring must be conducted according to test procedures approved under 40 Code of Federal Regulations part 136 for the analyses of pollutants unless another method is required under 40 Code of Federal Regulations chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 Code of Federal Regulations part 136 for the analysis of pollutants or pollutant parameters or as required under 40 Code of Federal Regulations chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:
    - i) The method minimum level (ML) is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality

- criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
- ii) The method has the lowest ML of the analytical methods approved under 40 Code of Federal Regulations part 136 or required under 40 Code of Federal Regulations chapter 1, subchapter N for the measured pollutant or pollutant parameter.

In the case of pollutants or pollutant parameters for which there are no approved methods under 40 Code of Federal Regulations part 136 or otherwise required under 40 Code of Federal Regulations chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 Code of Federal Regulations sections 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

#### 4) Standard Provisions – Records

- a) The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Central Coast Water Board Executive Officer at any time. (40 Code of Federal Regulations section 122.41(j)(2).)
- b) Records of monitoring information shall include:
  - i) The date, exact place, and time of sampling or measurements (40 Code of Federal Regulations section 122.41(j)(3)(i));
  - ii) The individual(s) who performed the sampling or measurements (40 Code of Federal Regulations section 122.41(j)(3)(ii));
  - iii) The date(s) analyses were performed (40 Code of Federal Regulations section 122.41(j)(3)(iii));
  - iv) The individual(s) who performed the analyses (40 Code of Federal Regulations section 122.41(j)(3)(iv));
  - v) The analytical techniques or methods used (40 Code of Federal Regulations section 122.41(j)(3)(v)); and
  - vi) The results of such analyses. (40 Code of Federal Regulations section 122.41(j)(3)(vi).)
- c) Claims of confidentiality for the following information will be denied (40 Code of Federal Regulations section 122.7(b)):
  - i) The name and address of any permit applicant or Discharger (40 Code of Federal Regulations section 122.7(b)(1)); and
  - ii) Permit applications and attachments, permits and effluent data. (40 Code of Federal Regulations section 122.7(b)(2).)

#### 5) Standard Provisions – Reporting

- a) Duty to Provide Information – The Discharger shall furnish to the Central Coast Water Board, State Water Board, or USEPA within a reasonable time, any information which the Central Coast Water Board, State Water Board, or USEPA

may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Central Coast Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 Code of Federal Regulations section 122.41(h); Water Code section 13383.)

b) Signatory and Certification Requirements

- i) All applications, reports, or information submitted to the Central Coast Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting E.5.b(ii), E.5.b(iii), E.5.b(iv), E.5.b(v), and E.5.b(vi) below. (40 Code of Federal Regulations section 122.41(k).)
- ii) All permit applications shall be signed by either a principal executive officer or ranking elected official. (40 Code of Federal Regulations section 122.22(a)(3).)
- iii) All reports required by this Order and other information requested by the Central Coast Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting E.5.b(ii) above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - (1) The authorization is made in writing by a person described in Standard Provisions – Reporting E.5.b(ii) above (40 Code of Federal Regulations section 122.22(b)(1));
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 Code of Federal Regulations section 122.22(b)(2)); and
  - (3) The written authorization is submitted to the Central Coast Water Board and State Water Board. (40 Code of Federal Regulations section 122.22(b)(3).)
- iv) If an authorization under Standard Provisions – Reporting E.5.b(iii) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting E.5.b(iii) above must be submitted to the Central Coast Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 Code of Federal Regulations section 122.22(c).)
- v) Any person signing a document under Standard Provisions – Reporting E.5.b(ii) or E.5.b(iii) 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, the information submitted is, to the best of my knowledge and belief, 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.” (40 Code of Federal Regulations section 122.22(d).)
- vi) Any person providing the electronic signature for documents described in Standard Provisions – E.5.b(i), E.5.b(ii), or E.5.b(iii) that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting E.5(b), and shall ensure that all relevant requirements of 40 Code of Federal Regulations part 3 (Cross-Media Electronic Reporting) and 40 Code of Federal Regulations part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 Code of Federal Regulations section 122.22(e).)
- c) Monitoring Reports
- i) Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment D) in this Order. (40 Code of Federal Regulations section 122.41(l)(4).)
  - ii) Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Central Coast Water Board or State Water Board. All reports and forms must be submitted electronically to the initial recipient (State Water Board) defined in Standard Provisions – Reporting E.5(j) and comply with 40 Code of Federal Regulations part 3, 40 Code of Federal Regulations section 122.22, and 40 Code of Federal Regulations part 127. (40 Code of Federal Regulations section 122.41(l)(4)(i).)
  - iii) If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 Code of Federal Regulations part 136, or another method required for an industry-specific waste stream under 40 Code of Federal Regulations chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Central Coast Water Board or State Water Board. (40 Code of Federal Regulations section 122.41(l)(4)(ii).)
  - iv) Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 Code of Federal Regulations section 122.41(l)(4)(iii).)
- d) Compliance Schedules – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 Code of Federal Regulations section 122.41(l)(5).)
- e) Twenty-Four Hour Reporting
- i) The Discharger shall report any noncompliance which may endanger health or the environment. Any information shall be provided to the Central Coast

- Water Board permitting staff orally within 24 hours from the time the Discharger becomes aware of the circumstances. A report shall also be provided to the Central Coast Water Board within five days of the time the Discharger becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- ii) The following shall be included as information that must be reported within 24 hours:
    - (1) Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 Code of Federal Regulations section 122.41(l)(6)(ii)(A).)
    - (2) Any upset that exceeds any effluent limitation in this Order. (40 Code of Federal Regulations section 122.41(l)(6)(ii)(B).)
  - iii) The Central Coast Water Board may waive the above required written report on a case-by-case basis if an oral report has been received within 24 hours. (40 Code of Federal Regulations section 122.41(l)(6)(iii).)
  - f) Planned Changes – The Discharger shall give notice to the Central Coast Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this Provision only when (40 Code of Federal Regulations section 122.41(l)(1)):
    - i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 Code of Federal Regulations section 122.41(l)(1)(i)); or
    - ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 Code of Federal Regulations section 122.41(l)(1)(ii).)
  - g) Anticipated Noncompliance – The Discharger shall give advance notice to the Central Coast Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 Code of Federal Regulations section 122.41(l)(2).)
  - h) Other Noncompliance – The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting E.5(c), E.5(d), and E.5(e) above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting E.5(e) above. For noncompliance events related to combined sewer overflows or sanitary sewer overflows, these reports shall contain the information described in Standard Provision – Reporting V.E and the applicable required data in appendix A to 40 Code of Federal Regulations part 127. The Central Coast Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this Provision. (40 Code of Federal Regulations section 122.41(l)(7).)
  - i) Other Information – When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a

permit application or in any report to the Central Coast Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 Code of Federal Regulations section 122.41(l)(8).)

- j) Initial Recipient for Electronic Reporting Data – The owner, operator, or the duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 C.F.R. part 127 to the initial recipient defined in 40 Code of Federal Regulations section 127.2(b). USEPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group (see 40 Code of Federal Regulations section 127.2(c)). USEPA will update and maintain this listing. (40 Code of Federal Regulations section 122.41(l)(9).)
- 6) Standard Provisions – Enforcement
- a) The Central Coast Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13268, 13385, 13386, and 13387.
- 7) Additional Standard Provisions Applicable to Specific Categories of NPDES Permits – Municipal Separate Storm Sewer System (40 Code of Federal Regulations 122.42(c)) –
- a) Annual Reports – The Permittee shall submit an Annual Report by January 31<sup>st</sup> of each year. All reports submitted in compliance with 40 Code of Federal Regulations section 122.42(c) must be submitted electronically by the owner, operator, or the duly authorized representative of the MS4 to the initial recipient (State Water Board), as defined in defined in Standard Provisions – Reporting E.5.j, in compliance with 40 Code of Federal Regulations section 122.42 and 40 Code of Federal Regulations part 3 (including, in all cases, subpart D to part 3), section 122.22, and 40 Code of Federal Regulations part 127. Each Annual Report shall include:
    - i) The status of implementing the components of the stormwater management program that are established as permit conditions; (40 Code of Federal Regulations 122.42(c)(1));
    - ii) Proposed changes to the stormwater management program that are established as permit conditions. Such proposed changes shall be consistent with 40 Code of Federal Regulations 122.26(d)(2)(iii); (40 Code of Federal Regulations 122.42(c)(2));
    - iii) Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under 40 Code of Federal Regulations 122.26(d)(2)(iv) and (v); (40 Code of Federal Regulations 122.42(c)(3));
    - iv) A summary of data, including monitoring data, that is accumulated throughout the reporting year; (40 Code of Federal Regulations 122.42(c)(4));
    - v) Annual expenditures and budget for year following each annual report; (40 Code of Federal Regulations 122.42(c)(5));
    - vi) A summary describing the number and nature of enforcement actions, inspections, and public education programs; (40 Code of Federal Regulations 122.42(c)(6));

- vii) Identification of water quality improvements or degradation. (40 Code of Federal Regulations 122.42(c)(7)); and
- viii) Information satisfying all reporting requirements specified in this Order.

### Attachment F – Summary of Milestones and Deadlines

**Table F-1: Summary of Milestones and Deadlines – 6 months after the effective date of this Order<sup>1</sup>**

<b>Provision Section</b>	<b>Completion Date</b>	<b>Continuous Task</b>	<b>Task</b>
E.1	6 months after the effective date of this Order	X	Unless otherwise specified, comply with all the requirements of this Order, including all Attachments. Implement all plans, reports, and other documents required by the Order, and any amendments or modifications to those plans, reports, and other documents as required by the Central Coast Water Board or Central Coast Water Board Executive Officer.
G.1, G.2, G.3, G.4, G.6	6 months after the effective date of this Order	X	Update and maintain Stormwater Information Management System (SIMS) with the following information: watershed characterization, MS4 System Map, structural BMPs, Order compliance demonstration (may use other applicable tracking system(s) and/or database(s)) (update monthly unless otherwise specified)
H.1, H.2, H.3	6 months after the effective date of this Order	X	Update and implement legal authorities, enforcement measures, referral process for non-compliance of Construction and Industrial General Permit enrollees to the Central Coast Water Board
K.1, K.2, K.3	6 months after the effective date of this Order	X	Implement Monitoring and Reporting Program pursuant to Provision K and Attachment D (Monitoring and Reporting Program).
L.3	6 months after the effective date of this Order	X	Interim trash reduction BMPs

<sup>1</sup> This table summarizes the milestones and deadlines for the term of this Order but may not be comprehensive. The Permittee shall use the Order as the guiding document for determining tasks and compliance milestones and deadlines.

<b>Provision Section</b>	<b>Completion Date</b>	<b>Continuous Task</b>	<b>Task</b>
M.1, M.2, M.3	6 months after the effective date of this Order	X	Maintain and update (annually) a Municipal Facilities Inventory and implement appropriate BMPs for Permittee-owned or operated facilities and activities
M.6.d, M.6.e, M.7	6 months after the effective date of this Order	X	Conduct Permittee-owned parking facility maintenance. Develop and implement effective BMPs to reduce tracking of dirt and other debris onto streets. Properly dispose of waste removed from MS4.
M.8.b, M.8.c	6 months after the effective date of this Order	X	For Permittee-owned or operated centralized and decentralized structural BMPs that serve a water quality function, conduct maintenance, and implement Operation and Maintenance Plans
M.10	6 months after the effective date of this Order	X	Coordinate with Monterey County Water Resources Agency
N.2, N.3, N.5	6 months after the effective date of this Order	X	Implement illicit discharge detection; source investigation, and elimination procedures; and implement measures to prohibit and reduce incidental runoff and excessive water application
O.1, O.2	6 months after the effective date of this Order	X	Update and maintain Commercial and Industrial Inventory (monthly) and require implementation of effective source control BMPs
P.1, P.2, P.3, P.4, P.5	6 months after the effective date of this Order	X	Update and maintain Construction Project Inventory (weekly), require effective BMPs for all construction sites, prioritize construction projects, conduct plan reviews, and conduct inspections
Q.1, Q.2, Q.3, Q.4.a, Q.4.b, Q.5	6 months after the effective date of this Order	X	Update and maintain Post-Construction Project Inventory (monthly); for all applicable projects, apply Central Coast Post-Construction Requirements, source control requirements, and riparian area setback requirements; and conduct field verification inspections during and after structural SCM installation

Provision Section	Completion Date	Continuous Task	Task
R.1, R.2, R.3, R.9, R.11, R.12	6 months after the effective date of this Order	X	Implement general public education and involvement requirements and activities; manage water quality complaints and stormwater website; facilitate disposal of used oil and toxic materials; create opportunities for stormwater management related-public events and activities; and maintain the stormwater webpage

**Table F-2: Summary of Milestones and Deadlines – Year 1<sup>2</sup>**

Provision Section	Completion Date	Continuous Task	Task
F.2	End of Y1	X	Complete list of waterbody-pollutant combinations to address in the Pollutant Load Reduction Plan (PLRP) (submit with Y1 Annual Report).
G.2.g, G.2.h, G.2.k	End of Y1	X	Update and maintain Stormwater Information Management System (SIMS) with the following information: watershed characterization for transient camps, socio-economically stressed areas, and flood inundation areas (update monthly unless otherwise specified)
G.5	End of Y1	X	Update and maintain Stormwater Information Management System (SIMS) with the following information: stormwater pollutant loading and volume quantification (annually)
G.5.b	End of Y1	X	Obtain structural BMP performance data for Permittee-owned and/or maintained BMPs (annually)
H.4	End of Y1	X	Submit certified statement (submit annually in Annual Reports)
I.1.a.i	End of Y1	X	Prepare and maintain asset inventory for a minimum of 30,000 linear feet of storm drain system (annually).
J.2	End of Y1	X	Submit fiscal analysis of each year (submit annually in Annual Reports)

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<sup>2</sup> Ibid.

Provision Section	Completion Date	Continuous Task	Task
L.1, L.2	End of Y1	X	Maintain and implement Trash Management Implementation Plan and Jurisdictional Map (submit updated Jurisdictional Map annually with Annual Reports)
L.4	End of Y1	X	Develop and implement trash monitoring plan (report results annually with Annual Reports)
M.8.a	End of Y1	X	For Permittee-owned or operated centralized and decentralized structural BMPs that serve a water quality function, inspect (annually)
N.1	End of Y1	X	Identify prioritization areas for illicit discharge detection and elimination program (annually)
O.3	End of Y1	X	Prioritize facilities and operations for inspections (annually) and conduct inspections
O.4	End of Y1	X	Develop and maintain a commercial pesticide applicator inventory
R.4, R.5, R.6, R.8, R.10	End of Y1	X	Identify Priority Stormwater Issues and target audiences; use appropriate educational media and education strategies and methods; and conduct pesticide use education
S.1, S.2, S.3, S.4, S.5, S.6	January 31 <sup>st</sup> of each year	X	Submit annual report using SMARTS.

**Table F-3: Summary of Milestones and Deadlines – Year 2<sup>3</sup>**

Provision Section	Completion Date	Continuous Task	Task
F.3, F.4	End of Y2	X	Submit (with Y2 Annual Report) PLRP and commence PLRP implementation immediately after Central Coast Water Board Executive Officer approval. If applicable, request updates to Monitoring and Reporting Program to align with PLRP.
G.5.a.i.2	End of Y2	X	Refine loading estimates based on site-specific data.

<sup>3</sup> Ibid.

<b>Provision Section</b>	<b>Completion Date</b>	<b>Continuous Task</b>	<b>Task</b>
G.5.c	End of Y2		Identify at least three Permittee-implemented non-structural-BMPs for performance assessments and propose assessment methods.
I.1.a	End of Y2	X	Prepare and maintain an asset inventory
L.1.a.iv.1	End of Y2		Interim milestone for compliance with trash discharge prohibition: 30 percent of all Priority Land Use and Designated Land Use areas meeting Full Capture or Full Capture System Equivalency.
M.4	End of Y2	X	Update and implement pesticide and fertilizer management program, including adopting an integrated pest management policy.
M.5	End of Y2	X	Update and implement MS4 conveyance system operations and maintenance procedures.
M.5.b and M.5.c	End of Y2	X	Inspect high priority catch basins and clean basins based on inspection findings (annually)
M.6.a	End of Y2	X	Prioritize streets for sweeping and cleaning, implement measures to improve sweeping effectiveness, conduct parking facility maintenance, and develop and implement BMPs to reduce dirt and debris tracking onto streets
M.9	End of Y2	X	Develop and implement a process for incorporating green infrastructure and water quality and habitat enhancement features into new and rehabilitated flood management facilities
N.2.c	End of Y2	X	Develop and implement illicit connection and sanitary sewer cross-connection detection program
N.2.d	End of Y2	X	Develop and implement pesticide and fertilize application investigation program. Annually provide a summary of investigation observations to the Monterey County Agricultural Commissioner and Central Coast Water Board staff
R.8.b.i	End of Y2		Implement public education pilot project for at least one Priority Stormwater Issue

**Table F-4: Summary of Milestones and Deadlines – Year 3<sup>4</sup>**

<b>Provision Section</b>	<b>Completion Date</b>	<b>Continuous Task</b>	<b>Task</b>
G.2.j	End of Y3		Conduct rapid assessments of all second and higher order streams.
I.1.b, I.1.c	End of Y3	X	Identify level of service and valuation for inventoried assets.
M.6.b	End of Y3	X	Implement street sweeping frequencies according to this Order
M.6.c.ii	End of Y3		Revise and commence implementation of parking restriction strategy for all High and Medium Priority Streets
N.4	End of Y3	X	Label and maintain labels for all MS4 system inlets
R.7	End of Y3	X	Assess public education effort effectiveness
R.8.b.ii	End of Y3	X	Expand effective components of public education pilot project throughout Order coverage area

**Table F-5: Summary of Milestones and Deadlines – Year 4<sup>5</sup>**

<b>Provision Section</b>	<b>Completion Date</b>	<b>Continuous Task</b>	<b>Task</b>
G.5.c	End of Y4	X	Obtain non-structural BMP performance data, based on field assessments, to inform current load reductions (every two years).
I.2.a	End of Y4		Adaptation portion of asset improvement planning.

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

**Table F-6: Summary of Milestones and Deadlines – Year 5<sup>6</sup>**

<b>Provision Section</b>	<b>Completion Date</b>	<b>Continuous Task</b>	<b>Task</b>
E.14	180 days in advance of the Order Expiration		Submit Report of Waste Discharge.
G.5.b	End of Y5	X	Obtain structural BMP performance data for privately-owned BMPs (every 5 years)
I.2.b	End of Y5		Asset Improvement Plan (submit with Y5 Annual Report)
L.1.a.iv.2	End of Y5		Interim milestone for compliance with trash discharge prohibition: 50 percent of all Priority Land Use and Designated Land Use areas meeting Full Capture or Full Capture System Equivalency.
M.5.b and M.5.c	End of Y5	X	Inspect low priority catch basins and clean basins based on inspection findings (every 5 years)
M.6.c.ii	End of Y5	X	Complete implementation of parking restriction strategy
Q.4.c	End of Y5	X	Inspect privately-owned BMPs to verify sufficient maintenance (every 5 years)

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<sup>6</sup> Ibid.

**Attachment G – Economic Considerations**

[See separate document for Economic Considerations.]

**Attachment H – Fact Sheet**

[See separate document for Fact Sheet.]