

9. FY 09-10 CONDITIONALLY EXEMPTED DISCHARGES WORK PLAN

INTRODUCTION

This section describes the Program's planned tasks during FY 09-10 to assist Co-permittees to develop and implement BMPs for control of conditionally exempted (non-stormwater) discharges, as well as require businesses, contractors, and residents to control these discharges. The planned tasks include Program efforts that are likely to be needed to assist the Co-permittees with compliance with potential requirements of the Municipal Regional Permit.

BACKGROUND

All municipal stormwater permits require municipalities to effectively prohibit the discharge of non-stormwater into storm drains. Certain non-stormwater discharges, such as flows from riparian habitats, wetlands, springs, or unpolluted groundwater, are exempted from this provision outright (i.e., allowed to discharge to storm drains with no control measures). Other non-stormwater discharges, known as conditionally exempted discharges (CEDs), are allowed to discharge to storm drains only if certain measures are taken to control potential pollutants in the discharge.

Provision C.8.b. of the Program's current permit provides a list of CEDs that are not prohibited from discharge to storm drains, if they are identified as not being sources of pollutants to receiving waters or if appropriate control measures are developed and implemented to prevent or eliminate adverse impacts of such sources. Provision C.8.c. requires the Co-permittees to identify the categories of CEDs from this list that they want to exempt, and describe for each category either why it is not a source of pollutants or what control measures will be used to eliminate adverse impacts from that category. In compliance with this provision, the Program developed a *Conditionally Exempted Discharges Report* (June 15, 2000) that describes the approach for each category of discharge. The report covers the following CEDs:

- Uncontaminated pumped groundwater;
- Foundation drains;
- Water from crawl space pumps;
- Footing drains;
- Air conditioning condensate;
- Irrigation water;
- Landscape irrigation;
- Lawn or garden watering;
- Planned and unplanned discharges from potable water sources;
- Water line and hydrant flushing;
- Individual residential car washing; and
- Discharges or flows from emergency fire fighting activities.

In the CED Report, control measures for the discharge of uncontaminated pumped groundwater and potable water sources are based on information from the Program's Water Utility Operation and Maintenance Performance Standard and the Water Utility Operation and Maintenance Discharge Pollution Prevention Plan (WUDPPP) dated June 1998. The Performance Standard and the WUDPPP were developed for and are implemented by Co-permittees who operate municipal water utilities. They also serve as guidelines for private water companies who operate water systems within the Co-permittees' jurisdictions.

The Municipal Regional Permit (MRP) will contain requirements for all six Phase 1 municipal stormwater (MS4s) programs in the San Francisco Bay Area. The draft MRP was released on December 4, 2007. It is anticipated that the revised draft MRP Tentative Order will be released in February 2009. Provision C.15. in the Tentative Order contains a list of exempted discharges as well as specific requirements for control of the same CEDs as the current permit, except that it adds swimming pool, hot tub, spa, and fountain water discharges as well as significant reporting requirements. While discussions with Water Board staff on December 5, 2008 clarified some of the anticipated revisions to the MRP in response to local agency concerns, it was not clear what the final requirements will be relative to conditionally exempted discharges.

PAST AND CURRENT ACTIVITIES RELATED TO CONDITIONALLY EXEMPTED DISCHARGES

The Co-permittees are currently implementing the BMPs described in the CED Report. They have made the BMPs part of their standard operating procedures for municipal activities. They are requiring businesses and contractors and encouraging residents to comply with these BMPs, and they have included the BMPs in conditions of approval for development projects where applicable. They are not currently required to report these discharges to the Water Board.

Since completing the CED Report, the Program's primary activities related to CEDs have involved preparation of outreach materials to educate residents about appropriate BMPs for car washing, and assisting Co-permittees as needed. Messages about proper car washing have also been included in the media advertising and outreach materials associated with the Watershed Watch Campaign. These activities have been described in the PI/P section of Program work plans and annual reports. The first time that the Program Work Plan contained a Conditionally Exempted Discharges section was the FY 08-09 Work Plan. Since that time, the Program has begun some of the early implementation tasks anticipated to be in the MRP.

FY 09-10 IMPLEMENTATION TASKS

A list of anticipated tasks that will be implemented in FY 09-10 is provided below. Modifications to these tasks may be necessary depending on revised MRP requirements. There are no ongoing tasks, aside from continuing outreach to residents about car washing as part of the Watershed Watch Campaign (see Section 6 of this Work Plan).

- Continue to update the Conditionally Exempted Discharges Report, as needed.
- Continue to update the Water Utility Operation and Maintenance Performance Standard and the Water Utility Operation and Maintenance Discharge Pollution Prevention Plan, as needed.

- Continue to prepare guidance on BMPs for various types of discharges and assist Co-permittees, as needed.