

Fact Sheet

SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM
ORDER NO. 01- 024
NPDES PERMIT NO. CAS 029718

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
1515 CLAY STREET, 14TH FLOOR
OAKLAND, CA 94612

I. Stormwater Program Description

The Santa Clara Valley Water District (hereinafter District), County of Santa Clara, City of Campbell, City of Cupertino, City of Los Altos, Town of Los Altos Hills, Town of Los Gatos, City of Milpitas, City of Monte Sereno, City of Mountain View, City of Palo Alto, City of San Jose, City of Santa Clara, City of Saratoga, and City of Sunnyvale (hereinafter referred to as the Dischargers) have joined together to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (hereinafter referred to as the Program) and have submitted a permit application (Report of Waste Discharge), dated December 21, 1999, for re-issuance of waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) to discharge storm water run off from storm drains and watercourses within the Dischargers' jurisdictions by implementing a Storm Water Management Plan (hereinafter Plan).

The Management Plan describes a framework for management of storm water discharges during the term of this permit. The title page, table of contents, executive summary, and performance standards of the Program's 1997 Urban Runoff Management Plan (Management Plan) are attached to this Order. The 1997 Management Plan describes the Program's goals and objectives, and the annual reporting and program evaluation process. Performance Standards, which represent the baseline level of effort required of each of the Dischargers, are contained in Appendix A. of the 1997 Management Plan. The baseline performance standards serve as a reference point upon which to base effectiveness evaluations and consideration of opportunities for improving them.

Program activities are focused on the following elements:

- Program Management
- Annual Reporting and Evaluation
- Monitoring
- Public Agency Activities
- Public Information and Participation
- Metals Control Measures
- Watershed Management Measures
- Illicit Connection / Illegal Dumping Elimination
- Industrial and Commercial Discharges

- New Development and Construction
- Continuous Improvement

Each Discharger has developed an Urban Runoff Management Plan to reduce, control and/or otherwise address sources of discharge. The Dischargers' Management Plans incorporate Performance Standards that, where necessary, refine the model Performance Standards to suit local conditions. The Dischargers' Management Plans contain local strategies for urban runoff control, including tailored Performance Standards, workplans to implement Performance Standards, and Best Management Practices and Standard Operating Procedures that detail how control measures will be carried out day-to-day.

The Program participates in, and contributes to, joint efforts with other entities, including regulatory agencies, public benefit corporations, universities, and citizens' groups. These entities take the lead on addressing particular sources because they are regional, statewide or national in scope, because they have different skills or expertise, or because they have appropriate regulatory authority.

The Program continues to build, and actively participate in, the Santa Clara Basin Watershed Management Initiative ("SCBWMI"). The Program and several of the Dischargers are stakeholders in the SCBWMI and provide staff support and funding to the SCBWMI. The SCBWMI, as a stakeholder process, provides the tools to identify community goals and issues, and facilitates the development of common ground between stakeholders to recommend to policy-makers the actions needed to better manage watershed resources.

A Tentative Order has been prepared which would re-issue NPDES Permit No. CAS029718 and Waste Discharge Requirements to the Dischargers. The Regional Board will consider adoption of the Tentative Order at a public hearing which will be held on November 29, 2000 at 9:30 AM in the first floor auditorium at the State Building located at 1515 Clay Street in Oakland, CA. The Tentative Order, comments received, and related documents may be inspected and copied at the Regional Board's office. For further information contact John West at (510) 622-2438.

II. Discharge Description and Location

The Dischargers each have jurisdiction over and/or maintenance responsibility for their respective municipal separate storm drain systems and/or watercourses in the Santa Clara basin (See attached location and political jurisdiction map.) The basin can be divided into eleven sub basins or watersheds including the Coyote Creek watershed on the east side of the valley, the Guadalupe River watershed which drains the south-central portion of the valley, the San Francisquito Creek watershed which drains the northwest portion of the valley (and part of San Mateo County), and a series of small, relatively urbanized watersheds that drain the west side of the valley. (See attached basin watersheds map.) Discharge consists of the surface runoff generated from various land uses in all the hydrologic sub basins in the basin which discharge into watercourses, which in turn flow into South San Francisco Bay.

The quality and quantity of these discharges varies considerably and is affected by hydrologic, geologic, land use, season, and sequence and duration of hydrologic event. Pollutants of concern in these discharges are certain heavy metals, excessive sediment production from erosion due to anthropogenic activities, petroleum hydrocarbons from sources such as used motor oil, microbial pathogens of domestic sewage origin from illicit discharges, certain pesticides associated with the risk of acute aquatic toxicity, excessive nutrient loads which may cause or contribute to the depletion of dissolved oxygen and/or toxic concentrations and dissolved ammonia, and other pollutants which may cause aquatic toxicity in the receiving waters.

III. General Rationale

1. Water Quality Control Plan, San Francisco Bay Basin, June 21, 1995 (Basin Plan).
2. The Urban Runoff Management, Comprehensive Control Program section of the Basin Plan requires the Dischargers to address existing water quality problems and prevent new problems associated with urban runoff through the development and implementation of a comprehensive control program focused on reducing current levels of pollutant loading to storm drains to the maximum extent practicable. The Basin Plan comprehensive program requirements are designed to be consistent with federal regulations (40 CFR 122-124) and are implemented through issuance of NPDES permits to owners and operators of storm drain systems. The Dischargers, having jurisdiction over and/or maintenance responsibility for municipally-owned and operated storm drains and water courses within their boundaries, have assumed responsibility for complying with the Basin Plan's requirements. The permit recognizes submittal of the Programs' Urban Runoff Management Plan (Plan) as the Dischargers' Comprehensive Control Program and requires implementation of the Plan.
3. The Basin Plan identifies the beneficial uses of waters and establishes water quality objectives necessary to protect these beneficial uses which apply to certain receiving waters within the Dischargers' boundaries. These water quality objectives serve as receiving water limitations for waters that receive discharges of pollutants.
4. The Federal Water Pollution Control Act (Clean Water Act) as amended by the Water Quality Act of 1987 (hereinafter CWA) Section 402(p) requires municipalities of 100,000 population or greater which have discharges from municipal separate storm sewer systems to obtain NPDES permit coverage for these discharges. Permits are also required for discharges that are determined to contribute to a violation of a water quality standard (objective) or are a significant contributor of pollutants. Section 402(p) provides that permits may be issued on a system-wide basis, shall include a requirement effectively prohibiting non-storm water discharges to storm sewers, and shall require controls to reduce the discharge of pollutants to the maximum extent practicable. The United States Environmental Protection Agency (hereinafter US

EPA) promulgated regulations on November 16, 1990 on NPDES permit application requirements including the development of storm water management programs for municipal storm water discharges. The Dischargers' application and permit satisfy the intent of the Section 402(p) requirements.

5. Federal Code of Regulations, Title 40 – Protection of Environment, Chapter 1, Environmental Protection Agency, Subchapter D, Water Programs, Parts 122-125 (hereinafter referred to as 40 CFR specific Part number) contain promulgated regulation pertaining to the NPDES application permit conditions and program requirements.

IV. Specific Rationale

1. Discharge Prohibition A.1: This prohibition reflects the CWA Section 402(p) requirement of effectively prohibiting non-storm water discharges to storm sewers. Effectively prohibiting means that non-storm water discharges shall be specifically regulated by an NPDES permit or that the discharge is not considered waste or does not contain constituents of concern, in which case an NPDES permit would not be required.
2. Receiving Water Limitations B.1 and B.2: The receiving water limitations are the applicable water quality objectives and standards contained in the Basin Plan. Freshwater objectives apply to rivers, creeks, and other freshwater bodies within the basin. Marine water quality objectives apply to the Lower and South San Francisco Bay, and the portions of the Bay's tributaries where the salinity of the water is suitable for marine aquatic life.
3. Provision C.1: This provision states the essential theme of the permit that the Dischargers are expected to demonstrate compliance with Discharge Prohibition A.1 and Receiving Water Limitations B.1 and B.2 through the timely implementation of control measures, management practices, and other actions to reduce pollutants in discharges in accordance with their Plan. This standard of treatment is prescribed in 40 CFR 122.26(d)(2)(iv). If the Regional Board or Discharger(s) determine that the discharges are causing or contributing to an exceedance of an applicable water quality standard, the Discharger(s) must submit a report describing what BMPs are currently being implemented and what additional BMPs will be implemented to reduce the pollutants that are causing or contributing to the exceedance of water quality standards. Preparation, implementation, and iterative improvement of an effective Plan are thus the essential means of achieving and evaluating compliance.
4. Provision C.2: These provisions require the implementation of the Dischargers' Plan and Performance Standards and essentially incorporate the Plan, including the Performance Standards, into the permit, thus making its implementation enforceable. It also establishes, in conjunction with Provision C.1, the Plan and

Performance Standards as the focal points of the permit. As such, the Plan, including the Performance Standards, is considered a living document that will change and improve with time. Specifically, all other plans required by the permit are expected to be incorporated into the Plan.

5. Provision C-3: This provision contains performance standards to address the post-construction and some construction phase impacts of new and redevelopment projects on storm water quality (Planning Procedures and Construction Inspection Performance Standards. In addition to stating the current performance standard, Provision 3. describes a program to develop an enhanced performance standard for the control of new pollutant loads associated with new development and re-development, and to address changes in amount and timing of storm water runoff from these projects. The enhanced performance standard will enable the Dischargers to more clearly establish the standard of “maximum extent practicable” for site design measure implementation, source control measures, and permanent treatment measures for new and re-development projects, such as infiltration, detention and filtration. The provision also calls for the specification of minimum size projects for which these measures apply, and for better operation and maintenance assurance for control measures.
6. Provision C-4: Certain provisions of this permit require implementation of Best Management Practices to control and abate the discharge of pollutants in storm water discharges. Other provisions require such actions as information collection, data analysis, or BMP development. To most effectively meet permit requirements, the general public and specific subgroups must be informed of and have opportunities to participate in development of BMPs and other matters related to water quality. Provision C-4 requires the Dischargers to conduct activities that will build public awareness, understanding, and appreciation of streams’ and the San Francisco Bay’s natural resources and the need to protect them. Dischargers are required to conduct general outreach, targeted outreach, educational programs, and citizen participation activities designed to further the objectives and meet the requirements of the provisions of this permit.
7. Provision C.5: This provision requires submittal of Annual Reports and Annual Workplans. The information required in the Annual Reports and Workplans is equivalent to that required in storm water regulations pursuant to 40 CFR 122.41(l) and the Basin Plan. The elements of the Annual Reports and Workplans will ensure that programs and performance standards are developed and implemented and will allow evaluation of compliance with permit conditions.
8. The Annual Report documents the status of the Program’s and the Dischargers’ activities during the previous fiscal year, including the results of a qualitative field level assessment of activities implemented by the Dischargers, and the performance of tasks contained in the Management Plan. In each Annual Report,

the Dischargers may propose pertinent updates, improvements, or revisions to the Management Plan. As part of the Annual Report process, each of the Dischargers shall conduct an overall evaluation of the effectiveness of its applicable activities described in the Management Plan. The Workplan describes the proposed implementation of the Management Plan for the next fiscal year. The Workplans shall consider the status of implementation of current year activities and actions of the Dischargers, problems encountered, and proposed solutions, and shall address any comments received from the Executive Officer on their previous year Annual Report.

9. Provision C.6: This provision requires the annual and multi-year submittal and implementation of a Monitoring Program Plan, to include monitoring of receiving waters, in accordance with 40 CFR Parts 122.44(I) and 122.48. The purpose of the Monitoring Program Plan is to demonstrate the effectiveness of the Program's Urban Runoff Management Plan and accordingly, demonstrate compliance with the conditions of the permit. Rather than requiring specific types, locations, and frequencies of monitoring activities, this provision establishes objectives for implementing the Monitoring Program Plan. This is intended to provide flexibility and efficiency in determining specific monitoring activities while establishing a basis for determining effectiveness of monitoring activities.
10. Provision C.7: This provision requires identification of discharges of the non-prohibited types that the Dischargers wish to exempt from Prohibition A.1. For conditionally exempted discharges which are pollutant sources, the Dischargers shall identify and incorporate into the Management Plan control measures to minimize the adverse impact of such sources. This provision also establishes a mechanism to authorize under the permit non-storm water discharges owned or operated by the Dischargers.
11. Provision C. 8: As delineated on the CWA Section 303(d) list, the Regional Board finds that there is a reasonable potential that municipal stormwater discharges may cause or contribute to an excursion above water quality standards for: mercury, PCBs, dioxins, furans, diazinon, dieldrin, chlordane, and DDT in South San Francisco Bay; diazinon in Calabazas Creek, Coyote Creek, Guadalupe Creek, the Guadalupe River, Los Gatos Creek, Matadero Creek, San Francisquito Creek, Saratoga Creek, and Stevens Creek, mercury in the Guadalupe River, Alamos Creek, Guadalupe Creek, Calero Reservoir, and Guadalupe Reservoir; and sediment in San Francisquito Creek and possibly other creeks in the San Clara Basin. In accordance with CWA Section 303(d), the Regional Board is required to establish the Total Maximum Daily Loads (TMDLs) of these pollutants to these waters sufficient to eliminate impairment and attain water quality standards. Therefore, the Dischargers are required to gather additional data to verify the finding of reasonable potential to exceed water quality standards; review existing management practices for controlling the contaminants of concern; implement appropriate and cost-effective controls; and provide information to the Regional

Board in a timeframe consistent with the Regional Board's mandate to establish a TMDL.

12. Provision C.9: This Provision requires the Dischargers to implement watershed management measures based on identification of appropriate watershed characteristics and identification of control measures and other actions in the Management Plan that are appropriately implemented on a watershed basis with the recognition that there may be unique values, problems, goals, and strategies specific to individual watersheds. Watershed management measures also seek to develop and implement the most cost effective approaches to solving identified problems and to coordinate these activities with other related programs.
13. Provisions C.10 and C.11: The permit conditions have been designed to allow maximum flexibility in developing and implementing programs. The permit conditions may need to be modified as new information is developed and the permit programs mature to address changed conditions. Modifications to the permit will be made pursuant to 40 CFR Parts 122.62, 122.63, and 124.5.
14. Provisions C.10 and C.11: NPDES permits shall be effective for a fixed term not to exceed five years pursuant to 40 CFR 122.46. Upon revision the previously issued permits, Order No. 95-180 and modifications contained in Order No. 99-050, are rescinded.
15. Provision C.12: Standard provisions are based on 40 CFR Part 122.41. They include a duty to comply with the conditions of the permit, a duty to provide information, inspection rights by the Regional Board, signatory requirements, certification of documents, reporting requirements, and penalties for violation of permit conditions.

V. Written Comments

Interested persons are invited to submit written comments on the revised Tentative Order. Comments must be received **no later than 5:00 p.m., November 13, 2000**. Comments received after this date will not be considered in the formulation of final determinations of permit conditions at the November 29, 2000 Board meeting. Comments should be sent to:

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