



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

April 27, 2007

Mr. Gerard Thibeault, Executive Officer
Santa Ana Regional Water
Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Dear Mr. Thibeault:

Re: Report of Waste Discharge for the
Santa Ana River Region of Riverside County
Order No. R8-2002-0011
NPDES No. CAS618033

Enclosed are two copies of the Report of Waste Discharge (ROWD) for the area-wide Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit No. CAS618033, Santa Ana Regional Water Quality Control Board Order No. R8-2002-0011. This ROWD is an application for renewal of the area-wide MS4 NPDES Permit for Riverside County Flood Control and Water Conservation District (RCFC&WCD), the County of Riverside (County), and the incorporated cities of Riverside County within the Santa Ana River Basin (Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto) collectively referred to herein as "Permittees".

In accordance with Section X.VI.A of Order No. R8-2002-0011, this ROWD describes:

1. Revisions to the Drainage Area Management Plan (DAMP) including, but not limited to, activities Permittees propose to undertake during the next permit term, goals and objectives of such activities, evaluation of the need for additional source control and/or structural BMPs, and proposed pilot studies, etc.;
2. Any new or revised program elements and compliance schedule(s) necessary to comply with Section III (Receiving Water Limitations) of Order No. R8-2002-0011;
3. Changes in land use and/or population including map updates;
4. Significant changes to the MS4s, outfalls, detention or retention basins or dams, and other controls, including updated maps of the MS4s.

In 2002 both the Permittees and the Santa Ana Regional Water Quality Control Board (Regional Board) staff invested significant time and resources in the development of the current MS4 NPDES Permit (hereinafter referred to as the 2002 MS4 Permit). It is noteworthy that the adoption of the 2002 MS4 Permit was supported by Regional Board staff, Permittees, and the Regional Board in that every other MS4 NPDES Permit issued in Southern California during that period had been appealed. In addition to avoiding appeals and litigation, the significant investment in the development of the

2002 MS4 Permit has facilitated cooperation between the Permittees and the Regional Board and has limited the effort required by the Regional Board in administering the MS4 Compliance Program.

Permittee representatives met with Regional Board staff on January 22, 2007 to obtain guidance for preparation of the ROWD. In that meeting, Regional Board staff provided a draft document entitled "Riverside County MS4 Permit – Findings from the Audits". That document provided useful information regarding the Regional Board staff's expectations regarding the ROWD. Based on Permittee internal discussions and discussions with Regional Board staff, Permittees propose to maintain the provisions of the 2002 MS4 Permit and DAMP with limited modifications to reflect:

1. Removed descriptions of studies that have been completed;
2. Updated references to related orders by the Santa Ana Regional Board and State Water Resources Control Board (State Board);
3. Adoption of Total Maximum Daily Load requirements;
4. Evolution of compliance programs;
5. Further standardization and definition of terms;
6. Consolidation of similar compliance requirements (training requirements, reporting requirements, Illicit Connection/Illegal Discharge requirements) to simplify the Permit, increase readability, and prevent the need for duplicative language;
7. Deletion of requirements in the 2002 MS4 Permit that described the development of compliance program elements which were incorporated into the 2005 DAMP;
8. Amendment by Order No. R8-2005-0038 of the Watershed-Wide Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with New Developments in the San Jacinto Watershed (Santa Ana Region Order No. 01-34, NPDES No. CAG 618005);
9. Development of Local Implementation Plans by Permittees during the 2007-2012 MS4 Permit term;
10. Addition of Permittee coverage under the Small Linear Underground Projects (State Board Order No. 2003-0007-DWQ, NPDES No. CAS000005), De Minimus Discharges (Santa Ana Regional Board Order No. R8-2003-0061, NPDES No. CAG998001 as amended by Order Nos. R8-2006-0004 and R8-2005-0041), and Utility Vaults (State Board Order No. 2006-0008-DWQ, NPDES No. CAG990002) General Permits;
11. Recognition that the Municipal Facilities Strategy and Enforcement Compliance Strategies have been incorporated into the DAMP; and
12. Regional Board staff comments made during the term of the 2002 MS4 Permit, including comments received during the January 22, 2007 ROWD coordination meeting.

Our goal is to work with Regional Board staff to further refine the provisions of the 2002 MS4 Permit to ensure that requirements and expectations of the fourth term MS4 NPDES Permit are clear and unambiguous, and that the focus is on addressing identified water quality problems in the receiving waters. A "track changes" version of the 2002 MS4 Permit reflecting the proposed revisions is included as an appendix to the ROWD. The proposed revisions also reflect the Permittee's need to clarify the requirements of the Permit, remove duplication of requirements that are contained in both the DAMP and the Permit (both documents are enforceable), and remove completed 2002 MS4 Permit requirements that are no longer useful to the Regional Board or Permittees. In general, it is our experience that a simpler, more understandable MS4 NPDES Permit facilitates compliance and protection of receiving water quality. A copy of the proposed fourth term MS4 NPDES Permit with revisions accepted is also included in the ROWD for your convenience.

In addition, a revised DAMP that has been modified consistent with the proposed revisions of the 2002 MS4 Permit is provided as an appendix in the ROWD. Permittees identified several DAMP enhancements that they believed were necessary to improve the efficacy of existing compliance programs mandated by the 2002 MS4 Permit or to address Regional Board staff comments regarding overall compliance programs. However, due to time limitations, not all revisions proposed within this ROWD have been incorporated into the revised DAMP included as an appendix in the ROWD. For each program element, the ROWD identifies whether changes to the DAMP have already been addressed or whether Permittees are committing to make changes within 12 months of permit adoption. For your convenience, Permittee commitments in the ROWD to enhance the DAMP have also been incorporated into the proposed fourth term MS4 NPDES Permit as compliance requirements.

Permittees would also like to note that, based on the January 22, 2007 meeting with Regional Board staff, options to enhance industrial, commercial, and construction operator compliance through alternative enforcement tools were carefully evaluated. Enforcement of Permittee stormwater ordinances and permits is a concern shared by Permittees and Regional Board staff. Many of the requirements of local ordinances and permits overlap with requirements of the General Permit for Storm Water Discharges Associated with Industrial Activities and the General Permit for Storm Water Discharges Associated with Construction Activity. Although Permittees have a greater local enforcement presence, their ability to impose fines is limited by State law. As suggested by Regional Board staff, Permittees have considered increased use of stop work orders and bonding requirements at construction sites and have concluded that these enforcement tools have limited applicability beyond their current use. However, the Regional Board has substantial regulatory authority that we believe can be brought to bear to assist in dealing with developers and industrial facility operators who are not responsive to Permittee enforcement efforts. We look forward to closer coordination between Permittees and Regional Board staff in enforcing the requirements of our respective stormwater ordinances and permits.

Finally, Permittees would like to note that Permittees of the San Diego County MS4 NPDES Permit have initiated litigation seeking reimbursement from the State of California for MS4 NPDES Permit requirements that they believe are unfunded mandates exceeding the federal stormwater regulatory

Mr. Gerard Thibeault

-4-

April 27, 2007

Santa Ana Regional Water Quality Control Board

Re: Report of Waste Discharge for Santa Ana

River Region of Riverside County

Order No. R8-2002-0011, NPDES No. CAS618033

requirements. To facilitate expeditious renewal of the MS4 NPDES Permit, the enclosed ROWD addresses the requirements of the 2002 MS4 Permit and requirements described by Regional Board staff. In the event that the San Diego County MS4 Permittees prevail, Permittees reserve the right to seek reimbursement and/or modification of the fourth term MS4 NPDES Permit for those requirements determined to exceed federal requirements.

We look forward to working with Regional Board staff in the renewal of the area-wide MS4 NPDES Permit. If you have any questions, please call Jason Uhley at 951.955.1273 or Benjie Cho at 951.955.2901.

Very truly yours,



WARREN D. WILLIAMS
General Manager-Chief Engineer

Enclosures:

ROWD (Two hard copies and one CD)

c: Santa Ana River Region MS4 Permittees, w/CD
Eugene Bromley, USEPA Region IX, w/CD
Robert Collacott, URS, w/CD
David Huff, Riverside County Counsel, w/CD
Stephen Stump
Jason Uhley
Benjie Cho

BC:cw

P8/113751