STATE WATER RESOURCES CONTROL BOARD
901 P STREET SACRAMENTO, CALIFORNIA
JULY 15, 1999

FACT SHEET FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR STORM WATER DISCHARGES FROM THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION (CALTRANS) PROPERTIES, FACILITIES, AND ACTIVITIES (ORDER NO. 99 – 06 - DWQ)

BACKGROUND

In 1972, The Federal Water Pollution Control Act [also referred to as the Clean Water Act (CWA)] was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful, unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added section 402(p) which directs that storm water discharges are point source discharges and establishes a framework for regulating municipal and industrial storm water discharges under the NPDES program. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) promulgated final regulations that establish the storm water permit requirements.

Pursuant to these regulations, storm water permits are required for discharges from a municipal separate storm sewer system (MS4) serving a population of 100,000 or more. USEPA defined MS4 to include road systems owned by states which are in an area with a population greater than 100,000. The regulations also specified a requirement for storm water permits from 11 categories of industry, including construction activities where the construction activity disturbs five acres or more.

In California, the MS4s were issued individual NPDES permits by the Regional Water Quality Control Boards (RWQCB). Caltrans is currently under permit in all of the areas of California that have been determined to require an MS4 permit with the exception of the Salinas area. Industrial activities are covered by General Permits that have been adopted by the State Water Resources Control Board (SWRCB). Caltrans currently seeks coverage under the NPDES General Permit for Construction Activities (Construction General Permit) for construction activities that are over five acres. The exception to this is in the Lake Tahoe area, where the RWQCB adopted its own Construction General Permit for projects over five acres and Waste Discharge Requirements (WDRs) for projects under five acres.

In 1996, Caltrans requested that the SWRCB, consider adopting a single NPDES permit for storm water discharges from all Caltrans properties, facilities, and activities that would cover both the MS4 requirements and the statewide Construction General Permit requirements. The federal regulations allow for the issuance of system-wide MS4 NPDES permits. Caltrans submitted an application for a permit with a draft Storm Water Management Plan (SWMP) in August 1996. The SWRCB gave Caltrans comments on the SWMP and received a revised SWMP from Caltrans in March 1997. Because the RWQCBs have issued NPDES storm water permits to all of the areas currently requiring a permit, with the exception of the Salinas area, this permit was not considered a new storm water permit, and a Part I and Part II application were not required.

The "Interpretative Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems" issued by USEPA on May 17, 1996 outlines the requirements for permittees seeking a second Municipal NPDES Storm Water Permit. The requirements are: (1) name and address of the applicant; (2) name and title of primary administrative and technical contacts; and (3) proposed changes or improvements to the storm water management program and monitoring activities for the upcoming five-year term of the permit. In addition, USEPA recommends that the applicant provide identification of any previously unidentified water bodies and a summary of any known water quality impacts.

This permit is intended to cover all municipal storm water activities by Caltrans in California, both in areas that require an MS4 permit and areas that do not currently require a permit. It is also intended to cover all Caltrans construction activities that require a permit under the federal regulations. It directs that all existing storm water permits for discharges from Caltrans properties, facilities, and activities should be rescinded. RWQCBs may in the future issue individual storm water permits for Caltrans construction activities, as explained below.

This permit shall be implemented and enforced by the nine RWQCBs.

PROHIBITIONS

This permit authorizes storm water and authorized nonstorm water discharges from Caltrans properties, facilities, and activities. This permit prohibits discharges of material other than storm water (nonstorm water discharges) that are not authorized by this permit.

EFFLUENT LIMITATIONS

NPDES permits for storm water discharges must meet all applicable provisions of sections 301 and 402 of the CWA. These provisions require control of pollutant discharges to the Maximum Extent Practicable (MEP) for the MS4 permit requirements and to the standard of Best Available Technology Economically Achievable/Best Conventional Technology (BAT/BCT) for Construction General Permit requirements. It also requires dischargers to implement more stringent controls, if necessary, to meet water quality standards.

It is not feasible at this time to establish numeric effluent limitations for storm water. The reasons why establishment of numeric effluent limitations is not feasible are discussed in detail in SWRCB Orders No. WQ 91-03 and WQ 91-04. Therefore, this permit allows Caltrans to implement Best Management Practices (BMPs) to comply with the requirements of this permit.

RECEIVING WATER LIMITATIONS

Storm water discharges shall not cause or contribute to a violation of an applicable water quality standard. This permit requires Caltrans to reduce or prevent pollutants in storm water discharges and authorized nonstorm water discharges through the development and implementation of BMPs which constitutes compliance with either MEP or BAT/BCT, whichever is applicable. Storm water discharges must also be in compliance with water quality standards. If receiving water quality standards are exceeded, Caltrans is required to submit a written report providing additional BMPs or other measures to be taken that will be implemented to achieve water quality standards.

MS4 PERMIT REQUIREMENTS

MS4 permit requirements are to be implemented to MEP. These requirements are addressed in the SWMP that is an integral and enforceable component of this NPDES Permit. However, the SWMP also refers to other documents that Caltrans has prepared which give the detailed discussion of how the program elements are to be implemented. Where the SWMP was determined to be inadequate, further requirements are outlined in the permit. Caltrans will submit changes to the SWMP on an annual basis. Substantive changes to the SWMP will require approval by the SWRCB.

The SWMP which was submitted in August 1996 defined terms in the development of the program in a way that is inconsistent with the definitions in Title 40 of the Code of Federal Regulations Section 122.22 (40 CFR 122.22). Caltrans is required to rewrite the SWMP in a manner that is consistent with the definitions in the regulations. Caltrans also uses terms such as "winter season" and "significant erodible slope" which are not used in the regulations. Caltrans uses terms such as these to determine the scope of the program, with the understanding that Caltrans is responsible for discharges at all times during the year, and that if implementation of the program using these terms leads to discharge of pollutants, the terms will have to be redefined.

Caltrans is required to submit a revised SWMP within 90 days of the adoption of this permit. Because the SWMP is an integral and enforceable part of this permit, this revised SWMP will be presented to the State Board for approval. The incorporation of this revised SWMP into the permit will be made pursuant to the federal regulations for NPDES permit modification found at 40 CFR Section 122.62 and 40 CFR Section 124.

Caltrans has developed a BMP program for control of pollutants from existing facilities and for new and reconstructed facilities as part of the SWMP. This BMP program must be revised to reflect the definition of pollutant in the federal requirements, including a reevaluation of BMPs. The evaluation of the feasibility of structural BMPs in the SWMP does not reflect the current state of knowledge among other transportation agencies. BMPs are rejected that are routinely used by other transportation agencies. Therefore, the BMP selection in the SWMP does not meet MEP. The federal regulations require the consideration of structural BMPs where they are appropriate. MEP cannot be met without the consideration of structural BMPs. The fact that a BMP has not been used before is not an adequate reason to reject its use if other factors make it appropriate

In addition to the annual submittal of the SWMP, this permit also requires Caltrans to submit a workplan that explains how the program will be implemented in each Region. The purpose of the workplan is to bring the theoretical and proposed program of the SWMP to the practical and implementable level at the regional, watershed and water body level. Through the workplan process, Caltrans will be able to discuss the implementation of the program and show how their priorities will address specific local needs.

The MS4 permit requirements include:

Coordination with Local Agencies

This permit requires Caltrans to develop a program for communication with local agencies and

coordination with other MS4 programs where the programs overlap geographically with Caltrans facilities.

Legal Authority

In the April 1998 SWMP, Caltrans submitted a certification of adequate legal authority to implement the program. Through implementation of a storm water program, Caltrans may find that the legal authority is, in fact, not adequate. This permit requires Caltrans to reevaluate the legal authority each year and recertify that it is adequate. Caltrans must submit the analysis of the legal authority as part of the Annual Report each year. If it becomes clear that the legal authority is not adequate to fully implement the SWMP and the requirements of the permit, Caltrans must seek the authority necessary for implementation of the program.

Fiscal Analysis

Caltrans must maintain adequate funding to implement an effective storm water program and must submit an analysis of the funding each year. This includes a report on the funding that is dedicated to storm water as well as an estimate of the funding that has been allocated to various program elements that is not included in the storm water program funding. An example of this would be to estimate the funding that has been made available to the Maintenance Program to implement the development of Maintenance Facility Pollution Prevention Program Plans (FPPP) and to implement the BMPs that are necessary for water quality. In addition, Caltrans is required to seek adequate funding from the legislature for an effective storm water program.

Vegetation Control Program

This permit requires Caltrans to develop a program for vegetation control that minimizes the use of agricultural chemicals and maximizes the use of appropriate native and adapted vegetation for erosion control and filtering of runoff.

Storm Water System Management

This permit requires Caltrans to develop a program to monitor and clean storm drain inlets. For storm water structures that contain excessive material on a regular basis, Caltrans must determine if an Illicit Connection/Illegal Discharge (IC/ID) Detection investigation is warranted or if an enhanced BMP program is required for the drainage area. Vegetation in storm channels may reduce erosion from these channels and provide filtration and may be subject to sections 401 and 404 of the CWA.

Accidental Spills

This permit requires Caltrans to notify the MS4 permittee of any spills that may have an impact on the MS4's ability to comply with its municipal storm water permit. This means any spill that could reach the MS4 permittee's storm drain system in a large enough quantity to impact the system. Caltrans must also notify the RWQCB of any spill that may reach a receiving water and have an adverse effect on the receiving water. Generally, this notification would be limited to spills that are large enough to require cleanup or lane closure, but only if the spill could have an impact on water quality.

Illicit Connection/Illegal Discharge (IC/DC) Detection

This permit requires Caltrans to have a program to detect and investigate IC/IDs. Because Caltrans is different from a typical municipality, it is not intended that Caltrans should do routine inspections of their system for illicit connections. It is unlikely that a discharger would have access to the Caltrans storm drain system to make an illicit connection. It is also not intended that Caltrans would do routine field screening for illegal discharges. The Caltrans system is too large and spread out for this to be effective. However, Caltrans is required to train field maintenance personnel to recognize IC/IDs and to respond to them. Caltrans is also required to have a method for receiving and responding to public complaints.

Characterization of Discharges

In the areas which require an MS4 permit, Caltrans is required to characterize discharges as specified in 40 CFR 122.26(iv)(d)(1) and (2) over the life of the permit. This requirement was to be done as part of the Part II application for the initial permits that Caltrans received in these areas; so for most areas, this data should already be available. The purpose of this requirement is to provide Caltrans with adequate information about the storm drain system to effectively implement the program. This characterization is a one time requirement. If adequate information was submitted under the original Part II application, this requirement is satisfied and the data should be used as the basis for the Regional Workplans.

Maintenance Facilities

This permit requires Caltrans to prepare FPPP for all maintenance facilities, implement BMP programs at each facility as necessary and periodically inspect each facility. Monitoring is only required as part of the overall monitoring program to determine the effectiveness of the BMP program.

Training and Public Education

The Training and Public Education component consists of three parts to address the three major audiences that Caltrans must address. The three audiences are Caltrans employees, Caltrans contractors, and the general public. Caltrans has prioritized these three parts and has developed and implemented programs for the first two audiences. The program for the final part, which addresses the general public, will be developed and implemented during this permit period.

The detailed requirements in the permit outlining what is to be included in a public education component were recommended by the Public Information/Public Participation Subcommittee of the California Storm Water Quality Task Force. The members of this committee are all responsible for public education programs throughout the State and have experience in developing public education programs.

Program Evaluation and Monitoring

This permit requires Caltrans to evaluate the effectiveness and adequacy of the storm water program on an annual basis. This includes both monitoring and a self-audit of the program. Caltrans has submitted a three-year monitoring strategy that will be updated annually. Caltrans will also be required to submit a detailed monitoring program prior to the upcoming rainy season

for each year. The monitoring is intended to demonstrate the effectiveness of its storm water and nonstorm water programs and specifically to achieve the following objectives:

1. Characterization of storm water discharges, including pollutant concentrations and mass loadings, from locations representative of Caltrans owned properties, facilities, and activities. Of particular interest is the discharge of high volume systems which discharge to areas subject to or sensitive to beach closures;

2. Evaluation of effectiveness of maintenance activity control measures;

3. Evaluation of effectiveness of maintenance facility pollution prevention plans;

4. Evaluation of effectiveness of construction erosion prevention and control measures;

5. Evaluation of effectiveness of permanent control measures; and

6. Evaluation of effectiveness of highway operation control measures.

Caltrans has also submitted a Guidance Manual for Stormwater Monitoring Protocols which specifies the manner in which monitoring is to be undertaken.

In addition to monitoring, Caltrans must perform a program audit each year to determine how well the program is being implemented and whether the program is actually adequate. Caltrans must submit an outline of this audit six months in advance of the Annual Report so that the SWRCB can evaluate the methods to be used to perform the audit.

Region Specific Concerns

Each of the RWQCBs was given the opportunity to specify specific water quality concerns in their Region that required special conditions. At this time, these requirements are limited to items that Caltrans is currently responsible for either under a current NPDES permit or under a RWQCB Basin Plan. Region-specific concerns have been identified in the Lahontan RWQCB. Some of the requirements are specific to the Lake Tahoe Hydrologic Unit and are based on the unique quality of the resource. Other requirements are applicable to the entire region.

To accommodate the concerns about the Lake Tahoe Hydrologic Unit, the Lahontan RWQCB has placed requirements in the RWQCB Basin Plan that are, therefore, requirements of this permit. They include (1) numeric effluent limits for storm water,

(2) nonstorm water discharge prohibitions, (3) a requirement for the capture and treatment of all storm water from the 20-year storm, (4) erosion control guidelines for high mountain areas, (5) construction site and maintenance facility inspection requirements, and (6) a winter ban on soil disturbance throughout the Lake Tahoe Hydrologic Unit and other high mountain portions of the Region. If the Basin Plan requirements that are referenced in this NPDES Permit are changed during the life of this NPDES Permit, Caltrans can request that the terms of this permit be changed to reflect the changes in the Basin Plan.

In addition, the Lahontan RWQCB requires Caltrans to meet some specific requirements in their construction program. These include involving the RWQCB in the design of the project and early submittal of Storm Water Pollution Prevention Plans (SWPPP).

The Lahontan RWQCB requires that Caltrans submit information to them about the program to control snow and ice throughout the Region. This requirement includes the submittal of information about the use of abrasives and deicing agents throughout the Region, including the location of the use, the source and chemistry of the deicing agents and abrasives, and the volume of abrasive and deicing agents used on individual highway segments. For example, Caltrans must report separately on abrasives and deicing agents use within the Lake Tahoe Hydrologic Unit by volume of material used on

State Route 50, State Route 89, State Route 28, and State Route 267, rather than providing only the total volume used in the Lake Tahoe Hydrologic Unit or within a specific Caltrans District. In the Truckee River Hydrologic Unit, the reports would be volume of material used on State Route 89S, State Route 89N, State Route 267, and Interstate 80.

Caltrans is required to develop a monitoring program that evaluates the effectiveness of BMPs used to recover abrasives and deicing materials and that evaluates the impacts of abrasives and deicing materials on surface waters within the Lake Tahoe Hydrologic Unit. A report on the use of deicing agents and abrasives is required each year as part of the Annual Report.

CONSTRUCTION PERMIT REQUIREMENTS

Construction activities which disturb five acres or more outside of the Lake Tahoe Hydrologic Area are currently required to be covered by the Construction General Permit. The current Construction General Permit is SWRCB Order 99- DWQ.

The Lahontan RWQCB has developed an NPDES Storm Water Permit for construction projects that involve more than five acres of soil disturbance and non-NPDES waste discharge requirements for construction projects for projects less than five acres within the Lake Tahoe Hydrologic Unit. The current Lahontan Construction Permit is Lahontan RWQCB Board Order 6-93-63. The WDRs for small projects are contained in Lahontan RWQCB Board Order 6-91-31. All projects within the Lake Tahoe Hydrologic Area are currently subject to one of these two Board Orders depending on the size of the project.

Storm water discharges from all Caltrans construction projects will be covered by this permit except for those projects that the RWQCB determines should be covered by an individual permit. Caltrans will be required to notify the RWQCB that a project is to be covered under this permit at least 30-days prior to the onset of construction. This 30-day notification under this permit is the equivalent of filing a Notice of Intent (NOI) under the Construction General Permit.

The RWQCB can require submittal of the SWPPP up to 30 days prior to the onset of soil disturbance, require changes to the SWPPP, perform inspections, and take enforcement action. Caltrans can negotiate an alternative process with the appropriate RWQCB if an alternative method of complying with the requirement for early submittal of the SWPPP is appropriate.

The permit requires Caltrans to implement an effective construction storm water program. The program that Caltrans plans to implement is contained in their SWMP. This plan, in turn, refers to BMP manuals and the Standard Specifications that contain the details of the BMP implementation.

Caltrans must implement an effective construction storm water program during the entire year

throughout the State. Because the construction storm water program will be implemented year round, regardless of whether or not Caltrans elects to implement baseline or more advanced erosion control measures, any discharges of material not authorized by this permit is a violation.

Caltrans construction projects may involve soils that contain lead in quantities that meet the State definition of hazardous waste but not the federal definition. The Department of Toxic Substances Control (DTSC) has issued waivers allowing Caltrans to use these soils in construction projects under a narrow range of conditions. In addition to the waivers, Caltrans also needs authorization from the RWQCB to allow the use of these soils. Caltrans is required to obtain WDRs from the RWQCB for the use of these soils.

ANNUAL REPORT

This permit requires Caltrans to submit an Annual Report each April. The Annual Report will contain (1) an evaluation of the previous year's program, (2) the results of the program audit, including information about compliance with the construction requirements and maintenance facility requirements, (3) a vegetation management report, (4) an IC/ID report, (5) a nonstorm water discharge report, (6) an analysis of the legal authority, (7) an analysis of the fiscal resources for the coming year, (8) a report on the training and public education program, and (9) reports on the regional requirements. The Annual Report must also contain a monitoring report and a monitoring plan for the upcoming year and workplans for each of the regions. There is a one year lag in the reporting of the monitoring program and the program audit in the Annual Report. This lag is intended to allow Caltrans the time to adequately analyze the data that has been generated.

STATE WATER RESOURCES CONTROL BOARD
ORDER NO. 99 - 06 - DWQ

NPDES NO. CAS000003
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
STATEWIDE STORM WATER PERMIT AND WASTE DISCHARGE REQUIREMENTS (WDRs) FOR THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION (CALTRANS)

The State Water Resources Control Board (SWRCB) finds that:

1. NPDES PERMIT APPLICATION: On September 5, 1996, Caltrans, located at 1120 N Street, Sacramento, California 95814 submitted an NPDES Permit application for storm water discharges from the Caltrans highways, properties, facilities, and activities throughout the State of California for Caltrans headquarters and for the District offices including: the North Coast region (District 1), Northern Central Valley and Far Northeastern region (District 2), Sacramento area (District 3), San Francisco Bay area (District 4), Central Coast (District 5), Lower Central Valley (District 6), Los Angeles Basin (District 7), San Bernardino area (District 8), Mono/Inyo area (District 9), Middle Central Valley (District 10), San Diego area (District 11), and Orange County (District 12). The application was accepted on October 4, 1996. As part of the application, Caltrans submitted a Storm Water Management Plan (SWMP) and Monitoring Plan. The SWMP and Monitoring Plan were amended in March 1997 and again in April 1998. The application is considered an application for permit reissuance because Caltrans is currently under permit in all of the parts of the State for which a Municipal Separate Storm Sewer System (MS4) permit is currently required. The MS4 permits that Caltrans holds, the permitting agency, the adoption date, and expiration date are shown in Table 1.

TABLE 1

CURRENT CALTRANS STORM WATER PERMITS					
RWQCB	Caltrans District	Board Order	NPDES Permit Number	Adoption Date	Expiration Date
North Coast	4	97-119	CA0025038	10/22/97	10/22/02
San Francisco Bay	4 and 10	94-098	CAS029998	8/17/94	8/27/99
Los Angeles	7	90-079	CA0061654	6/18/90	6/18/95
Central Valley	6	94-244	CA0083500	9/16/94	9/1/99
Central Valley	3, 4, 6 and 10	95-001	CA0083640	1/27/95	1/1/00
Lahontan	3	6-93-62	CAS616002	6/11/93	6/11/98

Colorado River Basin	8 and 11	94-038	CAS617001	11/15/94	11/17/99
Santa Ana River	8 and 12	94-5	CA8000279	7/8/94	7/8/99
San Diego	8,11, and 12	97-08	CAS029998	3/12/97	3/12/02

2. FEDERAL AUTHORITY: In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless the discharge is in compliance with an NPDES Permit. The 1987 amendments to the CWA added section 402(p) that establishes a framework for regulating municipal and industrial storm water discharges under the NPDES Permit Program.

3. STATE AUTHORITY: California Water Code section 13376 provides that any person discharging or proposing to discharge pollutants to waters of the United States must apply for and obtain WDRs. (For this permit, the State term "WDRs" is equivalent to the federal term "NPDES permits" as used in the CWA). Furthermore, municipal and industrial storm water discharges are discharges of waste that could affect the quality of the waters of the State. Applicable State of California regulations are contained in the California Code of Regulations (CCR), Title 23, Division 3, Chapter 9.

4. CALTRANS DISCHARGES SUBJECT TO MUNICIPAL STORM WATER PERMIT REGULATIONS: On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) promulgated final regulations that establish application requirements for storm water permits codified at Title 40 of the Code of Federal Regulations (CFR), Section 122.26 (40 CFR 122.26). Federal regulations 40 CFR 122.26(a)(iii) and (iv) require that NPDES storm water permits be issued for discharges from large and medium MS4s. The regulations define "municipal separate storm sewer" to mean "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) owned or operated by a State, city, town, borough, county, . . .". Caltrans, as the owner of an MS4, is subject to an NPDES Permit in those areas of the State subject to an MS4 storm water permit. Caltrans performs activities that impact storm water quality. These activities include operation of roads and highways, construction activities, and maintenance activities. To enable Caltrans to implement a uniform storm water program, this NPDES Permit will cover storm water discharges from all Caltrans highways, properties, activities and facilities throughout the State.

5. **CALTRANS DISCHARGES SUBJECT TO CONSTRUCTION STORM WATER PERMITREGULATIONS**: Federal regulations (40 CFR 122.26) require discharges of storm water associated with construction activity including clearing, grading, and excavation activities (except operations that result in disturbance of less than five acres of total land area and which are not part of a larger common plan of development or sale) to obtain an NPDES Permit and to implement Best Management Practices (BMPs) that achieve the performance standards of Best Available Technology economically achievable/Best Conventional Pollutant Control Technology (BAT/BCT) to reduce or eliminate storm water pollution.

6. STORM WATER DISCHARGE DEFINITION: Storm water discharges consist only of those discharges that originate from precipitation events. Storm water is defined in 40 CFR 122.26(b)(13) as storm water runoff, snowmelt runoff, and surface runoff and drainage. During

precipitation events, storm water picks up and transports pollutants into and through municipal storm water conveyance systems and ultimately to waters of the United States.

7. NONSTORM WATER DISCHARGE DEFINITION: Nonstorm water discharges consist of all discharges from a municipal storm water conveyance system which do not originate from precipitation events (i.e., all discharges from a conveyance system other than storm water). Nonstorm water discharges include illicit discharges, nonprohibited discharges, and NPDES permitted discharges. An illicit discharge is defined in 40 CFR 122.26(b)(2) as "any discharge to a municipal storm sewer that is not composed entirely of storm water except discharges pursuant to an NPDES Permit (other than the NPDES Permit for discharges from the MS4) and discharges resulting from fire fighting activities." Nonstorm water discharges are addressed in Provision B of this permit.

8. **PERFORMANCE STANDARDS:** CWA section 402(p) establishes two different performance standards for storm water discharges. NPDES permits issued for MS4 storm water discharges require controls to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP). Caltrans can reduce pollutants to MEP through the effective implementation of BMPs. NPDES Permits issued for industrial storm water discharges (including construction activities) must meet BAT for toxic pollutants and BCT for conventional pollutants. In addition, storm water discharges may not cause or contribute to exceedance of water quality standards. The requirements for compliance with water quality standards are described in Provision C., Receiving Water Limitations.

9. CALTRANS ACTIVITIES: Caltrans is primarily responsible for the design, construction, management, and maintenance of the State highway system, including freeways, bridges, tunnels, maintenance facilities, and related properties, and facilities.

10. CALTRANS BUDGET: Caltrans derives funding from federal, State, and local government sources. The annual operating budget for Caltrans is determined through the State's financial planning process. The final determination on the budget is made by the Legislature and the Governor.

11. REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) BASIN PLANS: Each RWQCB has adopted a Basin Plan containing the policies, prohibitions and requirements that apply to that Region. Caltrans is subject to the policies and prohibitions and requirements contained in these Basin Plans in the Region in which the Basin Plan is applicable.

12. **CALTRANS DISCHARGES**: Caltrans discharges consist of storm water and nonstorm water runoff generated from (a) maintenance and operation of State-owned highways, freeways, and roads; (b) maintenance facilities; (c) other properties, facilities, activities, and construction projects; (d) permanent discharges from subsurface dewatering, and (e) temporary construction related dewatering which discharge directly or through municipal storm water conveyance systems to surface water bodies in the State. These surface water bodies include creeks, rivers, reservoirs, lakes, wetlands, lagoons, estuaries, bays, and the Pacific Ocean and tributaries thereto. These surface waters are waters of the United States as defined in 40 CFR 122.2. This permit regulates storm water discharges on Caltrans highways, properties, and facilities.

13. **POTENTIAL POLLUTANTS IN CALTRANS DISCHARGES**: Discharges of storm water from the Caltrans owned rights-of-way, properties, facilities, and activities, including storm water management activities in construction, maintenance, and operation of State-owned highways within the State of California have been shown to be contributors of pollutants to waters of the United States. As such, the discharge of storm water may be causing or threatening to cause violations of water quality objectives. The quality and quantity of these discharges vary

considerably and are affected by hydrology, geology, land use, season, and sequence and duration of hydrologic events. Pollutants occur in both the storm water discharges and nonstorm water discharges. Pollutant sources from Caltrans rights-of-way, properties, facilities, and activities include motor vehicles, highway maintenance, construction site runoff, maintenance facility runoff, illegal dumping, spills, and landscaping care. Pollutant categories include metals (such as copper, lead, and zinc), synthetic organics (petroleum products and pesticides), sediment, nutrients (nitrogen and phosphorus fertilizers), debris, oxygen demanding substances (decaying vegetation, animal waste, and other organic matter), and other pollutants which may cause aquatic toxicity in the receiving waters.

14. **STORM WATER MANAGEMENT PLAN (SWMP)**: The SWMP submitted by Caltrans describes a framework for management of storm water discharges during the term of this permit. The title page and table of contents of the SWMP are attached to this NPDES Permit. The SWMP describes the Caltrans facilities, the institutional arrangements within Caltrans, legal authorities, funding, training and public education and participation, the annual reporting program evaluation process, and monitoring studies to be undertaken. The SWMP includes a discussion of activities to be implemented by each of the Divisions within Caltrans, including programs for design and construction, maintenance, and additional region-specific programs to be undertaken. Revisions to the SWMP for subsequent years will be submitted to the SWRCB as part of the Annual Reporting and Program Evaluation Process. This NPDES Permit directs Caltrans to implement its SWMP. Where the SWMP was found to be inadequate, this NPDES Permit directs Caltrans to fulfill additional requirements and specifies what these requirements are.

Caltrans SWMP must be revised in accordance with the Provisions of this NPDES Permit to address concerns about the scope, detail of proposed actions, and time frame for implementation. Caltrans began implementation of this SWMP in March 1997.

15. **ENFORCEABILITY OF THE SWMP**: The SWMP and modifications or revisions to the SWMP that are approved, in accordance with Provision F.1 of this NPDES Permit, and future year workplans to be submitted, in accordance with the SWMP and Provision F.1 of this NPDES Permit, are integral to and an enforceable component of this NPDES Permit.

16. **LOCAL MUNICIPALITIES:** The RWQCBs have issued NPDES Permits for the discharge of storm water from municipal storm water conveyance systems to municipalities in California which require these permits. Caltrans operates highways and highway-related properties, activities, and facilities that cross through all of these permitted areas. Some storm water discharges from Caltrans-owned rights-of-way, properties, facilities, and activities discharge to storm water conveyance systems managed by these municipalities. Some storm water discharges from these municipalities discharge to storm water conveyance systems managed by Caltrans.

17. **LOCAL CONTROL**: This NPDES Permit does not preempt or supersede the authority of local municipal agencies to prohibit, restrict, or control storm water discharges and authorized nonstorm water discharges to storm drain systems or other watercourses within their jurisdictions as allowed by State and federal law.

18. **CALTRANS CONSTRUCTION PROGRAM**: Caltrans performs construction activities that are required to have NPDES Permits for storm water discharges from the construction site. This NPDES Permit will effectively regulate storm water discharges from construction projects within the Caltrans rights-of-way. Caltrans will not be required to obtain coverage under the State NPDES General Permit for Construction Activities (Construction General Permit), SWRCB Board Order 92-08 DWQ.

19. **DREDGE AND FILL MATERIALS:** This NPDES Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA section 404 and does not constitute a waiver of water quality certification under CWA section 401.
20. **RECEIVING WATER LIMITATIONS**: The impact of storm water runoff from highway facilities on the water quality of receiving waters is highly variable. For this reason, this NPDES Permit does not include numeric effluent limitations. Instead, this NPDES Permit will emphasize the use of BMPs to control storm water pollution and the establishment of a monitoring program to determine the impact of storm water runoff from highways on receiving water bodies. The Lahontan RWQCB does have numeric effluent limits for storm water discharges for the Tahoe Basin in the Basin Plan. These numeric effluent limits also appear in their Regional Construction Permits (RWQCB Board Orders 6-91-31 and 6-93-63) and the Caltrans MS4 Permit RWQCB Board Order No. 6-93-62) for the Tahoe Basin, and these limits apply to this NPDES Permit in that area.

It is the SWRCBs intent that this NPDES Permit shall ensure attainment of applicable water quality objectives and protection of the beneficial uses of receiving waters. This NPDES Permit, therefore, includes standard requirements to the effect that discharges shall not cause or contribute to violations of water quality objectives nor shall they cause certain conditions to occur which create a condition of nuisance or water quality impairment in receiving waters. "Standard" language is the standard for storm water permits; it is not the same as the "standard" language for other NPDES permits. Accordingly, the SWRCB is requiring that these standard requirements be addressed through the implementation of control measures to reduce pollutants in storm water discharges.

Receiving water limitations in this NPDES Permit are based on the federal CWA, RWQCB Basin Plans and policies, USEPA Guidance, Best Professional Judgement, and BMPs.

21. **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**: The action to adopt an NPDES Permit is exempt from Provisions of the CEQA (CEQA: Public Resources Code section 21100, et. seq.), pursuant to section 13389 of the California Water Code.
22. **PUBLIC NOTIFICATION**: The SWRCB has notified Caltrans and all known interested agencies and persons of its intent to prescribe an NPDES Permit and WDRs for said discharge and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
23. **PUBLIC HEARING**: The SWRCB in a public meeting held on June 9, 1998 heard and considered all comments pertaining to this NPDES Permit. The permit was adopted at a public meeting held on July 15, 1999.
24. **RWQCB ENFORCEMENT**: Following adoption of this NPDES Permit, the RWQCBs shall enforce the Provisions.
25. **IMPLEMENTATION:** This NPDES permit is in compliance with section 402 of the CWA and shall take effect upon adoption by the SWRCB.
26. **ANTI-DEGRADATION:** This NPDES Permit is consistent with the anti-degradation Provision, section 40 CFR 131.12 and SWRCB Resolution 68-16.
IT IS HEREBY ORDERED that all MS4 storm water permits issued to Caltrans by RWQCBs shall be rescinded insofar as they apply to Caltrans.
IT IS HEREBY ORDERED that in order to meet the Provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the Provisions of the Federal

CWA and the regulations and guidelines adopted thereunder, Caltrans shall comply with the following: (***REPORTING REQUIREMENTS ARE SHOWN IN ITALICS WITH ALL CAPITAL LETTERS***):

A. GENERAL DISCHARGE PROHIBITIONS

1. Any discharge from Caltrans rights-of-way or Caltrans properties, facilities, and activities within those rights-of-way that is not composed entirely of "storm water" to waters of the United States is prohibited unless authorized pursuant to Section B of this NPDES Permit. For some discharges, Caltrans may also need to obtain Water Quality Certification under CWA S2. The discharge of runoff from Caltrans owned rights-of-way or Caltrans properties, facilities, and activities to waters of the United States which have not been reduced to the MEP is prohibited. The discharge of runoff from construction sites containing pollutants which have not been reduced using BAT for toxic pollutants and BCT for conventional pollutants to waters of the United States is prohibited.

2. The discharge of pollutants or dredged or fill material to waters of the United States, except as authorized by an NPDES Permit or a dredged or fill material permit (subject to the exemption described in California Water Code (CWC) section 13376), is prohibited.

3. The discharge of waste to waters of the State in a manner causing or threatening to cause a condition of pollution or nuisance defined in CWC section 13050, is prohibited.

4. The dumping, deposition, or discharge of waste by Caltrans directly into waters of the State or adjacent to such waters in any manner that may allow its being transported into the waters is prohibited unless authorized by the RWQCB.

5. The discharge of any radiological, chemical, or biological warfare agent into waters of the State is prohibited. The discharge shall not contain toxic substances in concentrations that are toxic to or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

6. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity, or discoloration in waters of the State or which unreasonably affect or threaten to affect beneficial uses of such waters, is prohibited.

7. Wastes or wastewater from road sweeping vehicles or from other maintenance or construction activities shall not be discharged to any surface waters or to any storm drain leading to surface water bodies.

Caltrans shall achieve the pollutant reductions described in General Discharge Prohibitions A.2. above through implementation of the SWMP described in General Requirements, Provision E., below.

B. NONSTORM WATER DISCHARGE PROHIBITIONS

1. Caltrans shall effectively prohibit nonstorm water discharges into its storm water conveyance system unless such discharges are either:

a. authorized by a separate NPDES permit; or
b. authorized in accordance with Nonstorm Water Discharge Prohibition B.2. of this NPDES Permit.

2. Exempted Discharges.

In carrying out nonstrom Water Discharge Prohibition B.1. of this NPDES Permit, the following nonstorm water discharges need not be prohibited unless they are identified as sources of pollutants to receiving waters:
a. flows from riparian habitats or wetlands;

b. diverted stream flows;

c. springs;

d. rising ground waters; and

e. uncontaminated ground water infiltration.
If any of the above categories of discharges or sources of such discharges are identified as sources of pollutants to receiving waters, then such categories or sources shall be addressed as conditionally exempted discharges in accordance with Prohibition B.3.

3. Conditionally Exempted Discharges

The following nonstorm water discharges need not be prohibited if identified by either Caltrans or the Executive Director as not being sources of pollutants to receiving waters or if appropriate control measures to minimize the adverse impacts of such sources are developed and implemented under the SWMP in accordance with Prohibition B.4.:

a. uncontaminated pumped ground water;

b. foundation drains;

c. water from crawl space pumps;

d. footing drains;

e. air conditioning condensate;

f. irrigation water;

g. landscape irrigation;

h. lawn or garden watering;

i. planned and unplanned discharges from potable water sources;

j. water line and hydrant flushing;

k. individual residential car washing; and

l. discharges or flows from emergency fire fighting activities.

4. Caltrans shall identify and describe the categories of discharges 3.a through 3.l that are to be exempt from Prohibition B.1 in the Annual Report. For each such category, Caltrans shall identify and describe as necessary and appropriate to the category either documentation that the discharges are not sources of pollutants to receiving waters or circumstances in which they are not found to be sources of pollutants to receiving waters. Otherwise, Caltrans shall describe (a) control measures to reduce pollutants to the maximum extent practicable and minimize the adverse impacts of such sources, (b) procedures and Performance Standards for their implementation, (c) procedures for notifying the SWRCB of these discharges, and (d) procedures for monitoring and record management. Such submissions shall be deemed to be incorporated into the SWMP unless disapproved by the Executive Director. If necessary, on a case-by-case basis, Caltrans shall prohibit any individual or class of nonstorm water discharge(s) listed above that is determined by Caltrans to be a significant source of pollutants to waters of the United States.

5. Permit Authorization for Exempted Discharges

a. Discharges of nonstorm water from sources owned or operated by Caltrans are authorized and permitted by this Order, if they are in accordance with the conditions of this Provision and the SWMP.

b. Any RWQCB may require dischargers of nonstorm water other than Caltrans to apply for and obtain coverage under an NPDES permit and comply with the control measures developed by Caltrans pursuant to Provision B. Nonstorm water discharges that are in compliance with such control measures may be accepted by Caltrans and are not subject to Prohibition B.1. Caltrans may refer nonstorm water dischargers to the Caltrans system to the RWQCB for permitting or enforcement.

c. Caltrans may propose additional categories of nonstorm water discharges to be included in the exemption to Discharge Prohibition B.1. Such proposals are subject to approval in accordance with the NPDES permit regulations.

6. If a RWQCB Executive Officer determines that any individual or class of nonstorm water discharge(s) listed in Nonstorm Water Discharge Prohibition B.2 or B.3. above may be a significant source of pollutants to waters of the United States in that region, the RWQCB Executive Officer may require Caltrans to monitor and submit a report on the discharge and

to follow the procedures outlined in Nonstorm Water Prohibition B.4. The RWQCB may require that discharge cease in the event that nonstorm water discharges are a significant source of pollutants to waters of the United States.

7. Caltrans shall examine all illicit connection/illegal discharge (IC/ID) investigation results for the presence of elevated levels of pollutants (e.g., chlorine, sediments, or surfactants) which may be the result of one or more classes of nonprohibited nonstorm water discharge(s) identified in Nonstorm Water Discharge Prohibition B.2. or B.3. above. If such elevated levels of pollutants are commonly present, Caltrans shall conduct a follow-up investigation to identify the source of the elevated pollutants.

8. Discharges or flows from health and safety emergencies, such as fire fighting activities and accident response, shall be addressed only when such flows are identified by Caltrans to be significant sources of pollutants to waters of the United States. *(It is not the intention of the SWRCB for Caltrans to prohibit, under any circumstances, the discharge of water or other fire retardants that flow into storm water conveyance systems as a result of their use for protection of life and public or private property. However, there may be instances when specified BMPs are appropriate for fire fighting flows).* Although this NPDES Permit does not prohibit these discharges, they may still be subject to regulation under the federal and/or State law.

9. Caltrans shall submit a ***COMPREHENSIVE NONSTORM WATER REPORT*** each year as part of the Annual Report. This report shall include the analysis of each category of discharge, and the BMPs to be implemented for each category. Caltrans must also periodically evaluate the effectiveness of the modified BMPs by examining illicit discharge/illegal dumping investigation results and take any further action necessary to reduce such pollutant concentrations.

C. RECEIVING WATER LIMITATIONS

C-1- RECEIVING WATER LIMITATIONS FOR MUNICIPAL ACTIVITIES:

1. The discharge of storm water from a facility or activity that causes or contributes to the violation of water quality standards or water quality objectives (collectively WQSs) is prohibited.

2. The discharges shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State:

a. Floating, suspended solids, or deposited macroscopic particulate matter, or foam;

b. Bottom deposits or aquatic growths;

c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;

d. Visible, floating, suspended, or deposited oil or other products of petroleum origin, and /or;

e. Toxic or deleterious substances present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

3. Caltrans shall comply with Parts C-1.1. and 2. of this permit through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this permit including any modifications; the SWMP shall be designed to achieve compliance with Parts C-1.1. and 2. of this permit; if exceedance(s) of WQSs persist notwithstanding implementation of the SWMP and other requirements of this permit, the permittee shall assure compliance with Parts C-1.1. and 2. of this permit by complying with the following procedure:

a. Upon a determination by either Caltrans or the RWQCB that discharges are causing or contributing to an exceedance of an applicable WQS, Caltrans shall promptly notify and thereafter submit a report to the appropriate RWQCB. The report shall describe BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report may be incorporated in the annual update to the SWMP unless the RWQCB directs an earlier submittal. The report shall include an implementation schedule. The RWQCB may require modifications to the report;

b. Submit any modifications to the report required by the RWQCB within 30 days of notification;

c. Within 30 days following approval of the report described above by the RWQCB, Caltrans shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required; and

d. Implement the revised SWMP and monitoring program in accordance with the approved schedule.

4. So long as Caltrans has complied with the procedures set forth in Receiving Water Limitations C-1-3. above and are implementing the revised SWMP, Caltrans does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the RWQCB to develop additional BMPs.

C-2-RECEIVING WATER LIMITATIONS FOR CONSTRUCTION ACTIVITIES:

1. Storm water discharges and authorized nonstorm water discharges to any surface or ground water shall not adversely impact human health or the environment.

2. The SWPPP developed for the construction activity covered by this NPDES Permit shall be designed and implemented such that storm water discharges and authorized nonstorm water discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan and/or the applicable RWQCB's Basin Plan.

3. Should it be determined by Caltrans, SWRCB or RWQCB staff that storm water discharges and/or authorized nonstorm water discharges are causing or contributing to an exceedance of an applicable water quality standard, Caltrans shall:

a. Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification of the RWQCB by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14 days to the appropriate RWQCB, unless otherwise directed by the RWQCB, describing (1) the nature and case of the water quality standard exceedance; (2) the BMPs currently being implemented; (3) any additional BMPs which will be implemented to prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards**;** and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the exceedance.

b. Caltrans shall revise its SWPPP and monitoring program immediately after the report to the RWQCB to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring needed.

c. Nothing in this section shall prevent the appropriate RWQCB from enforcing any provisions of this permit while Caltrans prepares and implements the above report.

D. RWQCB AUTHORITIES

1. Following adoption of this permit, RWQCBs shall implement the Provisions of this permit. Implementation of this permit may include, but is not limited to, reviewing SWPPPs, reviewing Maintenance Facility Pollution Prevention Plans (FPPPs), reviewing monitoring reports, conducting compliance inspections, conducting monitoring, reviewing the Annual Reports and taking enforcement actions.

2. RWQCBs may require submittal of, require changes to, specify a format for, and enforce Provisions of SWPPPs and FPPPs. RWQCBs may also designate projects which do not meet

the acreage requirements based upon water quality concerns and require SWPPPs. RWQCBs may require that Caltrans submit all SWPPPs automatically up to 30 days in advance of the onset of construction.

3. RWQCBs may require retention of records for more than three years.

4. RWQCBs may require additional monitoring and reporting program requirements and may provide guidance on monitoring plan implementation.

5. RWQCBs may require Caltrans to conduct additional site inspections, submit reports and certifications, to perform water quality sampling and analysis of discharges from construction sites, roadways and maintenance facilities.

6. RWQCB staff may inspect Caltrans facilities and construction sites.

7. The RWQCB Executive Officer may require Caltrans to monitor and submit a report on nonstorm water discharges that have been determined to be a source of pollutants in the region.

8. RWQCB may issue Caltrans other individual storm water NPDES permits, particularly for large construction projects or other discharges beyond the scope of this permit.

E. GENERAL REQUIREMENTS

In order to meet the federal requirements contained in the CWA and the corresponding regulations contained in the 40 CFR 122.26, Caltrans shall:

1. Maintain and implement an effective SWMP. The SWMP shall identify and describe the BMPs used to control or reduce pollutants to waters of the United States to MEP for the Municipal Storm Water Management activities (all activities except construction). For the Construction Management Program, the SWMP shall identify and describe BMPs used to control or reduce pollutants to waters of the United States that meet BAT/BCT. BMP development is a fluid and dynamic process, and the menu of BMPs contained in the SWMP may require changes over time as experience is gained and/or the state of the art progresses. The SWMP shall be reviewed annually and modified as necessary to maintain an effective program. The SWMP shall reflect the principles that storm water management is to be a year-round proactive program to eliminate or control pollutants at their source or to reduce them from the discharge by either structural or nonstructural means when elimination at the source is not possible. The *REVISED SWMP* shall be submitted to the SWRCB's Executive Director by April 1 as part of the Annual Report (40 CFR 122.26 (d)(vi)) each year. In accordance with NPDES Permit regulations, significant changes to the program will be taken to the SWRCB for approval. Caltrans shall change all other appropriate manuals to reflect modifications to the SWMP.

2. In addition to the revised SWMP, Caltrans shall submit *regional workplans* (workplans) each year for each region by April 1 as part of the Annual Report each year. The workplans will be forwarded to the appropriate RWQCB's Executive Officer for approval. The workplan shall cover all activities to be undertaken by the Districts in the region and shall address the water bodies in the region, the impact of the Caltrans discharge on the water body and the BMPs and monitoring program to be implemented in the region, and changes that are

to be made to the previous year's program. The workplan shall also include identification of high risk areas, such as locations where spills from Caltrans owned rights-of-way, activities or facilities can discharge directly to municipal or domestic water supply reservoirs or ground water percolation facilities, and consideration of appropriate spill containment and spill prevention control measures for these new areas. Because the BMP programs and monitoring program are described in other documents, this workplan shall describe how the various programs will be implemented in the Region.

3. The SWMP shall define terms in a manner that is consistent with the definitions in 40 CFR 122.2. This includes, but is not limited to, the definitions for pollutant, waters of the United States, and point source. Where there is a conflict between the SWMP and the permit language, the permit language shall govern.

4. The SWMP shall include or describe procedures for implementing the following:

CHAPTER 1. PROGRAM OVERVIEW (Provision F)

CHAPTER 2. PROGRAM MANAGEMENT (Provision G)

CHAPTER 3. CONSTRUCTION PROGRAM MANAGEMENT (Provision H)

CHAPTER 4. MAINTENANCE PROGRAM MANAGEMENT (Provision I)

CHAPTER 5. TRAINING AND PUBLIC EDUCATION (Provision J)

CHAPTER 6. PROGRAM EVALUATION/REPORTING (Provision K)

CHAPTER 7. LOCATION SPECIFIC REQUIREMENTS (Provision L)

F. PROGRAM OVERVIEW

Caltrans shall implement the program specified in the SWMP. Caltrans shall also implement any additional requirements contained in this Provision F.

1. Caltrans must reevaluate and revise the BMP program in the SWMP to reflect the definition of pollutant in the federal regulations. The selection of BMPs must reflect the need to meet MEP, or where appropriate, BAT/BCT and water quality standards. It is appropriate to address pollutants known to be in a waste stream, even if there is not yet any documented evidence of adverse effect. Decisions regarding storm water management should be made in response to site-specific circumstances, depending on the location and nature of the activity in question and the local receiving water conditions. In geographic areas in which the requirements in effect prior to adoption of this permit are more stringent than the requirements of this permit, Caltrans will specify in the SWMP and regional workplans, a program which is at least as stringent as the prior requirements for that area. In no event shall the BMP program in any part of the State be less stringent than it was under the prior requirements.

2. The revised SWMP shall be submitted within 90 days of the adoption of the permit. Until such time as Caltrans has an approved SWMP, Caltrans will continue to meet the requirements that were in effect under the permits adopted by RWQCBs.

3. Caltrans shall include an analysis of the feasibility of structural controls in the BMP selection process. At a minimum, a consideration of structural controls for water quality improvement shall be included in the design of any new construction or major reconstruction or repair projects.
The SWMP shall be updated each year as part of the Annual Report and shall contain the following elements:

a. A listing of appropriate control measures, including design, operation, and maintenance specifications, referenced by facility type, location, and other suitable factors. (Suitable factors may include prevention and control of erosion and sedimentation, source control of potential pollutants, control of pathogens, control and treatment of runoff, spill containment, and protection of wetlands and water quality resources);

b. An effective operation and maintenance program for BMPs;

c. Consideration of pollution prevention and pollutant removal factors, including spill containment and corresponding operation and maintenance requirements in the design of facility drainage structures and other features;

d. Development and implementation of policies, programs, procedures, and standards to improve pollutant removal and water quality benefits of landscape design after construction is completed;

e. A description of how these BMPs will be developed, constructed and maintained by the Environmental Engineering, Project Development, Construction, and Maintenance Branches and other affected functional offices and branches;

f. A ***BMP SELECTION REPORT*** which presents the revisions to the BMP programs (including both structural and nonstructural BMP candidates) to be implemented in the coming year along with the process used for evaluating the revised BMPs. The process shall include a mechanism for public input and review during the BMP selection process; and

g. A mechanism for evaluating new treatment and control technologies and for considering these technologies as part of the BMP programs. A ***NEW TECHNOLOGY REPORT*** is required as part of the Annual Report each year.

4. Storm Water Drainage System Retrofitting: In urban areas subject to a MS4 permit, Caltrans shall seek opportunities to retrofit the Storm Water Drainage System for water quality improvement whenever a section of the rights-of-way undergoes significant construction or reconstruction. Permanent control measures shall be implemented, both to control erosion and to control runoff of pollutants resulting from normal use of Caltrans facilities such as highways.

a. Controls that shall be considered: Techniques that capture and or reduce the amount of pollutants, especially sediment from entering the storm drain system or

receiving water. Cost effectiveness is a factor in the consideration of controls.

b. Treatment controls that have proven to be cost prohibitive to date and therefore need not be considered for most situations include reverse osmosis, ion exchange, and granular activated carbon.

G. PROGRAM MANAGEMENT

Caltrans shall implement the program specified in their SWMP. Caltrans shall also implement any additional requirements contained in this Provision G.

1. Coordination with MS4 Permittees

a. Caltrans is expected to comply with lawful requirements of municipalities, counties, drainage districts, and other local and or regional agencies regarding discharges of storm water to separate storm sewer systems or other watercourses under the jurisdiction of the local and or regional agencies. These include, but are not limited to applicable requirements in MS4 storm water programs developed to comply with NPDES Permits issued by the RWQCBs to local agencies.

b. Caltrans shall submit a *MUNICIPAL COORDINATION PLAN* to the SWRCB Executive Director within 90 days of the adoption of the Permit for approval. The plan shall describe the approach that Caltrans will take in establishing communication, coordination, cooperation, and collaboration of Caltrans storm water management activities and other pertinent activities with MS4 storm water management programs including establishing agreements with municipalities, flood control departments, or districts as necessary or appropriate. Caltrans shall report on the progress of this interagency cooperation in each Annual Report.

2. Legal Authority

a. Caltrans shall establish and maintain adequate legal authority through ordinance, statute, permit, contract or other means to control discharges to and from Caltrans properties, facilities and activities pursuant to 40 CFR 122.26(d)(2)(i)(A-F).

b. Caltrans has provided a statement certified by its chief legal counsel that Caltrans has adequate legal authority to implement and enforce each of the key regulatory requirements contained in 40 CFR 122.26(d)(2)(i)(A-F). Caltrans shall submit annually, as part of the Annual Report, an *ANALYSIS OF THE ADEQUACY OF LEGAL AUTHORITY* based on Caltrans experiences during the previous year and explain and justify whatever conclusions are reached in the annual certification of legal authority.

3. Fiscal Resources

a. Caltrans shall maintain adequate fiscal resources to maintain compliance with this NPDES Permit. This includes but is not limited to:

(1) implementing and maintaining all BMPs identified in the SWMP,

(2) maintaining an effective storm water monitoring program, and

(3) retaining adequate trained personnel to manage the storm water program.

b. Caltrans shall submit a *FISCAL ANALYSIS* of the storm water program expenditures within 90 days of the adoption of this permit and shall include one for the 3rd year and 5th year of the Permit period in the Annual Report submitted April 1. At a minimum, the fiscal analysis shall show the allocation of funds to the Districts for compliance with this permit; the funding of the program elements; and a comparison of actual past year expenditures with the current year's expenditures and next year's proposed expenditures. The 3rd year report shall show how Caltrans funding met the goals set out for the program in the first two years. The 5th year report shall contain the budget analysis for the next permit period.

4. Policies: Caltrans shall identify policies needed to resolve conflicts between implementation of the storm water program and current standard practices and policies.

5. Inspection Program: Caltrans shall have an inspection program to insure actions are implemented and facilities are constructed, operated, and maintained in accordance with this NPDES Permit and the SWMP. The program shall include training for inspection personnel, documentation of field activities, a reporting system that can be used to track effectiveness of control measures, enforcement procedures (or referral for enforcement) for noncompliance, and responsibilities and responsible personnel of all affected functional offices and branches.

H. CONSTRUCTION PROGRAM MANAGEMENT

Caltrans shall implement the program specified in the SWMP. Caltrans shall also implement any additional requirements contained in this Provision H.

1. Caltrans shall have a program to control all construction in the rights-of-way. This includes both construction by Caltrans, construction done under contract for Caltrans, and construction done by local government agencies or other third parties on Caltrans or nonCaltrans projects. The program must include:

a. review of construction site plans;

b. requirement of structural and nonstructural BMPs;

c. site inspections and enforcement; and

d. education of construction site operators.

The program must be implemented year round on all construction projects in all parts of the State. The SWMP must be revised to address these requirements and have a program and a schedule for inspections.

2. The Construction Management Program shall be in compliance with requirements of the NPDES General Permit for Construction Activities (Construction General Permit) not including NOI filing. The current Construction General Permit is SWRCB Board Order 92-08--DWQ. Terms that are defined in the Construction General Permit will have the same definition for the construction portion of this NPDES Permit.

3. The Lahontan RWQCB has adopted an NPDES Storm Water Permit for construction projects that involve more than five acres of soil disturbance and nonNPDES WDRs for construction projects for projects less than five acres within the Lake Tahoe Hydrologic Unit. The current nonNPDES Lahontan Construction Permit is Board Order 6-93-63. The WDRs for small projects are contained in Lahontan RWQCB Board Order 6-91-31. Projects in the Lake Tahoe Hydrologic Unit must be in compliance with the Provisions of the Lahontan RWQCB Order that is applicable to the project. The Lahontan RWQCB has also developed erosion control guidelines for high mountain areas throughout the region. Caltrans shall follow these guidelines in the appropriate parts of the region.

4. Caltrans shall plan, site, and develop roads and highways in a manner that protects water quality, beneficial uses of water and minimizes erosion and sedimentation .

5. Caltrans shall site, design, and maintain bridge structures so that sensitive and valuable aquatic ecosystems and areas providing water quality benefits are protected from adverse effects.

6. Caltrans shall limit the application, generation, and migration of toxic substances from construction sites.

7. Caltrans shall implement adequate erosion and sediment control BMPs during the interim period between completion of construction and final landscaping activities.

8. The following items apply to construction activities:

a. A report of ***NOTIFICATION OF CONSTRUCTION*** for all construction projects shall be submitted to the appropriate RWQCB at least 30 days prior to the start of construction. The tentative start date, tentative duration, location of construction, description of project, an estimate of the number of affected acres, resident engineer in charge of the project, and telephone number of the resident engineer shall be reported. If a resident engineer has not been assigned at the time of notification, information about the construction field office should be provided and the resident engineer information provided when the assignment is made.

b. A site specific SWPPP shall be developed and implemented for each construction project as required by the State Construction General Permit (or the appropriate Lahontan RWQCB Permit). The RWQCBs can designate projects under five acres which pose a threat to water quality as being subject to the conditions of this permit and can require the development and implementation of an SWPPP from these projects. For projects that may have a significant potential water quality impact, Caltrans is encouraged to involve the RWQCB staff in the planning stages. The SWPPP shall contain a BMP program that

meets the performance standards of BAT/BCT. The resident engineer shall approve the SWPPP prior to construction and ensure that the SWPPP is effectively implemented. The SWPPP shall contain all of the elements required by the Construction General Permit. Caltrans is responsible for having an effective SWPPP at all times and for implementing the SWPPP at an appropriate level through the entire year. RWQCB staff has the authority to require the submittal of an ***SWPPP*** at any time, including up to 30 days prior to commencement of significant soil disturbance activities; to require changes to the SWPPP; and to enforce the provisions of the SWPPP.

The SWPPP shall contain a BMP program for any mobile operations that are used in the construction project. This includes operations such as asphalt recycling, concrete mixing, crushing, and storage of materials that are established by the contractor within the construction site or on other property specifically arranged for and provided by Caltrans for execution of the project.

The SWPPP shall apply to all areas that are directly related to the construction activity, including but not limited to staging areas, storage yards, material borrow areas and storage areas, access roads, etc., whether or not they reside within the Caltrans rights-of-way.

c. Monitoring and inspection of construction sites shall be done in accordance with the Provisions of the Construction General Permit. Noncompliance shall be reported in accordance with the plan to be submitted under Program Evaluation and Reporting Provision K.2.a.

d. A ***NOTICE OF COMPLETION*** shall be submitted to the RWQCB upon completion of the construction and stabilization of the site. A project will be considered complete when the criteria for final stabilization in the Construction General Permit are met.

9. Caltrans has applied for and received variances from the California Department of Toxic Substances Control (DTSC) for the reuse of some soils that contain lead. Notification that projects involve soils that are subject to this variance shall be provided to the appropriate RWQCB(s) in writing 30 days prior to advertisement for bids to allow a determination by the RWQCB(s) of the need for development of WDRs.

I. MAINTENANCE PROGRAM MANAGEMENT

Caltrans shall implement the program specified in the SWMP. Caltrans shall also implement any additional requirements contained in this Provision I.

1. Highway Maintenance Activities

a. Caltrans shall develop and implement runoff management programs and systems for existing roads, highways, and bridges to reduce runoff pollutant concentrations and volumes entering surface waters.

(1) Identify priority and watershed pollutant reduction opportunities (e.g., improvements to existing urban runoff control structures).

(2) Establish schedules for implementing appropriate controls.

(3) Identify road segments with slopes that are prone to erosion and discharge of sediment and stabilize these slopes to the extent possible.

b. Vegetation Control: Caltrans shall revise the Vegetative Control Program to reflect the following elements:

(1) Enhancement of the use of appropriate native and adapted vegetation throughout all Caltrans rights-of way for the purpose of preventing erosion and removing pollutants in storm water and nonstorm water runoff.

(2) Application of herbicides in a manner that minimizes or eliminates the discharge of herbicides to receiving waters. Factors to be considered include timing in relation to expected precipitation events, proximity to water bodies, and the effects of using combinations of chemicals.

(3) Caltrans shall apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface water.

(4) In places where Caltrans has already developed vegetation control management plans, Caltrans shall continue to implement these plans and integrate them into their overall statewide plan. In instances where elements of these plans are to be changed or dropped, Caltrans shall discuss the changes in the workplan portion of the Annual Report.

c. Storm Water Drainage System Facilities Maintenance

(1) Caltrans shall remove all waste from those inlets that pose a significant threat to water quality on an annual basis prior to the winter season each year. All waste removed from drain inlets shall be managed in accordance with all applicable laws and regulations, including CCR Title 27, Division 2, Subdivision 1.

(2) Drain inlets which contain significant materials must be considered for an IC/ID investigation and considered for an enhanced BMP program focused on reducing the sources of the material found in the inlet.

2. Highway Surveillance Activities

a. Accidental Spills

(1) Caltrans will follow Office of Emergency Services (OES) procedures for reporting highway spills.

(2) A report of ***DISCHARGE OR THREAT OF DISCHARGE NOTIFICATION*** will be made under the following conditions: Caltrans will notify the owner/operator of the MS4 or the principal permittee as soon as practicable, but no later than 24

hours after onset of or threat of discharge of any discharge or threat of discharge which can cause adverse conditions to the storm sewer system or the receiving water that is not covered by OES procedures from a highway to a storm sewer system subject to an MS4 permit.

(3) A report of ***DISCHARGE OR THREAT OF DISCHARGE NOTIFICATION*** will be made immediately to the RWQCB of any discharge which can cause adverse conditions to the storm sewer system or the receiving water, with a follow up in writing within 24 hours. Adverse conditions include but are not limited to serious violations or serious threatened violations of WDRs, significant spills of petroleum products or toxic chemicals, or serious damage to control facilities that could affect compliance. Caltrans shall perform follow-up monitoring of major spills and/or perform confirmation sampling to ensure that threats to waters of the United States have been eliminated as determined by the local RWQCB. (This Provision applies to highway operation, not construction projects. Provisions for reporting discharges are contained in the Construction General Permit).

b. IC/ID Detection Program: Caltrans shall implement the IC/ID Detection Element described in the SWMP in conjunction with the legal authority with the following changes:

(1) Detection of IC/IDs: Caltrans shall develop procedures for receiving and investigating public complaints including establishing telephone numbers which the public can use to report IC/IDs and shall post these numbers in places where illegal dumping is found to be a problem.

(2) Investigation of each IC/ID: Caltrans shall develop procedures to conduct investigations of every IC/ID to identify the source. These procedures may include further field screening (observations and field analyses), collection and laboratory analysis of samples (upstream and downstream), smoke or dye tests, video taping with a remote control camera, or other appropriate means.

(3) Elimination of IC/IDs: Caltrans shall eliminate all identified IC/IDs as expeditiously as possible. In addition to reporting IC/IDs to the municipal authorities and to the RWQCBs, Caltrans shall use its own legal authority to eliminate IC/IDs.

(4) Caltrans shall develop a procedure to track all reports of IC/IDs and the action taken on them. A ***REPORT ON THE IC/ID PROGRAM*** will be required each year as part of the Annual Report.

(5) Caltrans shall report on the program developed under this Provision as part of the April 2000 Annual Report. (***DEVELOPMENT OF IC/ID PROGRAM***).

3. Program for Highway Maintenance Facilities

a. Caltrans shall prepare Maintenance FPPPs for all maintenance facilities. Because these facilities are considered municipal activities rather than industrial activities, these FPPPs must have BMP programs that reduce pollutants to MEP.

b. Generic FPPP elements can be used for activities that are performed at more than one maintenance facility; however, each site must be evaluated separately and provided with appropriate site specific BMPs.

c. RWQCB staff has the authority to require the submittal of a FPPP at any time, to require changes to a FPPP, and to require the implementation of the Provisions of a FPPP.

J. TRAINING AND PUBLIC EDUCATION

Caltrans shall implement the program specified in the SWMP. Caltrans shall also implement any additional requirements contained in this Provision J.

In areas where Caltrans is already participating in an areawide Public Education Program, Caltrans will continue participation. The Public Education Program shall address the three main audiences that impact Caltrans storm water discharges. The three audiences are: Caltrans Employees; Caltrans Construction Contractors, and the General Public. The program shall contain the following elements for each of these groups:

1. Caltrans Employees

a. Caltrans shall implement the program specified in the SWMP.

b. Caltrans shall provide frequent educational reminders to employees to reinforce the training.

2. Caltrans Construction Contractors

a. Caltrans shall implement the program specified in the SWMP.

b. Caltrans shall provide outreach to contractors to raise their awareness of the problems and causes of storm water pollution and to reinforce their training.

3. General Public

a. ***PLAN FOR DEVELOPMENT AND IMPLEMENTATION OF A PUBLIC EDUCATION PROGRAM***: Caltrans shall submit a plan for approval by the SWRCB Executive Director within 180 days of adoption of this NPDES permit for development and implementation of a Public Education Program that includes education of the general public and commercial and industrial entities whose actions may impair storm water quality discharged from Caltrans properties, facilities and activities. In areas where a Caltrans is already part of a Public Education Program with other MS4 permittees, Caltrans must continue with their participation in the program. (***PLAN FOR DEVELOPMENT AND IMPLEMENTATION OF A PUBLIC EDUCATION***

PROGRAM)

b. The plan shall include the following elements:

(1) Research--A plan for conducting research on public behavior that affects the quality of Caltrans runoff. The information gathered will form the foundation for all the public education conducted.

(2) Public Education Strategy--Develop a three-year public education strategy. The strategy should be based on the research conducted and must include goals and objectives to be achieved regarding changing behaviors.

(3) Mass Media Advertising--Develop and conduct an advertising campaign as a focal point of the public education strategy. The campaign should focus on the behaviors of concern and should be designed to motivate the public to change those behaviors. The public education campaigns may be done as a cooperative effort with other MS4 permittees.

c. Upon approval of the submitted plan, Caltrans shall implement the plan to develop a Public Education Program. The ***PUBIC EDUCATION PROGRAM PROGRESS REPORT*** on the progress made on the public education program development will be made as part of the Annual Report each year. A proposed ***PUBLIC EDUCATION PROGRAM*** will be submitted with the Annual Report in 2001. The ***PUBLIC EDUCATION PROGRAM*** shall be submitted with the Annual Report in 2002. Caltrans will begin implementation of the plan in April 2002.

K. PROGRAM EVALUATION AND REPORTING

Caltrans shall implement the program specified in the SWMP. Caltrans shall also implement any additional requirements contained in this Provision K.

1. Characterization of Discharges: Caltrans shall develop a plan to identify and describe existing major discharges and points of discharge, as defined in 40 CFR 122.26(iv)(d)(1 and 2), to surface water bodies in areas subject to the MS4 permit requirements and to identify and describe other discharge points as funding allows. Caltrans shall also provide information concerning major existing structural controls (such as the location of detention basins, infiltration basins, etc.). Characterization should be done in phases with the highest priority given to discharge points that are part of BMP studies and in areas where these discharges fit into ongoing watershed characterization studies. For discharges that contain pollutants, Caltrans shall investigate the source of the pollutants and, where appropriate, eliminate the IC/ID or implement BMP programs. The plan shall also identify procedures for notifying the RWQCB and affected municipal storm water management agencies of these discharges and future planned discharges and procedures for monitoring and record management. Discharges which Caltrans cannot control, such as discharges from other parties over which Caltrans has no authority, shall be referred to the appropriate regulatory agency for appropriate action. The ***PLAN FOR CHARACTERIZATION STUDIES***, describing how the studies shall be carried out,

shall be submitted with the 1999 Annual Report. Characterization studies shall be completed by April 1, 2003.

2. Receiving Water Monitoring: Caltrans has submitted a three-year monitoring strategy that outlines the research monitoring that it intends to undertake in the next three years. The ***MONITORING STRATEGY REPORT UPDATE*** will be updated annually based on the results of previous years' monitoring and in response to the needs of the program and the funding available. The updated Monitoring Strategy Report will be submitted as part of each Annual Report.

a. Caltrans shall submit to the SWRCB by April 1, 2000 and each April 1 thereafter a ***MONITORING AND REPORTING PROGRAM*** acceptable to the Executive Director that shall identify and justify sampling locations, frequencies, and methods, suite of pollutants to be analyzed, analytical methods, and quality assurance procedures. Alternative monitoring methods (special projects, literature review, visual observations, use of indicator parameters, etc.) may be proposed with justification. Current MS4 Permits for Caltrans have monitoring requirements. Results of the monitoring efforts undertaken under RWQCB MS4 Permits may be submitted to fulfill these monitoring requirements.

The RWQCB Executive Officers are authorized to require additional monitoring and reporting by Caltrans when additional information is needed to assess existing or potential adverse impacts by storm water discharges, to evaluate effectiveness of storm water pollution prevention or control measures, or to demonstrate compliance with permit requirements.

3. Compliance Monitoring and Evaluation

a. Caltrans shall prepare a plan to be submitted as part of the Annual Report due April 1, 2000 explaining how the RWQCBs will be notified about noncompliance. The plan shall include the identification in each Office and Region, the parties to notify and receive the notification. The notification shall identify the type(s) of noncompliance, describe the actions necessary to achieve compliance, and include a time schedule, subject to the modifications by the RWQCB indicating when compliance will be achieved. Noncompliance notifications must be submitted verbally within 5 working days, with written followup within 30 days of identification of noncompliance. (***REPORTING OF NONCOMPLIANCE***)

b. Construction site monitoring and inspections shall be carried out as required by the Construction General Permit or the applicable Lahontan RWQCB Permit.

c. Maintenance Facility Compliance Monitoring

(1) Caltrans is required to conduct periodic inspections. The purpose of the inspections is to identify areas contributing to a discharge of storm water associated

with the maintenance facility activities and to evaluate whether control practices to reduce pollutant loadings identified in the FPPP are adequate and properly implemented or whether additional control practices are needed. A record of the inspections must include the date of the inspection, the individual(s) who performed the inspection, and the observations.

(2) Any noncompliance shall be reported to the RWQCB in accordance with the plan to be submitted under Program Evaluation and Reporting Provision K.3.a.

(3) The RWQCB may require Caltrans to conduct additional site inspections, to submit reports and certifications, or to perform sampling and analysis.

(4) Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least three years. With the exception of noncompliance reporting, Caltrans is not required to submit these records unless otherwise requested.

(5) Monitoring at all maintenance facilities is not required.

d. Overall Management Program Effectiveness:

Caltrans shall perform a self-audit of the storm water program each year to determine (1) if the program is being implemented as required by this NPDES Permit, the SWMP, and the guidance documents prepared by Caltrans; and (2) if the program specified by the SWMP and the guidance documents is adequate. The results of this ***SELF-AUDIT*** shall be submitted by April 1, 2000 and as a part of the Annual Report thereafter to the SWRCB Executive Director. Caltrans may use any method to evaluate program effectiveness and shall identify the direct and indirect measurements that will be used to track the long-term effectiveness. An outline of the proposed audit is to be submitted by February 1 of each year so that the SWRCB and RWQCBs can evaluate the measures to be used.

4. Reporting

Caltrans shall submit 13 copies of an ***ANNUAL REPORT*** to the SWRCB Executive Director by April 1 each year starting on April 1, 2000. The Annual Report shall contain the data and a summary and analysis of the data collected in the previous year. The report due on April 1, 2000 will cover data collected during the winter of 1998-1999. Reports that are required from Caltrans include the items listed in Table 2.

TABLE 2		
COMPILATION OF REPORTING REQUIREMENTS		
Provision	Requirement	Date Required

B.9.....	Comprehensive Nonstorm Water Report.....	Every Annual Report
E.1, F.1.....	Revised SWMP, including Revisions to the BMP Programs with Justification and Public Input.....	Every Annual Report
E.2.....	Regional Workplans.....	Every Annual Report
F.2.f.....	BMP Selection Report.....	Every Annual Report
F.2.g.....	New Technology Report.....	Every Annual Report
G.1.b.....	Municipal Coordination Plan.....	April 1, 2000
G.1.b.....	Municipal Coordination Program Report.....	Every Annual Report
G.2.b.....	Analysis of the Adequacy of Legal Authority.....	Every Annual Report
G.3.b.....	Fiscal Analysis.....	90 days from adoption
G.3.b.....	Fiscal Analysis.....	3rd and 5th year Annual Report
H.8.a.....	Notification of Construction.....	At least 30 days prior to construction
H.8.b.....	SWPPP.....	Request by RWQCB
H.8.d.....	Notice of Completion.....	Upon final stabilization
I.2.a.(2).....	Discharge or Threat of Discharge Notification to MS4 Permittee.....	Upon discharge or threat of discharge
I.2.a.(3).....	Discharge or Threat of Discharge Notification to RWQCB.....	Upon discharge or threat of discharge
I.2.b.(4).....	Report on the IC/ID Program.....	Every Annual Report

I.2.b.(5).....	Development of IC/ID Program..... ...	April 1, 2000
I.3.c.....	FPPP.....	Request by RWQCB
J.3.a.....	Plan for Development and Implementation of a Public Education Program.....	April 1, 2000
J.3.c.....	Public Education Program Progress Report.....	Every Annual Report
J.3.c.....	Public Education Program.....	April 1, 2003
K.1.....	Plan for Characterization Studies.....	April 1, 2000
K.2.....	Monitoring Strategy Report Update.....	Every Annual Report
K.2.a.....	Monitoring and Reporting Program.....	Every Annual Report
K.3.a.....	Reporting of Noncompliance.....	April 1, 2000
K.3.d.....	Self Audit.....	Every Annual Report
L.10.a.....	De-icer Monitoring Proposal.....	Every Annual Report
L.10.b.....	De-icer Report.....	June 1, 2000
M.7.....	Report of Waste Discharge.....	180 days prior to expiration of permit
These reporting requirements are contained in the text of the NPDES Permit. If there is a discrepancy between the text of the NPDES Permit and this table, the text of the NPDES Permit contains the requirement.		

L. LOCATION SPECIFIC REQUIREMENTS

Caltrans shall implement the program specified in the SWMP. Caltrans shall also implement any additional requirements contained in this Provision L.

Lahontan Region: The Water Quality Control Plan for the Lahontan Region (Basin Plan) has

additional requirements which have been historically applied to Caltrans permits and which apply to this NPDES Permit in the Lahontan Region. These requirements include:

1. Numerical effluent limitations for storm water discharges within the Lake Tahoe Hydrologic Unit, as specified in Table 5.6-1 on page 5.6-4 of the Basin Plan.

2. Caltrans shall comply with all Waste Discharge Prohibitions specified in sections 4.1 and 5.2 of the Basin Plan.

3. The following nonstorm water discharges which are permitted under Nonstorm Water Provision B.2. of this NPDES permit are prohibited within the Lahontan Region:

a. Water line-flushing discharges.

b. Ground or surface water pumping discharges associated with construction activities that would violate numerical effluent limitations within the Lake Tahoe Hydrologic Unit or receiving water objectives throughout the Lahontan Region, as specified on pages 3-3 through 3-56 of the Basin Plan.

c. Potable water resource discharges.

d. Uncontaminated pumped ground water discharges that would violate numerical effluent limitations within the Lake Tahoe Hydrologic Unit or receiving water objectives throughout the Lahontan Region, as specified on pages 3-3 through 3-56 of the Basin Plan.

e. Air conditioning condensate discharges (not applicable to vehicles).

4. Storm water/urban runoff collection, treatment, and/or infiltration disposal facilities shall be designed, installed, and maintained for the discharge of storm water runoff from all impervious surfaces generated by the 20-year, one-hour design storm (1) within the Lake Tahoe Hydrologic Unit (one inch of rain), (2) within the Truckee River Hydrologic Unit (3/4-inch of rain), (3) within the East Fork Carson River and West Fork Carson River Hydrologic Units (one inch of rain), and (4) within the Mammoth Creek Hydrologic Unit above the 7,000-foot elevation (one inch of rain). All Caltrans facilities within the Lake Tahoe Hydrologic Unit must be retrofitted to comply with this requirement by the Year 2008. If site conditions do not allow for adequate on site disposal, all site runoff must be treated to meet applicable Effluent Limits and/or Receiving Water Limitations specified in the Basin Plan. Runoff in excess of the design storm and generated by the facility or within the project site shall only be discharged to a storm drain or stabilized drainage adequate to convey the 100-year 24-hour flow. The RWQCB Executive Officer may approve alternative mitigation measures.

All Caltrans facilities within the Lake Tahoe Hydrologic Unit must be retrofitted to comply with this provision by the Year 2008. Caltrans shall continue to participate in the Capital Improvement Program (CIP), as described in volume IV of the

CWA Section 208 Water Quality Management Plan (208 Plan). The purpose of the CIP is to identify projects, develop an implementation program, and develop a funding mechanism for storm water runoff and erosion control projects in the Lake Tahoe Hydrologic Unit.

5. All construction/maintenance projects shall comply with Erosion Control Guidelines for the Lake Tahoe Hydrologic Unit, Erosion Control Guidelines for the Truckee River Hydrologic Unit, and Erosion Control Guidelines for the North Lahontan Region where applicable.

6. Caltrans shall inspect active project sites and maintenance facilities prior to, during, and after storms to ensure that BMPs are functioning adequately and preventing the discharge of pollutants to surface waters or storm water conveyance systems that discharge to surface waters.

7. Unless granted a variance by the RWQCB Executive Officer, there shall be neither removal of vegetation nor disturbance of existing ground surface conditions between October 15 of any year and May 1 of the following year, except when there is an emergency situation that threatens the public health or welfare. This prohibition period applies to the Lake Tahoe, Truckee River, East Fork Carson River, and West Fork Carson River Hydrologic Units and above the 5,000-foot elevation in the portions of Mono and Inyo Counties within the Lahontan Region.

8. Project Review Requirements

a. Caltrans shall participate in early project design consultation for all projects within the Lake Tahoe, Truckee River, and Mammoth Creek Hydrologic Units. This requirement also applies to projects involving more than five acres of soil disturbance or that require a CWA section 404 permit throughout the Lahontan Region. Caltrans shall solicit RWQCB staff review when project development/design is at the 50 percent design level. Consultation with RWQCB staff shall continue throughout the remainder of the design development and environmental review process.

b. Caltrans shall submit an SWPPP or a Water Pollution Control Plan for RWQCB staff review and approval no later than 30 days prior to beginning construction activities. RWQCB staff's proposed modifications shall be included within the plans prior to beginning construction activities.

9. Snow and Ice Control
Where abrasives and/or de-icing agents are used on highways within the Lahontan Region, the following shall be recorded:

a. Location of the source of abrasives materials.

b. Types and chemistry of de-icing agents.

(1) Deicing salt shall be analyzed for: total phosphorus, total nitrogen, iron, and

percent NaCl.

(2) Alternative deicers shall be analyzed for: total nitrogen, and total phosphorus.

c. Type and chemistry of abrasives with the gradation and percent organic matter. Gradation and percent organic matter shall be determined from composite samples. The composite samples shall be taken from one stockpile that represents all deliveries from the originating source. Composite samples shall be taken from every new delivery from a new originating source.

(1) Abrasives shall be analyzed for: volatile solids, iron, total nitrogen, total phosphorus, and total reactive phosphorus.

d. Volume of abrasives and deicing agents used on individual highway's segments.

10. Reporting/Notification Issues

a. Caltrans shall submit a monitoring program proposal that evaluates the effectiveness of BMPs used to recover abrasives and deicing materials and that evaluates the impacts of abrasives and deicing materials on surface waters within the Lake Tahoe Hydrologic Unit. The proposal shall include monitoring locations and sampling and analysis methodologies. The proposal shall be submitted within 180 days of adoption of this NPDES Permit for review and approval by the Lahontan RWQCB Executive Officer. **(*DEICER MONITORING PROPOSAL*)**

b. A report shall be submitted, as part of the Annual Report each year describing the results of the abrasives and deicing materials analysis and the annual results of the above-referenced monitoring program involving BMP effectiveness and surface water impacts. The report shall also include a summary of Caltrans CIP activities, including progress on implementing the CIP, and project effectiveness. Project effectiveness has historically been documented with photographs including preproject photographs, photographs taken during the spring following project completion, and photographs taken two years following project completion. If photographs or project site inspections indicate that the project is not fully meeting project objectives, Caltrans shall include within the report a corrective action plan and a schedule that will meet the project objectives. (***DEICER REPORT***)

11. Caltrans shall immediately notify the RWQCB by telephone, not later than 24 hours, whenever an adverse condition occurs as a result of a discharge with written confirmation following within two weeks. An adverse condition includes, but is not limited to, a serious violation or a serious threatened violation of conditions specified in this NPDES Permit, significant discharges of spills of petroleum products or toxic chemicals, or serious damage to control facilities that could affect compliance.

M. OTHER PROVISIONS

1. Caltrans shall ensure that all personnel whose decisions or activities could affect storm water quality are familiar with the contents of this NPDES Permit.

2. Caltrans shall comply with all conditions and limitations of this NPDES Permit upon adoption of this NPDES Permit. Any NPDES Permit noncompliance constitutes a violation of the CWA and the CWC and is grounds for enforcement action pursuant to the CWA and CWC, NPDES Permit termination, or denial of a renewal application.

3. This NPDES Permit does not authorize violation of any federal, State, or local law or regulation.

4. Caltrans shall properly operate and maintain at all times any facilities and systems of treatment and control (and related appurtenances) which are installed or used by Caltrans to achieve compliance with the conditions of this NPDES Permit and with the requirements of SWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

5. This NPDES Permit does not convey any property rights of any sort or any exclusive privileges, authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations.

6. Caltrans shall comply with the Standard Provisions for NPDES Permit found at 40 CFR 122.41 and 40 CFR 122.42(c).

7. This NPDES Permit expires five years from date of adoption, 2004, and Caltrans shall file a complete Report of Waste Discharge in accordance with Title 23, CCR, at least 180 days in advance of such date as an application for issuance of a new Board Order. (***REPORT OF WASTE DISCHARGE***)

8. This Board Order shall serve as an NPDES Permit pursuant to section 402 of the Federal CWA, as amended, and shall become effective at the end of ten (10) days from the date of the Board Meeting which this NPDES Permit was adopted by the SWRCB, provided that the Regional Administrator, USEPA, has no objections.

9. This NPDES Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by Caltrans for an NPDES Permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any NPDES Permit condition. Causes for modification include the promulgation of new regulations or adoption of new regulations by the SWRCB or the RWQCBs, including revisions to the RWQCB Basin Plans.

10. Signatory Requirements

a. All permit applications, reports, or information submitted to the RWQCB, SWRCB, and/or USEPA shall be signed by either a principal Executive Officer,

Executive Director, or ranking elected official. [40 CFR 122.22(a)]

b. All reports required by this NPDES Permit and other information requested by the RWQCB, SWRCB, or US EPA shall be signed by a person described in Other Provisions 10.a. of this Provision 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 Other Provisions 10.a. of this Provision;

(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); and

(3) The written authorization is submitted to the RWQCB.
[40 CFR 122.22(b)]

c. Changes to authorization: If an authorization under Other Provisions 10.b. of this Provision 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 Other Provisions 10.b. of this Provision must be submitted to the RWQCB prior to or together with any reports, information, or applications to be signed by an authorized representative. [40 CFR 122.22(c)].

d. Certification: Any person signing a document under Other Provisions 10.a. or b. of this Provision 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 true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment of knowing violations. [40 CFR 122.22(d)]

e. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this NPDES Permit, including monitoring reports or reports of compliance or noncompliance, upon conviction, shall be punished by a fine of not more than $10,000 per violation, imprisonment for not more than two years per violation, or by both.

CERTIFICATION

The undersigned, Administrative Assistant to the SWRCB, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 15, 1999.

AYE: James M. Stubchaer

Mary Jane Forster

John W. Brown

Arthur G. Baggett, Jr.

NO: None

ABSENT: None

ABSTAIN: None

/s/

Maureen Marché
Administrative Assistant to the Board