

## Appendix E: Laws, Regulations, and Regulatory Agencies

### Federal Laws, Regulations, and Regulatory Agencies

**Clean Water Act:** Enacted in 1972 and amended in 1977, the Clean Water Act provides the regulatory structure for discharge of pollutants into waters of the United States. The Army Corps of Engineers is responsible for this regulatory authority. Sections 401 and 404 have the most impact on water quality regulation. See [http://cfpub1.epa.gov/npdes/cwa.cfm?program\\_id=6](http://cfpub1.epa.gov/npdes/cwa.cfm?program_id=6) for more information.

**National Pollutant Discharge Elimination System (NPDES) Phase II Final Rule - Regulations for Revision of the Water Pollution Control Program Addressing Stormwater Discharges:** The Phase II regulations expand the existing NPDES stormwater program (Phase I) by addressing stormwater discharges from small MS4s and construction sites that disturb 1 to 5 acres. The Final Rule was published in Federal Register Volume No.: 64, No.: 235, page numbers 68721-68851, CFR Title: 40 Part: 9, 122, 123, and 124, on 12/08/1999. See <http://www.epa.gov/npdes/regulations/phase2.pdf> for a copy.

**U.S. Environmental Protection Agency (U.S. EPA):** EPA's mission is to protect human health and to safeguard the natural environment — air, water, and land. See <http://www.epa.gov> for more information.

**Army Corps of Engineers (ACOE):** The U.S. Army Corps of Engineers administers section 401 and 404 of the Clean Water Act. Section 404 regulates discharge of dredged material into the waters of the United States. Section 401 mandates compliance with water quality standards.

**U.S. Fish and Wildlife Services (USFWS):** The USFWS shares responsibility for implementing the Federal Endangered Species Act (FESA) with the National Oceanic and Atmospheric Administration (NOAA) Fisheries. The FESA can affect any waterway that is home to a listed or threatened species under the Act. USFWS policies regarding water quality stem from Sections 7 and 10 of the FESA.

**NOAA Fisheries:** This agency co-administrates the FESA. They are also responsible for management of U.S. fisheries.

**National Estuary Program (Comprehensive Plan):** The National Estuary Program was instituted to focus on enhancement of estuaries of national importance. This is a result of a mandate to maintain estuary health in Section 320 of the Clean Water Act. Morro Bay National Estuary is included in this program.

## **OTHER STORMWATER GENERAL PERMITS FOR CALIFORNIA:**

WATER QUALITY ORDER 99-08-DWQ, STATE WATER RESOURCES CONTROL BOARD (SWRCB) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (GENERAL PERMIT) – **ALSO KNOWN AS THE “CONSTRUCTION STORMWATER GENERAL PERMIT”**: Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Stormwater Associated with Construction Activity. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. See [http://www.swrcb.ca.gov/stormwtr/gen\\_const.html#const\\_permit](http://www.swrcb.ca.gov/stormwtr/gen_const.html#const_permit) for a copy.

The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the CWA 303(d) list for sediment.

STATE WATER RESOURCES CONTROL BOARD (SWRCB) ORDER NO. – 2003 - 0007 – DWQ, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), GENERAL PERMIT NO. CAS000005, WASTE DISCHARGE REQUIREMENTS (WDRS) FOR DISCHARGES OF STORMWATER RUNOFF ASSOCIATED WITH SMALL LINEAR UNDERGROUND/OVERHEAD CONSTRUCTION PROJECTS (GENERAL PERMIT) - **ALSO KNOWN AS THE “SMALL LUP GENERAL PERMIT”**: Small Linear Underground/Overhead Projects disturbing at least one acre, but less than five acres (including trenching and staging areas) must be covered by the Statewide General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects. The Small LUP General Permit has varying application and permitting requirements based on the type and complexity of the project. Linear projects disturbing five or more acres of land must obtain coverage under the Construction General Permit. See [http://www.swrcb.ca.gov/stormwtr/linear\\_const.html#lup](http://www.swrcb.ca.gov/stormwtr/linear_const.html#lup) for a copy.

STATE WATER RESOURCES CONTROL BOARD (STATE WATER BOARD) WATER QUALITY ORDER NO. 97-03-DWQ, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT NO.

CAS000001 (GENERAL PERMIT), WASTE DISCHARGE REQUIREMENTS (WDRS) FOR DISCHARGES OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES EXCLUDING CONSTRUCTION ACTIVITIES - **ALSO KNOWN AS THE “INDUSTRIAL STORMWATER GENERAL PERMIT”**: The Industrial General Permit regulates discharges associated with ten broad categories of industrial activities. The Industrial General Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The Industrial General Permit also requires the development of a SWPPP and a monitoring plan. Through the SWPPP, sources of pollutants are to be identified and the means to manage the sources to reduce stormwater pollution are described. See [http://www.swrcb.ca.gov/stormwtr/gen\\_indus.html#indus](http://www.swrcb.ca.gov/stormwtr/gen_indus.html#indus) for a copy.

### **State of California Laws, Regulations, and Regulatory Agencies**

**Porter-Cologne Water Quality Act:** This 1969 Act (Water Code 13000 et seq.) established the State Water Resources Control Board (SWRCB), divided the state into nine hydrographic regions, and established a Regional Water Quality Control Board (RWQCB) for each region. The Porter-Cologne Act requires the SWRCB or RWQCBs to adopt water quality control plans for protection of water quality. See [http://www.swrcb.ca.gov/water\\_laws/docs/portercologne.pdf](http://www.swrcb.ca.gov/water_laws/docs/portercologne.pdf) for a copy.

**State Water Resources Control Board (SWRCB):** The State Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations. For more information, see <http://www.swrcb.ca.gov/index.html>.

**Regional Water Quality Control Board (RWQCB):** The Central Coast Regional Water Quality Control Board, Region 3 is charged with protecting all waters of the state including ground water, surface water, and marine waters. For more information, see <http://www.swrcb.ca.gov/rwqcb3/>.

**Water Quality Control Plan (Basin Plan):** The Basin Plan establishes beneficial uses and water quality objectives for surface and ground water sources within the basin. See <http://www.swrcb.ca.gov/rwqcb3/BasinPlan/Index.htm> for a copy.

**California Coastal Commission:** The California Coastal Commission's primary mission is to plan for and regulate land and water uses in the coastal zone consistent with the policies of the Coastal Act.

**Coastal Development Permit:** The Coastal Development Permit is required for certain development in the Coastal Zone in California. The Coastal Zone varies

in width and stretches down the entire length of the state. The purpose of the permit is to regulate impacts to the Coastal Zone including all waterways.

**Local Coastal Program (LCP):** The Local Coastal Program involves the creation of a local document, the Local Coastal Plan (LCP), mandated by the Coastal Commission. It sets guidelines for development in the Coastal Zone.

**Coastal Act:** The California Coastal Act of 1976 serves as the baseline document for actions and regulations of the California Coastal Commission. It places priority on protection and sensitive development and giving priority to public recreation and coastal-dependent development. It also cites the need for local coordination and development of educational programs surrounding the importance of coastal California.

**California Department of Fish and Game Policies:** The California Department of Fish and Game (DFG), administers the California Endangered Species Act (CESA). Section 1600 addresses fish and wildlife protection and conservation.

**State of California Endangered Species Act:** The State of California Endangered Species Act mandates that in instances where impacts to a state-listed species would occur, the lead or responsible agency must contact the DFG and enter into formal consultation. Impacts to the state-listed species would be evaluated and identification of mitigation measures would likely be required.

### **San Luis Obispo County Ordinances and Land Use Plans**

#### **San Luis Obispo County General Plan:**

- Land Use Element - The Land Use Element sets forth policies for development in the County. The Land Use Element is broken down into Area Plans, which provide information specific to each community.
- Local Coastal Plan (LCP): The Local Coastal Plan mandated by the Coastal Commission sets guidelines for development in the Coastal Zone. The communities included in the LCP in this SWMP are Los Osos, a portion of Oceano, and Cambria.

For more information, see <http://www.sloplanning.org/genplan.html>.

**Coastal Zone Land Use Ordinance:** The Coastal Zone Land Use Ordinance (CZLUO), Title 23 of the San Luis Obispo County Code, includes limitations on development within and near wetlands, streams and associated riparian areas, terrestrial and marine habitats, Sensitive Resource Areas, and environmentally sensitive habitats. The CZLUO also identifies general setbacks for wetland and riparian habitat, as well as minimum site design and development standards near various sensitive habitat areas.

With regard to water quality, Section 22.06.100 of the CZLUO requires that the Central Coast RWQCB review any project that may affect water quality. In addition, any construction activity disturbing an area of one acre or more is required to obtain a General Construction Activity Stormwater Permit from the RWQCB. The CZLUO also identifies general setbacks for wetland and riparian habitat, as well as minimum site design and development standards near various sensitive habitat areas.

Section 23.06.120 of the CZLUO addresses the storage and use of toxic and hazardous materials. For more information, see [http://www.sloplanning.org/coastal\\_zone.htm](http://www.sloplanning.org/coastal_zone.htm).

**San Luis Obispo Land Use Ordinance:** The San Luis Obispo Land Use Ordinance includes standards and guidelines for review of various areas relative to water quality. These include: water quality, flood hazard, oil and gas well development standards, agricultural processing uses, animal keeping, animal facilities, cemeteries and columbariums, rural recreation and camping, landscape plans, reclamation plans, underground mining and grading and drainage. For more information, see <http://www.sloplanning.org/lueluo.html>.

To view County Code online, see <http://www.sloclerkrecorder.org/countycode.cfm>.