

**SECTION 6 –
DECLARATIONS**

**IN SUPPORT OF JOINT TEST CLAIMS IN RE SANTA ANA
RWQCB**

ORDER NO. R8-2009-0030

(NPDES NO. CAS618030)

County of Orange and Orange County Flood Control District

City of Anaheim

City of Brea

City of Buena Park

City of Costa Mesa

City of Cypress

City of Fountain Valley

City of Fullerton

City of Huntington Beach

City of Irvine

City of Lake Forest

City of Newport Beach

City of Placentia

City of Seal Beach

City of Villa Park

DECLARATION OF JESS CARBAJAL
FOR
COUNTY OF ORANGE
AND
ORANGE COUNTY FLOOD CONTROL DISTRICT

DECLARATION OF JESS CARBAJAL ON BEHALF OF THE
COUNTY OF ORANGE IN SUPPORT OF TEST CLAIM

I, Jess Carbajal, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the County of Orange/Orange County Flood Control District (hereinafter referred to as the "County") as the Director of Public Works.

3. I have held my current position for approximately seven months. My duties include managing the OC Public Works Department and I oversee divisional supervisors in OC Engineering, OC Planning, OC Facilities, and Administration.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the County.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030)

issued by the Santa Ana RWQCB on January 18, 2002 (the “2002 Permit”).

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include:

evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The County's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed Permittee cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The

County's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed Permittee cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The County's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed Permittee cost-share summary. There will be additional costs incurred by the County in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The County's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed Permittee cost-share summary. There will be additional costs incurred by the County in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit

requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The County's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed Permittee cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern (“HCOC”): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site’s hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains several new programs involving what are known as “Total Maximum Daily Loads” or “TMDLs” as follows:

(i) Permit Subsections XVIII.B.1 through B.4 requires compliance with a series of new numeric effluent limits based on waste load allocations within EPA-promulgated Toxic Pollutant TMDLs for San Diego Creek and Newport Bay. These new program requirements all involve the imposition of numeric effluent limits from waste load allocations from these TMDLs, as set forth in Tables 1 A/B/C, Table 2 A/B/C/D and Table 3 on pages 68 to 71 of the 2009 Permit. The costs to comply with each of these TMDL-related programs are in excess of \$1,000.

(ii) Permit Subsection XVIII.B.5 imposes new TMDL-related requirements that will take effect upon adoption by State Board and the Office of Administrative Law (“OAL”), and concern compliance with numeric limits taken from wasteload allocations contained in the Regional Board adopted TMDLs for Organochlorine Compounds for Newport Bay and San Diego Creek (as set forth in Table 4 on page 71 of the 2009 Permit). Once in effect, the costs to comply with these new TMDL-related requirements will be in excess of \$1,000.

(iii) Permit Subsection XVIII.B.7 imposes new requirements on the Permittees to participate in the development and implementation of additional Metals and Selenium TMDLs for the Newport Bay Watershed being developed by the Regional Board. The costs of these new TMDL-related programs will be in excess of \$1,000.

(iv) Permit Subsection XVIII.B.8 imposes new requirements concerning the preparation of a Cooperative Watershed Program for Selenium TMDL for Newport Bay Watershed. The Cooperative Watershed Program must be submitted within 24 months of the date of adoption of the 2009 Permit or one month after the approval of the Selenium TMDL by the Office of Administrative Law. The costs of this new TMDL-related program will be in excess of \$1,000.

(v) Permit Subsection XVIII.B.8 requires that, once the Cooperative Watershed Program for Selenium TMDL for Newport Bay Watershed has been prepared and approved, that the Permittees must then

implement this Program. The cost to implement this new TMDL-related, *i.e.*, to implement the Cooperative Watershed Program, will be in excess of \$1,000.

(vi) Permit Subsection XVIII.B.9 requires the development and implementation of a Constituent Specific Source Control Plan (including a monitoring program) in connection with a Metals TMDL for Coyote Creek and San Gabriel River. The Constituent Specific Source Control Plan is required to be designed and implemented to ensure compliance with specific numeric effluent limits taken from the wasteload allocations set forth the Metals TMDL for Coyote Creek and San Gabriel River, as set forth in Table 6 on page 73 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

(vii) Permit Subsection XVIII.C.1 impose new numeric effluent limits based on wasteload allocations from a Fecal Coliform/Bacteria TMDL for Newport Bay and San Diego Creek, as set forth in Tables 8A and 8B on pages 74-75 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

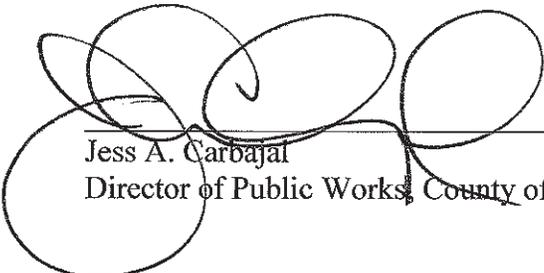
(viii) Permit Subsection XVIII.D.1 requires compliance with numeric effluent limits from waste load allocations from a TMDL for Diazinon and Chlorpyrifos for San Diego Creek and Chlorpyrifos for Newport Bay, as set forth in Tables 9A and 9B on page 76 of the 2009 Permit. The costs to comply with these new TMDL-related programs will be in excess of \$1,000.

None of these TMDL-related programs are programs that were required as a part of the 2002 Permit and thus all are new programs under the 2009 Permit. The costs to be incurred by the Permittees for these various TMDL-related programs, as written into the 2009 Permit, collectively will be in the tens of millions of dollars and potentially in excess of one hundred million dollars. Unless modified, each of these TMDL-related programs will continue throughout the life of the 2009 Permit, and indefinitely into the future as these TMDL programs will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the County would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the County's General Fund.

Executed this 28th day of June, 2010 at Santa Ana, California.

I declare under penalty of perjury that the foregoing is true and correct.



Jess A. Carbajal
Director of Public Works, County of Orange

DECLARATION OF KEITH LINKER FOR THE CITY OF ANAHEIM

DECLARATION OF KEITH LINKER ON BEHALF OF THE CITY OF
ANAHEIM IN SUPPORT OF TEST CLAIM

I, Keith Linker, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Anaheim (hereafter, "City") as a Principal Civil Engineer.

3. I have held my current position for approximately nine years. My duties include addressing the City's stormwater and related environmental programs as they affect the Public Works and capital improvements in to a degree the City in general.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$30,000.00. For FY 2010-11, the approximate cost for this program is \$5,000.00. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include:

evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's

proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit

requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is in excess of \$7,500 For FY 2010-11, the approximate cost for this program is in excess of \$200,000 The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this

program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern (“HCOC”): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site’s hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity for FY 10-11 will likely be in excess of \$30,000 and continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains a new program involving what is known as “Total Maximum Daily Loads” or “TMDLs” as follows:

(i) Permit Subsection XVIII.B.9 requires the development and implementation of a Constituent Specific Source Control Plan (including a monitoring program) in connection with a Metals TMDL for Coyote Creek and San Gabriel River. The Constituent Specific Source Control Plan is required to be designed and implemented to ensure compliance with specific numeric effluent limits taken from the wasteload allocations set forth the Metals TMDL for Coyote Creek and San Gabriel River, as set

forth in Table 6 on page 73 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

This TMDL-related program was not required as a part of the 2002 Permit and thus is a new program under the 2009 Permit. Unless modified, this TMDL-related program will continue throughout the life of the 2009 Permit, and indefinitely into the future as this TMDL program will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 23rd day of June, 2010 at Anaheim, California.

I declare under penalty of perjury that the foregoing is true and correct.



KEITH LINKER
PRINCIPAL CIVIL ENGINEER

DECLARATION OF CHARLIE VIEW FOR THE CITY OF BREA.

DECLARATION OF CHARLIE VIEW ON BEHALF OF THE CITY OF BREA IN
SUPPORT OF TEST CLAIM

I, Charlie View, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am currently employed by the City of Brea (hereafter, "City") as the Director of Public Works with direct knowledge of the program and associated costs.

3. I have held my current position for six months. However, I have worked with the City for a total of eight consecutive years. My current duties include managing the Public Works Department, and I oversee divisional supervisors in Engineering, Water, Buildings, Streets/Sewer, and Parks. Prior to holding my current position as Director of Public Works, when I served as Director of Development Services, I managed division supervisors in Engineering, Planning and Building & Safety.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

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(b) Residential Program

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Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

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mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

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(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans,

monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

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which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$5,800. For FY 2010-11, the approximate cost for this program is \$7,700. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern ("HCOC"): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site's hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new

mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains a new program involving what is known as “Total Maximum Daily Loads” or “TMDLs” as follows:

(i) Permit Subsection XVIII.B.9 requires the development and implementation of a Constituent Specific Source Control Plan (including a monitoring program) in connection with a Metals TMDL for Coyote Creek and San Gabriel River. The Constituent Specific Source Control Plan is required to be designed and implemented to ensure compliance with specific numeric effluent limits taken from the wasteload allocations set forth the Metals TMDL for Coyote Creek and San Gabriel River, as set forth in Table 6 on page 73 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

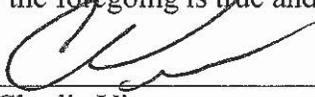
This TMDL-related program was not required as a part of the 2002 Permit and thus is a new program under the 2009 Permit. Unless modified, this TMDL-related program will continue throughout the life of the 2009 Permit, and indefinitely into the future as this TMDL program will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have

the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 23rd day of June, 2010 at Brea, California.

I declare under penalty of perjury that the foregoing is true and correct.



Charlie View
Director of Public Works

**DECLARATION OF
JAMES A. BIERY FOR CITY OF BUENA PARK.**

DECLARATION OF JAMES A. BIERY ON BEHALF OF THE
CITY OF BUENA PARK IN SUPPORT OF TEST CLAIM

I, James A. Biery, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of City of Buena Park (hereafter, "City") as the Director of Public Works.

3. I have held my current position for approximately eight years. My duties include managing the Public Works Department and I oversee divisional supervisors in the engineering, traffic, streets, utilities, government facilities, equipment maintenance, and environmental compliance divisions.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030)

issued by the Santa Ana RWQCB on January 18, 2002 (the “2002 Permit”).

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$196,500. For FY 2010-11, the approximate cost for this program is \$42,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from

common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders

was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There

will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$15,000. For FY 2010-11, the approximate cost for this program is \$360,000. The costs of this new

mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern (“HCOC”): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site’s hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains a new program involving what is known as “Total Maximum Daily Loads” or “TMDLs” as follows:

(i) Permit Subsection XVIII.B.9 requires the development and implementation of a Constituent Specific Source Control Plan (including a monitoring program) in connection with a Metals TMDL for Coyote Creek and San Gabriel River. The Constituent Specific Source Control Plan is required to be designed and implemented to ensure compliance with specific numeric effluent limits taken from the wasteload allocations

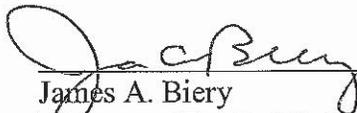
set forth the Metals TMDL for Coyote Creek and San Gabriel River, as set forth in Table 6 on page 73 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

This TMDL-related program was not required as a part of the 2002 Permit and thus is a new program under the 2009 Permit. Unless modified, this TMDL-related program will continue throughout the life of the 2009 Permit, and indefinitely into the future as this TMDL program will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 23rd day of June, 2010 at Buena Park, California.

I declare under penalty of perjury that the foregoing is true and correct.


James A. Biery
Director of Public Works

**DECLARATION OF PETER NAGHAVI
FOR CITY OF COSTA MESA.**

**DECLARATION OF PETER NAGHAVI ON BEHALF OF THE CITY OF
COSTA MESA IN SUPPORT OF TEST CLAIM**

I, Peter Naghavi, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Costa Mesa (hereafter, "City") as the Director, Department of Public Services.

3. I have held my current position for approximately 2 years. My duties include managing the Public Services Department and I oversee divisional supervisors in Engineering, Transportation and Maintenance Services.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002

Permit”).

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$16,494. For FY 2010-11, the approximate cost for this program is \$17,557. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or

management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a

formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit

requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$4,229. For FY 2010-11, the approximate cost for this program is \$34,755. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern (“HCOC”): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site’s hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains several new programs involving what are known as “Total Maximum Daily Loads” or “TMDLs” as follows:

(i) Permit Subsections XVIII.B.1 through B.4 requires compliance with a series of new numeric effluent limits based on waste load allocations within EPA-promulgated Toxic Pollutant TMDLs for San Diego Creek and Newport Bay. These new program requirements all involve the imposition of numeric effluent limits from waste load allocations from these TMDLs, as set forth in Tables 1 A/B/C, Table 2 A/B/C/D and Table 3 on pages 68 to 71 of the 2009 Permit. The costs to comply with each of these TMDL-related programs are in excess of \$1,000.

(ii) Permit Subsection XVIII.B.5 imposes new TMDL-related requirements that will take effect upon adoption by State Board and the Office of Administrative Law (“OAL”), and concern compliance with numeric limits taken from wasteload allocations contained in the Regional Board adopted TMDLs for Organochlorine Compounds for Newport Bay and San Diego Creek (as set forth in Table 4 on page 71 of the 2009 Permit). Once in effect, the costs to comply with these new TMDL-related requirements will be in excess of \$1,000.

(iii) Permit Subsection XVIII.B.7 imposes new requirements on the Permittees to participate in the development and implementation of additional Metals and Selenium TMDLs for the Newport Bay Watershed being developed by the Regional Board. The costs of these new TMDL-related programs will be in excess of \$1,000.

(iv) Permit Subsection XVIII.B.8 imposes new requirements concerning the preparation of a Cooperative Watershed Program for Selenium TMDL for Newport Bay Watershed. The Cooperative Watershed Program must be submitted within 24 months of the date of adoption of the 2009 Permit or one month after the approval of the Selenium TMDL by the Office of Administrative Law. The costs of this new TMDL-related program will be in excess of \$1,000.

(v) Permit Subsection XVIII.B.8 requires that, once the Cooperative Watershed Program for Selenium TMDL for Newport Bay Watershed has been prepared and approved, that the Permittees must then

implement this Program. The cost to implement this new TMDL-related, *i.e.*, to implement the Cooperative Watershed Program, will be in excess of \$1,000.

(vi) Permit Subsection XVIII.C.1 impose new numeric effluent limits based on wasteload allocations from a Fecal Coliform/Bacteria TMDL for Newport Bay and San Diego Creek, as set forth in Tables 8A and 8B on pages 74-75 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

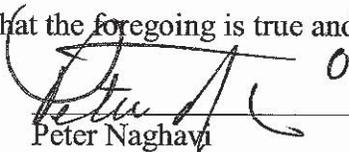
(vii) Permit Subsection XVIII.D.1 requires compliance with numeric effluent limits from waste load allocations from a TMDL for Diazinon and Chlorpyrifos for San Diego Creek and Chlorpyrifos for Newport Bay, as set forth in Tables 9A and 9B on page 76 of the 2009 Permit. The costs to comply with these new TMDL-related programs will be in excess of \$1,000.

None of these TMDL-related programs are programs that were required as a part of the 2002 Permit and thus all are new programs under the 2009 Permit. The costs to be incurred by the Permittees for these various TMDL-related programs, as written into the 2009 Permit, collectively will be in the tens of millions of dollars and potentially in excess of one hundred million dollars. Unless modified, each of these TMDL-related programs will continue throughout the life of the 2009 Permit, and indefinitely into the future as these TMDL programs will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 23 day of June, 2010 at Costa Mesa, California.

I declare under penalty of perjury that the foregoing is true and correct.


Peter Naghavi
Director, Department of Public Services

**DECLARATION OF GONZALO M. VAZQUEZ
FOR CITY OF CYPRESS.**

**DECLARATION OF GONZALO M. VAZQUEZ ON BEHALF OF THE CITY OF
CYPRESS IN SUPPORT OF TEST CLAIM**

I, Gonzalo Vazquez, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Cypress (hereafter, "City") as the Water Quality Manager.

3. I have held my current position for approximately 20 years. My duties include managing the Stormwater Program and overseeing divisional staff in the Environmental Division.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$14,024. For FY 2010-11, the approximate cost for this program is \$15,527. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include:

evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's

proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit

requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$12,823. For FY 2010-11, the approximate cost for this program is \$21,141. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern (“HCOC”): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site’s hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains a new program involving what is known as “Total Maximum Daily Loads” or “TMDLs” as follows:

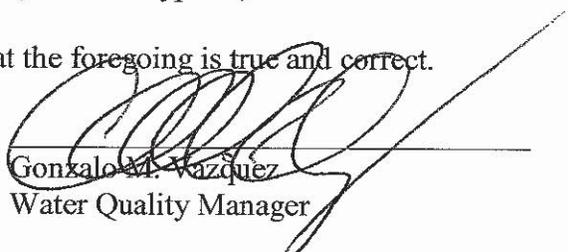
(i) Permit Subsection XVIII.B.9 requires the development and implementation of a Constituent Specific Source Control Plan (including a monitoring program) in connection with a Metals TMDL for Coyote Creek and San Gabriel River. The Constituent Specific Source Control Plan is required to be designed and implemented to ensure compliance with specific numeric effluent limits taken from the wasteload allocations set forth the Metals TMDL for Coyote Creek and San Gabriel River, as set forth in Table 6 on page 73 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

This TMDL-related program was not required as a part of the 2002 Permit and thus is a new program under the 2009 Permit. Unless modified, this TMDL-related program will continue throughout the life of the 2009 Permit, and indefinitely into the future as this TMDL program will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 24th day of June, 2010 at Cypress, California.

I declare under penalty of perjury that the foregoing is true and correct.


Gonzalo M. Vazquez
Water Quality Manager

**DECLARATION OF STEVEN M. HAUERWAAS FOR
THE CITY OF FOUNTAIN VALLEY**

**DECLARATION OF STEVEN M. HAUERWAAS ON BEHALF OF THE CITY OF THE
CITY OF FOUNTAIN VALLEY IN SUPPORT OF TEST CLAIM**

I, Steven M. Hauerwaas, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Fountain Valley (hereafter, "City") as the Environmental Services Administrator.

3. I have held my current position for approximately ten years. My duties include managing the City of Fountain Valley's Stormwater Pollution Prevention Program and other environmental compliance programs.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the

Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$2,400. For FY 2010-11, the approximate cost for this program is \$2,400. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach

materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include

manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop

and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, *"Managing Wet Weather with Green Infrastructure: Green Streets."* These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is

based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$6,000. For FY 2010-11, the approximate cost for this program is \$15,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

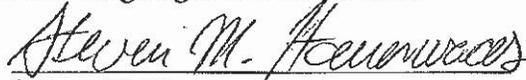
(ii) Hydrologic Conditions of Concern ("HCOC"): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site's hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new

programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 24 day of June, 2010 at Fountain Valley, California.

I declare under penalty of perjury that the foregoing is true and correct.



Steven M. Hauerwaas
Environmental Services Administrator

DECLARATION OF TRUNG PHAN FOR CITY OF FULLERTON.

**DECLARATION OF TRUNG PHAN ON BEHALF OF THE CITY OF
FULLERTON IN SUPPORT OF TEST CLAIM**

I, TRUNG PHAN, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.
2. I am employed by the City of Fullerton (hereafter, "City") as the Stormwater/ Wastewater Compliance Specialist.
3. I have held my current position for approximately 4 years. My duties include managing the stormwater program for several departments.
4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.
5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$50,000. For FY 2010-11, the approximate cost for this program is \$55,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include:

evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's

proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit

requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$670,000 For FY 2010-11, the approximate cost for this program is \$737,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern (“HCOC”): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site’s hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains a new program involving what is known as “Total Maximum Daily Loads” or “TMDLs” as follows:

(i) Permit Subsection XVIII.B.9 requires the development and implementation of a Constituent Specific Source Control Plan (including a monitoring program) in connection with a Metals TMDL for Coyote Creek and San Gabriel River. The Constituent Specific Source Control Plan is required to be designed and implemented to ensure compliance with specific numeric effluent limits taken from the wasteload allocations set forth the Metals TMDL for Coyote Creek and San Gabriel River, as set forth in Table 6 on page 73 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

This TMDL-related program was not required as a part of the 2002 Permit and thus is a new program under the 2009 Permit. Unless modified, this TMDL-related program will continue throughout the life of the 2009 Permit, and indefinitely into the future as this TMDL program will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 24th day of June, 2010 Fullerton, California.

I declare under penalty of perjury that the foregoing is true and correct.



Trung Phan
Stormwater/ Wastewater Compliance Specialist

**DECLARATION OF TRAVIS K. HOPKINS
FOR CITY OF HUNTINGTON BEACH.**

**DECLARATION OF TRAVIS K. HOPKINS ON BEHALF OF THE CITY OF
HUNTINGTON BEACH IN SUPPORT OF TEST CLAIM**

I, Travis K. Hopkins, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.
2. I am employed by the City of Huntington Beach (hereafter, "City") as the Director of Public Works.
3. I have held my current position for approximately 2-1/2 years. My duties include managing the Public Works Department and I oversee divisional supervisors in Engineering, Transportation, Utilities, Facilities, Streets, Parks, Trees, and Landscape.
4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.
5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002

Permit”).

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$2,500. For FY 2010-11, the approximate cost for this program is \$750. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or

management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a

formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit

requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2010-11, the approximate cost for this program is \$116,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern (“HCOC”): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site’s hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City’s General Fund.

Executed this 23rd day of June, 2010 at Huntington Beach, California.

I declare under penalty of perjury that the foregoing is true and correct.


Travis K. Hopkins, PE
Director of Public Works

DECLARATION OF JAMES M. LOVING FOR CITY OF IRVINE

DECLARATION OF JAMES M. LOVING ON BEHALF OF THE CITY OF IRVINE IN
SUPPORT OF TEST CLAIM

I, James M. Loving, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Irvine (hereafter, "City") as the Water Quality Administrator.

3. I have held my current position for approximately seven years. I have administered Irvine's Stormwater Program for approximately twenty years.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not

required by the 2002 Permit, and which are unique to local governmental entities:

(a) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA)

Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(b) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need

for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the

enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(c) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern ("HCOC"): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site's hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(d) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains several new programs involving what are known as "Total Maximum Daily Loads" or "TMDLs" as follows:

(i) Permit Subsections XVIII.B.1 through B.4 requires compliance with a series of new numeric effluent limits based on waste load allocations within EPA-promulgated Toxic Pollutant TMDLs for San Diego Creek and Newport Bay. These new program requirements all involve the imposition of numeric effluent limits from waste load allocations from these TMDLs, as set forth in Tables 1 A/B/C, Table 2 A/B/C/D and Table 3 on pages 68 to 71 of the 2009 Permit. The costs to comply with each of these TMDL-related programs are in excess of \$1,000.

(ii) Permit Subsection XVIII.B.5 imposes new TMDL-related requirements that will take effect upon adoption by State Board and the Office of

Administrative Law ("OAL"), and concern compliance with numeric limits taken from wasteload allocations contained in the Regional Board adopted TMDLs for Organochlorine Compounds for Newport Bay and San Diego Creek (as set forth in Table 4 on page 71 of the 2009 Permit). Once in effect, the costs to comply with these new TMDL-related requirements will be in excess of \$1,000.

(iii) Permit Subsection XVIII.B.7 imposes new requirements on the Permittees to participate in the development and implementation of additional Metals and Selenium TMDLs for the Newport Bay Watershed being developed by the Regional Board. The costs of these new TMDL-related programs will be in excess of \$1,000.

(iv) Permit Subsection XVIII.B.8 imposes new requirements concerning the preparation of a Cooperative Watershed Program for Selenium TMDL for Newport Bay Watershed. The Cooperative Watershed Program must be submitted within 24 months of the date of adoption of the 2009 Permit or one month after the approval of the Selenium TMDL by the Office of Administrative Law. The costs of this new TMDL-related program will be in excess of \$1,000.

(v) Permit Subsection XVIII.B.8 requires that, once the Cooperative Watershed Program for Selenium TMDL for Newport Bay Watershed has been prepared and approved, that the Permittees must then implement this Program. The cost to implement this new TMDL-related, *i.e.*, to implement the Cooperative Watershed Program, will be in excess of \$1,000.

(vi) Permit Subsection XVIII.D.1 requires compliance with numeric effluent limits from waste load allocations from a TMDL for Diazinon and

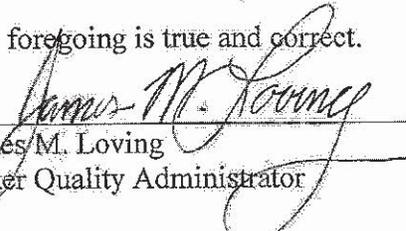
Chlorpyrifos for San Diego Creek and Chlorpyrifos for Newport Bay, as set forth in Tables 9A and 9B on page 76 of the 2009 Permit. The costs to comply with these new TMDL-related programs will be in excess of \$1,000.

None of these TMDL-related programs are programs that were required as a part of the 2002 Permit and thus all are new programs under the 2009 Permit. The costs to be incurred by the Permittees for these various TMDL-related programs, as written into the 2009 Permit, collectively will be in the tens of millions of dollars and potentially in excess of one hundred million dollars. Unless modified, each of these TMDL-related programs will continue throughout the life of the 2009 Permit, and indefinitely into the future as these TMDL programs will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 24th day of June, 2010 at Irvine, California.

I declare under penalty of perjury that the foregoing is true and correct.


James M. Loving
Water Quality Administrator

DECLARATION OF ROBERT WOODINGS FOR CITY OF LAKE FOREST

**DECLARATION OF ROBERT WOODINGS ON BEHALF OF THE CITY OF
LAKE FOREST IN SUPPORT OF TEST CLAIM**

I, Robert Woodings, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.
2. I am employed by the City of Lake Forest (hereafter, "City") as the Director of Public Works/City Engineer.
3. I have held my current position for approximately 18 years. My duties include directing the Public Works Department and the Water Quality Program.
4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.
5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$6,800. This cost is an estimate based on staff time spent to developing the program only. This estimate does not include costs for software or any other technology implementation at this time. For FY 2010-11, the approximate cost for this program will exceed \$1,000, but cannot be better defined at this time. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the

Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and

conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There

will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets*." These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. The costs of this new mandated activity will continue into the future throughout this 2009

Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern ("HCOC"): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site's hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains several new programs involving what are known as "Total Maximum Daily Loads" or "TMDLs" as follows:

(i) Permit Subsections XVIII.B.1 through B.4 requires compliance with a series of new numeric effluent limits based on waste load allocations within EPA-promulgated Toxic Pollutant TMDLs for San Diego Creek and Newport Bay. These new program requirements all involve the imposition of numeric effluent limits from waste load allocations from these TMDLs, as set forth in Tables 1 A/B/C, Table 2 A/B/C/D and Table 3 on pages 68 to 71 of the 2009 Permit. The costs to

comply with each of these TMDL-related programs are in excess of \$1,000.

(ii) Permit Subsection XVIII.B.5 imposes new TMDL-related requirements that will take effect upon adoption by State Board and the Office of Administrative Law ("OAL"), and concern compliance with numeric limits taken from wasteload allocations contained in the Regional Board adopted TMDLs for Organochlorine Compounds for Newport Bay and San Diego Creek (as set forth in Table 4 on page 71 of the 2009 Permit). Once in effect, the costs to comply with these new TMDL-related requirements will be in excess of \$1,000.

(iii) Permit Subsection XVIII.B.7 imposes new requirements on the Permittees to participate in the development and implementation of additional Metals and Selenium TMDLs for the Newport Bay Watershed being developed by the Regional Board. The costs of these new TMDL-related programs will be in excess of \$1,000.

(iv) Permit Subsection XVIII.B.8 imposes new requirements concerning the preparation of a Cooperative Watershed Program for Selenium TMDL for Newport Bay Watershed. The Cooperative Watershed Program must be submitted within 24 months of the date of adoption of the 2009 Permit or one month after the approval of the Selenium TMDL by the Office of Administrative Law. The costs of this new TMDL-related program will be in excess of \$1,000.

(v) Permit Subsection XVIII.B.8 requires that, once the Cooperative Watershed Program for the Selenium TMDL for Newport Bay Watershed has been prepared and approved, that the Permittees must then implement this Program. The cost to implement this new TMDL-related, *i.e.*, to implement the Cooperative Watershed Program, will be in excess of \$1,000.

(vi) Permit Subsection XVIII.C.1 impose new numeric effluent limits based on wasteload allocations from a Fecal Coliform/Bacteria TMDL for Newport Bay and San Diego Creek, as set forth in Tables 8A and 8B on pages 74-75 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

(vii) Permit Subsection XVIII.D.1 requires compliance with numeric effluent limits from waste load allocations from a TMDL for Diazinon and Chlorpyrifos for San Diego Creek and Chlorpyrifos for Newport Bay, as set forth in Tables 9A and 9B on page 76 of the 2009 Permit. The costs to comply with these new TMDL-related programs will be in excess of \$1,000.

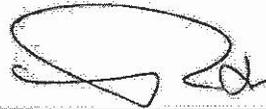
None of these TMDL-related programs are programs that were required as a part of the 2002 Permit and thus all are new programs under the 2009 Permit. The costs to be incurred by the Permittees for these various TMDL-related programs, as written into the 2009 Permit, collectively will be in the tens of millions of dollars and potentially in

excess of one hundred million dollars. Unless modified, each of these TMDL-related programs will continue throughout the life of the 2009 Permit, and indefinitely into the future as these TMDL programs will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 24th day of June, 2010 at Lake Forest, California.

I declare under penalty of perjury that the foregoing is true and correct.



Robert L. Woodings, P.E.
Director of Public Works/City Engineer

DECLARATION OF DAVID WEBB FOR CITY OF NEWPORT BEACH

DECLARATION OF DAVID WEBB ON BEHALF OF THE CITY OF NEWPORT
BEACH IN SUPPORT OF TEST CLAIM

I, David Webb declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Newport Beach (hereafter, "City") as the Deputy Public Works Director.

3. I have held my current position for approximately 2 ½ years. My duties include managing the Public Works Department and I oversee divisional supervisors in Engineering Services.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the

Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$8,290.00. For FY 2010-11, the approximate cost for this program is \$8,700.00. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach

materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include

manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop

and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, *"Managing Wet Weather with Green Infrastructure: Green Streets."* These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is

based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$14,990.00. For FY 2010-11, the approximate cost for this program is \$220,000.00. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern ("HCOC"): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site's hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains several new programs involving what are known as "Total Maximum

Daily Loads” or “TMDLs” as follows:

(i) Permit Subsections XVIII.B.1 through B.4 requires compliance with a series of new numeric effluent limits based on waste load allocations within EPA-promulgated Toxic Pollutant TMDLs for San Diego Creek and Newport Bay. These new program requirements all involve the imposition of numeric effluent limits from waste load allocations from these TMDLs, as set forth in Tables 1 A/B/C, Table 2 A/B/C/D and Table 3 on pages 68 to 71 of the 2009 Permit. The costs to comply with each of these TMDL-related programs are in excess of \$1,000.

(ii) Permit Subsection XVIII.B.5 imposes new TMDL-related requirements that will take effect upon adoption by State Board and the Office of Administrative Law (“OAL”), and concern compliance with numeric limits taken from wasteload allocations contained in the Regional Board adopted TMDLs for Organochlorine Compounds for Newport Bay and San Diego Creek (as set forth in Table 4 on page 71 of the 2009 Permit). Once in effect, the costs to comply with these new TMDL-related requirements will be in excess of \$1,000.

(iii) Permit Subsection XVIII.B.7 imposes new requirements on the Permittees to participate in the development and implementation of additional Metals and Selenium TMDLs for the Newport Bay Watershed being developed by the Regional Board. The costs of these new TMDL-related programs will be in excess of \$1,000.

(iv) Permit Subsection XVIII.B.8 imposes new requirements concerning the preparation of a Cooperative Watershed Program for Selenium

TMDL for Newport Bay Watershed. The Cooperative Watershed Program must be submitted within 24 months of the date of adoption of the 2009 Permit or one month after the approval of the Selenium TMDL by the Office of Administrative Law. The costs of this new TMDL-related program will be in excess of \$1,000.

(v) Permit Subsection XVIII.B.8 requires that, once the Cooperative Watershed Program for Selenium TMDL for Newport Bay Watershed has been prepared and approved, that the Permittees must then implement this Program. The cost to implement this new TMDL-related, *i.e.*, to implement the Cooperative Watershed Program, will be in excess of \$1,000.

(vi) Permit Subsection XVIII.C.1 impose new numeric effluent limits based on wasteload allocations from a Fecal Coliform/Bacteria TMDL for Newport Bay and San Diego Creek, as set forth in Tables 8A and 8B on pages 74-75 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

(vii) Permit Subsection XVIII.D.1 requires compliance with numeric effluent limits from waste load allocations from a TMDL for Diazinon and Chlorpyrifos for San Diego Creek and Chlorpyrifos for Newport Bay, as set forth in Tables 9A and 9B on page 76 of the 2009 Permit. The costs to comply with these new TMDL-related programs will be in excess of \$1,000.

None of these TMDL-related programs are programs that were required as a part of the 2002 Permit and thus all are new programs under the 2009 Permit. The costs to be incurred by the Permittees for these various TMDL-related programs, as written into the 2009 Permit, collectively will be in the tens of

millions of dollars and potentially in excess of one hundred million dollars.

Unless modified, each of these TMDL-related programs will continue throughout the life of the 2009 Permit, and indefinitely into the future as these TMDL programs will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 24th day of June, 2010 at Newport Beach, California.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "David Webb", written over a horizontal line.

David Webb
Deputy Public Works Director

DECLARATION OF ROBERT MAKOWSKI FOR CITY OF PLACENTIA.

**DECLARATION OF ROBERT MAKOWSKI ON BEHALF OF THE CITY OF
PLACENTIA IN SUPPORT OF TEST CLAIM**

I, Robert Makowski, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Placentia (hereafter, "City") as the Environmental Compliance Officer.

3. I have held my current position for approximately two years. My duties include managing the Water Quality Department.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not

required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$16,000.00. For FY 2010-11, the approximate cost for this program is \$13,500.00. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes,

and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and

retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately

\$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The

City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$32,500.00 For FY 2010-11, the approximate cost for this program is \$37,500.00 The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern ("HCOC"): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site's hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains a new program involving what is known as "Total Maximum Daily Loads" or "TMDLs" as follows:

(i) Permit Subsection XVIII.B.9 requires the development and implementation of a Constituent Specific Source Control Plan (including a monitoring program) in connection with a Metals TMDL for Coyote Creek and San Gabriel River. The Constituent Specific Source Control Plan is required to be designed and implemented to ensure compliance with specific numeric effluent limits taken from the wasteload allocations set forth the Metals TMDL for Coyote Creek and San Gabriel River, as set forth in Table 6 on page 73 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

This TMDL-related program was not required as a part of the 2002 Permit and thus is a new program under the 2009 Permit. Unless modified, this TMDL-related program will continue throughout the life of the 2009 Permit, and indefinitely into the future as this TMDL program will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund. Executed this twenty third day of June, 2010 at Placentia, California.

I declare under penalty of perjury that the foregoing is true and correct.



Robert Makowski Environmental Compliance Officer

**DECLARATION OF MICHAEL HO, CITY ENGINEER FOR CITY OF
SEAL BEACH.**

DECLARATION OF MICHAEL HO, CITY ENGINEER ON BEHALF OF THE
CITY OF SEAL BEACH IN SUPPORT OF TEST CLAIM

I, Michael Ho, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Seal Beach (hereafter, "City") as the City Engineer.

3. I have held my current position for approximately three (3). My duties include managing the Public Works Department and I oversee divisional supervisors in Engineering.

4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.

5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").

6. Based on my understanding of the requirements of the 2002 Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$3,548. For FY 2010-11, the approximate cost for this program is \$3,850. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include:

evaluation of applicable regional programs and studies to encourage efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's

proportional share of the budgeted costs for complying with the mandated activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit

requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets.*" These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$13,540. For FY 2010-11, the approximate cost for this program is \$14,176. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(ii) Hydrologic Conditions of Concern (“HCOC”): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site’s hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(e) Total Maximum Daily Loads (TMDLs): Section XVIII of the 2009 Permit contains a new program involving what is known as “Total Maximum Daily Loads” or “TMDLs” as follows:

(i) Permit Subsection XVIII.B.9 requires the development and implementation of a Constituent Specific Source Control Plan (including a monitoring program) in connection with a Metals TMDL for Coyote Creek and San Gabriel River. The Constituent Specific Source Control Plan is required to be designed and implemented to ensure compliance with specific numeric effluent limits taken from the wasteload allocations set forth the Metals TMDL for Coyote Creek and San Gabriel River, as set forth in Table 6 on page 73 of the 2009 Permit. The costs to comply with this new TMDL-related program will be in excess of \$1,000.

This TMDL-related program was not required as a part of the 2002 Permit and thus is a new program under the 2009 Permit. Unless modified, this TMDL-related program will continue throughout the life of the 2009 Permit, and indefinitely into the future as this TMDL program will be carried forward into future iterations of the Municipal Permits.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 24th day of June, 2010 at Seal Beach, California.

I declare under penalty of perjury that the foregoing is true and correct.



Michael Ho
City Engineer

DECLARATION OF LORI SASSOON FOR CITY OF VILLA PARK.

**DECLARATION OF LORI SASSOON ON BEHALF OF THE CITY OF VILLA
PARK IN SUPPORT OF TEST CLAIM**

I, Lori Sassoon, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.
2. I am employed by the City of Villa Park (hereafter, "City") as the City Manager.
3. I have held my current position for approximately one year. My duties include managing the Engineer and Planning Departments.
4. I have reviewed the California Regional Water Quality Control Board Santa Ana Region ("RWQCB"), Order No. R8-2009-0030 (NPDES No. CAS618030) issued by the Santa Ana RWQCB on May 22, 2009 (the "2009 Permit") and am familiar with the requirements of the Permit as it applies to the City.
5. I have also reviewed and I am familiar with the requirements of the Order No. R8-2002-0010 (NPDES CAS618030) issued by the Santa Ana RWQCB on January 18, 2002 (the "2002 Permit").
6. Based on my understanding of the requirements of the 2002

Permit and the requirements of the 2009 Permit, I believe the 2009 Permit requires the Permittees to perform the following new activities, among others, that are not required by the 2002 Permit, and which are unique to local governmental entities:

(a) Municipal Inventories: Sections IX.1 and X of the 2009 Permit require the Permittee to maintain an inventory of industrial and commercial facilities/businesses within its jurisdiction, which must be maintained in a computer-based database system. Inclusion of a Geographical Information System (GIS) is required, with latitude/longitude (in decimals) or NAD83/WGS8439 compatible formatting. The cost to create, upgrade and/or maintain GIS capability to implement this mandated activity is in excess of \$1,000. For Fiscal Year (FY) 2009-10, the approximate cost for this program is \$4,000. For FY 2010-11, the approximate cost for this program is \$4,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

(b) Residential Program

(i) Common Interest Area (CIA)/Homeowner Association (HOA) Pilot Program: Subsection XI.4 of the 2009 Permit requires the Permittees to develop a pilot program to control pollutant discharges from common interest areas and areas managed by homeowner associations or management companies. Program activities to be funded include: evaluation of applicable regional programs and studies to encourage

efficient water use and to minimize runoff, such as those developed by the Municipal Water District of Orange County (MWDOC) and the Irvine Ranch Water District (IRWD) and development of a pilot program to include design and dissemination of educational and outreach materials, determination of baseline conditions and measurable target outcomes, and assessment of performance. The Permittees will collectively retain a consultant to perform this mandated activity in FY 2010-11. The cost of developing the pilot HOA program is estimated to be \$40,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated activities in FY 2010-11 is detailed in the enclosed city cost-share summary.

(c) Public Education and Outreach

(i) Public Awareness Survey: Subsection XIII.1 of the 2009 Permit requires the Permittees to complete a public awareness survey to determine the effectiveness of the current public and business education strategy and any need for changes to the current multimedia public education efforts. The Permittees collectively retained a consultant to perform this mandated activity in FY 2009-10. The cost of developing and conducting this survey and analyzing the results for the city stakeholders was \$80,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with the mandated

activities in FY 2009-10 is detailed in the enclosed city cost-share summary.

(ii) Workshops: Subsection XIII.4 of the 2009 Permit requires the Permittees to conduct sector-specific workshops, individually or on a regional basis by July 1, 2010 and on an annual basis thereafter. The target sectors include manufacturing facilities; mobile service industry; commercial, distribution and retail sales industry; residential/commercial landscape construction and services industry; residential and commercial construction industry; and residential and community activities. The Permittees collectively retained County staff to assist with these mandated activities. The cost of the workshops in FY 2009-10 was \$9,000. The cost of the workshops in FY 2010-11 is estimated to be \$10,000. The costs of this new program will continue into the future throughout the 2009 Permit and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at the workshops and other related program participation.

(iii) Public Participation: Subsection XIII.7 of the 2009 Permit requires the Permittees to develop and implement a mechanism for public

participation in the updating and implementation of the Drainage Area Management Plans, monitoring plans, Water Quality Management Plan guidance and Fact Sheets for various activities. The public shall be informed of the availability of these documents through public notices in local newspapers, County and/or city websites, local libraries/city halls and/or courthouses. The Permittees collectively retained County staff to assist with these mandated activities. The cost to develop and implement a stakeholder advisory process in FY 2009-10 was approximately \$2,500 and is expected to be \$2,500 in FY 2010-11. The costs of this new program will continue into the future throughout the 2009 Permit to continue to notify the public of new program developments and documents. Each Permittee's share of these mandated costs is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. There will be additional costs incurred by the City in excess of \$1,000 to cover staff attendance at stakeholder meetings and other related program participation.

(d) New/Revised Development Programs and Standards

(i) Low Impact Development (LID) and the Model Water Quality Management Plan (WQMP): Subsection XII.C of the 2009 Permit requires the Permittees to incorporate LID principals and structural features into Public Agency Priority Development Projects and in other

instances incorporate United States Environmental Protection Agency (US EPA) Guidance entitled, "*Managing Wet Weather with Green Infrastructure: Green Streets*." These include certain road, drainage facility, public utility, linear, and other projects which have constraints that, in some cases, prevent compliance. The Permittees collectively retained a consultant team to assist with developing a public agency project element within the Model WQMP in FY 2009-10. The cost of this work in FY 2009-10 was \$60,000, and continuation of this work in FY 2010-11 is approximated to be \$75,000. Each Permittee's share of this mandated cost is based on a formula set forth in the enclosed Implementation Agreement. The City's proportional share of the budgeted costs for complying with these mandated activities for FY 2009-10 and FY 2010-11 is detailed in the enclosed city cost-share summary. The cost to develop public agency WQMPs for road, drainage facility, public utility, linear, and other projects with incorporation of LID principals to implement this mandated activity is in excess of \$1,000. For FY 2009-10, the approximate cost for this program is \$10,000. For FY 2010-11, the approximate cost for this program is \$10,000. The costs of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

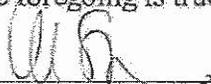
(ii) Hydrologic Conditions of Concern ("HCOC"): Subsection XII.D of the 2009 Permit requires the Permittees to address the impact of

urbanization on downstream hydrology. Subsection XII.D.1 requires each Priority Development Project to ascertain the impact of the development on the site's hydrologic regime based on the two-year frequency storm event and include the findings in the WQMP. The cost to assess HCOCs for public agency projects to comply with this mandated activity is in excess of \$1,000. The cost of this new mandated activity will continue into the future throughout this 2009 Permit, and indefinitely thereafter given that this program will likely be carried forward into all future iterations of the Permit.

7. I am informed and believe that there are no dedicated State, federal or regional funds that are or will be available to pay for any of these new programs/activities. I am not aware of any fee or tax which the City would have the discretion to impose under California law, to recover any portion of these new programs/activities. I further am informed and believe that the only available source to pay for these new programs/activities are and will be the City's General Fund.

Executed this 28th day of June, 2010 at 10:30 am, California.

I declare under penalty of perjury that the foregoing is true and correct.



Lori Sassoon
City Manager