

**Response to Test Claims
10-TC-01, 10-TC-02, 10-TC-03, and 10-TC-05
Table of Attachments**

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	<u>Federal Statutes</u>
1	33 U.S.C. § 1251 (CWA § 101)
2	33 U.S.C. § 1311 (CWA § 301)
3	33 U.S.C. § 1312 (CWA § 302)
4	33 U.S.C. § 1313 (CWA § 303)
5	33 U.S.C. § 1342 (CWA § 402)
6	33 U.S.C. § 1362 (CWA § 502)
7	33 U.S.C. § 1365 (CWA § 505)
	<u>Federal Regulations</u>
8	40 C.F.R. Part 25
9	40 C.F.R. § 122.2
10	40 C.F.R. § 122.26
11	40 C.F.R. § 122.41
12	40 C.F.R. § 122.44
13	40 C.F.R. § 122.48
14	40 C.F.R. § 123.25
15	40 C.F.R. § 130.2
16	40 C.F.R. § 130.7
17	55 Fed. Reg. 47990 (Nov. 16, 1990)
	<u>State Statutes</u>
18	CA Water Code, § 13140
19	CA Water Code, § 13260
20	CA Water Code, § 13263
21	CA Water Code, § 13274
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- 23 CA Water Code, § 13330
- 24 CA Water Code, § 13370
- 25 CA Water Code § 13372
- 26 CA Water Code § 13374

State Regulations

- 27 Cal. Code Regs., tit. 23, § 2050.5
- 28 Cal. Code Regs., tit. 23, § 2235.2
- 29 Cal Government Code § 6253.9
- 30 Cal Government Code § 17551

State Policies and Plans

- 31 San Francisco Bay Regional Water Control Board, Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin
- 32 San Francisco Bay Regional Water Quality Control Board, Basin Plan Chapter 7 Water Quality Attainment Strategies Including Total Maximum Daily Loads (TMDLs)
- 33 San Francisco Bay Regional Water Quality Control Board *Total Maximum Daily Load for PCBs in San Francisco Bay*, Final Staff Report for Proposed Basin Plan Amendment, February 13, 2008
- 34 San Francisco Bay Regional Water Quality Control Board *Rapid Trash Assessment Protocol*
- 35 Surface Water Ambient Monitoring Program – Quality Assurance Program Plan (version 1.0), September 1, 2008

Federal Court Decisions

- 36 *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.* (1984) 467 U.S. 837
- 37 *Defenders of Wildlife v. Browner* (9th Cir. 1999) 191 F.3rd 1159
- 38 *Environmental Defense Center v. U.S. EPA* (2003), 344 F3d 832, 841
- 39 *Natural Resources Defense Council v. Costle* (D.C. Cir. 1977) 568 F.2d 1369

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40 *Natural Resources Defense Council, Inc. v. County of Los Angeles* (2011) 636 F.3d 1235

41 *Natural Resources Defense Council, Inc. v. United State Environmental Protection Agency* (1992) 966 F.2d 1292

State Court Decisions

42 *Building Industry Association of San Diego County v. State Water Board*, (2004) 124 Cal.App.4th 866

43 *City of Burbank v. State Water Resources Control Brd.* (2005) 35 Cal.4th 613

44 *City of Rancho Cucamonga v. Regional Water Quality Control Board – Santa Ana Region* (2006) 135 Cal.App.4th 1377

45 *City of Richmond v. Commission on State Mandates* (1998) 64 Cal.App.4th 1190

46 *Farmers Insurance Exchange, et al. v. The Superior Court of Los Angeles County* (1992) 2 Cal.4th 377

47 *Hazon-Iny Development, Inc. v. Unkefer* (1980) 116 Cal.App.3^d Supp. 1, (“Administrative decisions are not subject to collateral attack”) citing *Nelson v. Oro Loma Sanitary District* (1950) 101 Cal.App.2^d 349, 357-358

48 *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3^d 155

49 *San Francisco Baykeeper v. Regional Water Quality Control Board, San Francisco Bay Region* (2003) San Francisco Superior Court No. 500527

Permits

Statewide General Permits

50 Order No. 2009-0009-DWQ, General NPDES Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities

Regionwide Permits (Alameda, San Mateo, and Santa Clara Counties)

51 Order No. R2-2009-0074, Municipal Regional Stormwater NPDES Permit

52 Order No. R2-2009-0074, Municipal Regional Stormwater NPDES Permit Fact Sheet

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	<u>Alameda Countywide Permits</u>
53	Order No. R2-2003-0021, Alameda Countywide NPDES Municipal Stormwater Permit
54	Order No. R2-2007-0025, Alameda Countywide NPDES Municipal Stormwater Permit, Amendment Revising Order No. R2-2003-0021
	<u>San Mateo Countywide Permits</u>
55	Order No. 99-059, San Mateo Countywide NPDES Municipal Stormwater Permit
56	Order No. R2-2003-0023, San Mateo Countywide NPDES Municipal Stormwater Permit Amendment Revising Order No. 99-059
57	Order No. R2-2004-0060, San Mateo Countywide NPDES Municipal Stormwater Permit Amendment Revising Order No. 99-059
58	Order No. R2-2004-0062, San Mateo Countywide NPDES Municipal Stormwater Permit Amendment Revising Order No. 99-059
59	Order No. R2-2007-0027, San Mateo Countywide NPDES Municipal Stormwater Permit Amendment Revising Order No. 99-059
	<u>Santa Clara Countywide Permits</u>
60	Order No. 01-024, Santa Clara Countywide NPDES Municipal Stormwater Permit
61	Order No. 01-119, Santa Clara Countywide NPDES Municipal Stormwater Permit, Amendment Revising Order No. 01-024
62	Order No. R2-2005-0035, Santa Clara Countywide NPDES Municipal Stormwater Permit, Amendment Revising Order No. 01-024
	<u>Stormwater Management Plans, Annual Workplans, and Annual Reports</u>
	<u>Alameda Countywide Clean Water Program (ACCWP)</u>
63	ACCWP Annual Monitoring Program Plan and update to the Multi-Year Monitoring and Assessment Plan, February 27, 2004
64	ACCWP Annual Monitoring Program Plan and update to the Multi-Year Monitoring and Assessment Plan, February 28, 2005
65	ACCWP Annual Monitoring Program Plan and update to the Multi-Year

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	Monitoring and Assessment Plan, March 1, 2006
66	ACCWP Multi-Year Plan for Monitoring and Assessment, May 28, 2003
67	ACCWP Stormwater Quality Management Plan July 2001–June 2008, February 10, 2003
	<u>City of San Jose</u>
68	City of San Jose Urban Runoff Management Plan, September 2004
69	City of San Jose Urban Runoff Management Plan, March 1, 2005, Attachment 1: Workplan FY 05–06
70	City of San Jose Urban Runoff Management Plan, March 1, 2006, Attachment 1: Workplan FY 06–07
71	City of San Jose Urban Runoff Management Plan, March 1, 2007, Attachment 1: Workplan FY 07–08
72	City of San Jose Urban Runoff Management Plan, March 1, 2008, Attachment 1: Workplan FY 08–09
73	City of San Jose Urban Runoff Management Plan, February 24, 2009, Attachment 1: Workplans FY 09–10
	<u>County of Santa Clara</u>
74	County of Santa Clara FY 2006–07 Workplan, March 1, 2006
	<u>San Mateo Countywide Water Pollution Prevention Program (SMCWPPP formerly STOPPP)</u>
75	SMCWPPP FY 2003–2004 Trash Control Workplan, June 2003
76	STOPPP Mid-Fiscal Year Report 2004–2005 (Workplan for FY 2005-2006), March 1, 2005
77	STOPPP Mid-Fiscal Year Report 2005–2006 (Workplan for FY 2006-2007), March 1, 2006
78	SMCWPPP Mid-Fiscal Year Report 2006–2007 (Workplan for FY 2007-2008), February 22, 2007
79	SMCWPPP FY 2007–2008 Annual Report
80	SMCWPPP Pilot Study to Identify Trash Sources and Management Measures at an In-Stream Trash Accumulation Area, August 2005

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81	SMCWPPP Trash Assessments in Urban Creeks in San Mateo County, August 2008
82	STOPPP Stormwater Management Plan, July 1998–June 2003
83	STOPPP Stormwater Management Plan, April 2004–June 2010
	<u>Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP)</u>
84	SCVURPPP Development of the Urban Rapid Trash Assessment Protocol, March 13, 2006
85	SCVURPPP FY 2003-2004 Draft Workplan, Sections 1-9, March 1, 2003
86	SCVURPPP FY 2004-2005 Draft Workplan, Sections 1-9, March 1, 2004
87	SCVURPPP FY 2005-2006 Draft Workplan, Sections 1-9, March 1, 2005
88	SCVURPPP FY 2006-2007 Draft Workplan, Sections 1-9, March 1, 2006
89	SCVURPPP FY 2007-2008 Draft Workplan, Sections 1-9, March 1, 2007
90	SCVURPPP FY 2008-2009 Draft Workplan, Sections 1-9, March 1, 2008
91	SCVURPPP FY 2009-2010 Draft Workplan, Sections 1-9, March 1, 2009
92	SCVURPPP Multi-Year Receiving Waters Monitoring Plan (Revised) July 1, 2004
93	SCVURPPP Multi-Year Receiving Waters Monitoring Plan, March 1, 2002 (Revised August 5, 2002)
94	SCVURPPP <i>Pilot Trash Structural Treatment Control Study: Implementation Plan</i> , March 27, 2008
95	SCVURPPP Trash Problem Area Evaluation Results, FY 2005– 06, August 24, 2006
96	SCVURPPP Trash Work Plan, March 1, 2003
97	SCVURPPP Urban Runoff Management Plan, Chapters 1–4, September 1, 2004
98	SCVURPPP Urban Runoff Management Plan, Appendix A, September 1, 2004
	<u>US EPA Documents</u>
99	US EPA Memo, Nov 22, 2002 <i>Establishing Total Maximum Daily Load Wasteload Allocations (WLAs) for Storm Water Sources and NPDES</i>

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	<i>Requirements Based on Those WLAs</i>
100	US EPA Email from Eugene Bromley, “Comments on December 27 Draft MRP,” 2/29/2008
101	US EPA Letter from Alexis Strauss to Tam Doduc and Dorothy Rice, April 10, 2008, concerning Los Angeles County Copermittee Test Claim Nos. 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21