

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2020-0902

AMENDING TIME SCHEDULE ORDER R5-2019-1005
REQUIRING
COUNTY OF LAKE
CITY OF CLEARLAKE
CITY OF LAKEPORT
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
WATER QUALITY ORDER 2013-0001-DWQ, AS AMENDED

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds the following:

1. The State Water Resources Control Board (State Water Board) adopted the National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, Order Number. 2013-0001-DWQ, (Small MS4 General Permit) on 5 February 2013 and subsequently amended.¹
2. County of Lake, City of Clearlake, and City of Lakeport (collectively Permittees) are regulated MS4s under the Small MS4 General Permit. The Permittees each own MS4s that discharge into Clear Lake.
3. Section E.15 of the Small MS4 General Permit requires the Permittees to comply with all applicable Total Maximum Daily Load (TMDL)-specific, best management practice (BMP)-based water quality-based effluent limitations and other permit requirements within Attachment G, including the Clear Lake Nutrient TMDL adopted by the Central Valley Water Board.
4. On 22 August 2019, the Permittees jointly submitted a request for a time schedule order pursuant to Water Code section 13300, requesting additional time to evaluate current efforts and demonstrate compliance with the Clear Lake Nutrient TMDL requirements.
5. On 12 December 2019, the Central Valley Water Board Executive Officer adopted Time Schedule Order (TSO) R5-2019-1005, which provided a detailed time schedule

¹ The Small MS4 General Permit was amended by the State Water Board's Executive Director on 2 September 2015, Order WQ 2015-0133-EXEC; 20 June 2016, Order WQ 2016-0069-EXEC; 24 January 2018, Order WQ 2018-0001-EXEC; 13 March 2018, Order WQ 2018-0007-EXEC. The State Water Board amended the Small MS4 General Permit on 19 December 2017, which amendments went into effect on 1 January 2019.

of specific actions the Permittees shall take in order to comply with the Small MS4 General Permit's TMDL requirements.

6. On 8 July 2020, the Permittees requested to extend the Task 3 deadline in TSO R5-2019-1005, submission of Best Management Practice Effectiveness Assessment Report. In their request, Permittees state that additional time will allow them to execute a contract for creation of a BMP calculator to provide an estimate of the Permittees' load allocation reduction. The contract and calculator will help to identify areas that need additional BMPs installed to achieve compliance with the Clear Lake Nutrient TMDL.
7. This Order amends the compliance deadlines within TSO R5-2019-1005 to reflect tasks already completed and to provide an additional five months to submit Task 3, the Best Management Practice Effectiveness Assessment Report, and Task 4, a Sediment/Phosphorus Reduction Plan. This Order does not amend the final deadline to meet TMDL requirements by 30 September 2024.
8. This Order, which provides a time schedule of specific actions the Permittees shall take in order to correct a violation of existing permit requirements, is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., in accordance with California Code of Regulations, title 14, sections 15301 and 15321.
9. On 2 August 2018, the Central Valley Water Board adopted Resolution R5-2018-0057 to provide explicit authority to the Executive Officer to issue or modify time schedule orders, and to make this authority known to the public and regulated community. This Order may be issued by the Executive Officer of the Central Valley Water Board.
10. The Central Valley Water Board has notified the Permittees and interested agencies and persons of its intent to amend TSO R5-2019-1005 and provided them with an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED, that, pursuant to Water Code sections 13300, 13267, 13383, TSO R5-2019-1005, is amended as follows:

1. The Order number is changed from R5-2019-1005 to R5-2019-1005-001.
2. Finding 24 from R5-2019-1005 is deleted.
3. The Compliance Date for Task 1 within Order Condition 1 is changed from 31 January 2020 to Complete.
4. The Compliance Date for Task 2 within Order Condition 1 is changed from 31 March 2020 to Complete.

TENTATIVE ORDER R5-2020-XXXX
COUNTY OF LAKE & CITIES OF CLEARLAKE AND LAKEPORT
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

5. The Compliance Date for Task 3 within Order Condition 1 is changed from 31 August 2020 to 1 February 2021.
6. The Compliance Date for Task 4 within Order Condition 1 is changed from 31 March 2021 to 2 August 2021.

Any person aggrieved by this Central Valley Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after date of this Order, except that if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. [Laws and regulations applicable to filing petitions](#) (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) are published on the Internet and will be provided upon request.

This Order is issued under authority delegated to the Executive Officer in accordance with Central Valley Water Board Resolution R5-²⁰¹⁸-0057 and is effective upon signature.

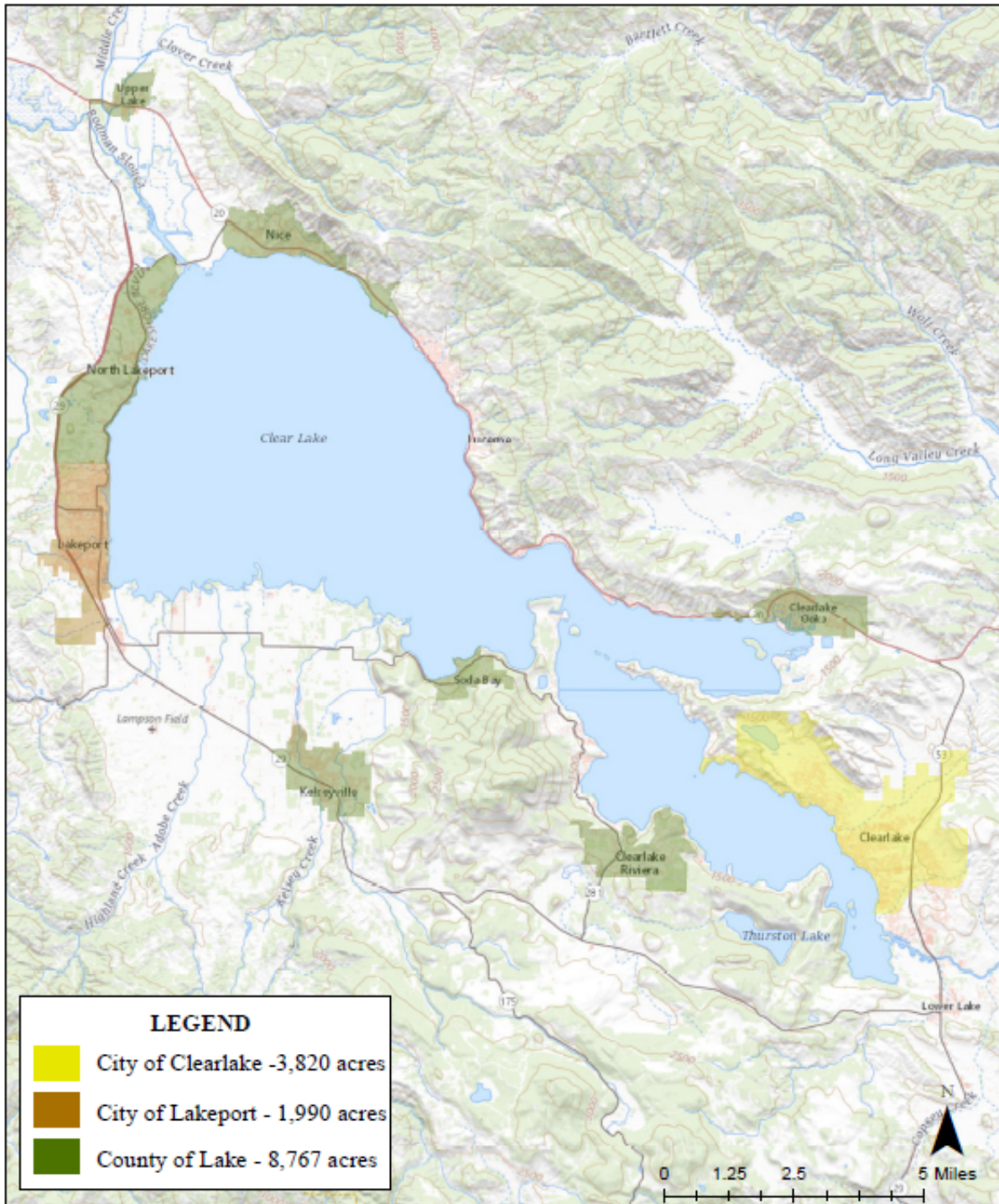
Original signed by

PATRICK PULUPA, Executive Officer

30 November 2020

(Date)

ATTACHMENT A



MS4 Boundaries - TMDL Landscape Calculations

Lake County Clean Water Program, Lake County CA

September, 2019