

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2003-0133

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER NO. R5-2002-0181
NPDES NO. CAS083470

CITY OF STOCKTON AND COUNTY OF SAN JOAQUIN
MUNICIPAL SEPARATE STORM SEWER SYSTEM IN STOCKTON URBANIZED AREA
SAN JOAQUIN COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds:

1. On 18 October 2002, the Regional Board adopted Waste Discharge Requirements and Monitoring and Reporting Program Order No. R5-2002-0181, NPDES No. CAS083470, prescribing waste discharge requirements for the City of Stockton (City) municipal separate storm sewer system (MS4) and portions of the County of San Joaquin (County) MS4.
2. The County contains urbanized areas and areas of potential growth, which are enclosed within the limits of the City or surround the City. The urbanized areas of the County that are enclosed within the City, the urbanized areas which surround the City, and the City of Stockton are referred to as the Stockton Urbanized Area and subject to the permit requirements. Due to the proximity of the County's urbanized areas to the City, their physical interconnections to the City's storm sewer system, and the locations of their discharges relative to the City's system, the County is designated as part of the medium MS4 in accordance with 40 CFR 122.26(b)(7)(iii).
3. The City and County (collectively, the Dischargers) have jurisdiction over and/or maintenance responsibilities for storm drains in the Stockton Urbanized Area. The discharge consists of surface runoff generated from various land uses that discharge into storm drains, which in turn discharge to natural drainage watersheds. The major natural drainage watersheds in the Stockton Urbanized Area are Bear Creek, Mosher Slough, Five Mile Slough, Fourteen Mile Slough, the Calaveras River, Smith Canal, the Deep Water Channel, Mormon Slough, Walker Slough, Duck Creek, and Little Johns Creek. Smith Canal and Five Mile Slough receive storm water runoff only from the Stockton Urbanized Area. In addition to storm water runoff from the Stockton Urbanized Area, Calaveras River, Mosher Slough, and Walker Slough also at times receive storm water runoff from agricultural areas and agricultural return (tailwater) upstream of the Stockton Urbanized Area. All of these water bodies discharge to the Sacramento-San Joaquin River Delta and are tidal freshwater within the Stockton Urbanized Area with a one- to three-foot tide. In most areas of the Stockton Urbanized Area, dry weather flow and storm water runoff are pumped to sloughs/rivers. These drain westerly into the San Joaquin River, which runs along the western side of the Stockton Urbanized Area. The quality

and quantity of these discharges vary considerably and are affected by hydrology, geology, land use, season, and sequence and duration of hydrologic events.

4. Waste Discharge Requirements Order No. R5-2002-0181 is substantially inconsistent with State Water Resources Control Board (State Board) Order Water Quality (WQ) 99-05. This resolution amends the Waste Discharge Requirements Order for the limited purpose of making it consistent with the precedential language contained in Order WQ 99-05.
5. The action to adopt or amend an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), requiring preparation of an environmental impact report or negative declaration in accordance with Section 13389 of the California Water Code.
6. The Regional Board has notified the Dischargers and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
7. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.
8. This Order shall amend Waste Discharge Requirements Order No. R5-2002-0181, NPDES No. CA0078093, pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided EPA has no objections.

IT IS HEREBY ORDERED that Order No. R5-2002-0181 is amended solely to add Receiving Water Limitation C.3 and delete Provisions D.1 and D.2. as follows:

1. Receiving Water Limitation (RWL) C.3 added to comport with State Board Order WQ 99-05:

“C.3 The Permittees shall comply with Discharge Prohibition A.2 and Receiving Water Limitations C.1 and C.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this Order, including any modifications. The SWMP shall be designed to achieve compliance with Receiving Water Limitations C.1 and C.2. If exceedance(s) of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the SWMP and other requirements of this Order, the Permittees shall assure compliance with Discharge Prohibition A.2 and Receiving Water Limitations C.1 and C.2 by complying with the following procedure:

 - a. Upon a determination by either the Permittees or Regional Board that discharges are causing or contributing to an exceedance of an applicable WQS, the Permittees shall promptly notify

and thereafter submit a report to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. This report of water quality exceedance (RWQE) shall be incorporated in the Annual Report unless the Regional Board directs an earlier submittal. The RWQE shall include proposed revisions to the SWMP and an implementation schedule containing milestones and performance standards for new or improved BMPs, if applicable. The RWQE shall also include a monitoring program and the rationale for new or improved BMPs, including a discussion of expected pollutant reductions and how implementation of additional BMPs will prevent future exceedance of WQSs. The Regional Board may require modifications to the RWQE.

- b. The Permittees shall submit any modifications to the RWQE required by the Regional Board within **30 days** of notification.
- c. Within **30 days** following approval of the RWQE by the Regional Board, the Permittees shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required.
- d. The Permittees shall implement the revised SWMP and monitoring program in accordance with the approved schedule.

So long as the Permittees have complied with the procedures set forth above and are implementing the revised SWMP, the Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.”

2. Delete Provision D.1, which is superseded by the new RWL C.3:

~~Each Permittee shall comply with this Order through the timely implementation of control measures and other actions to reduce pollutants in the discharge to the MEP in accordance with the SWMP, including any modifications, and other requirements of this Order. The SWMP shall be designed to achieve compliance with this Order. If exceedance(s) of water quality standards persist notwithstanding implementation of the SWMP and other requirements of this Order, the Permittees shall assure compliance with this Order by complying with the following procedure:~~

- a. ~~Upon determination by either the Permittee or Regional Board that storm water discharges have caused or are causing an exceedance of an applicable water quality standard, the Permittee shall notify the Regional Board **within 30 days**. Following notification by the Permittee that storm water discharges have caused or are causing an exceedance of an applicable water quality standard, the Permittee shall submit to the Regional Board a Report~~

~~of Water Quality Exceedance (RWQE) that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that have caused or are causing the exceedance of applicable water quality standards. The RWQE shall include a monitoring program and the rationale for new BMPs including a discussion of expected pollutant reductions and how implementation of these additional BMPs will prevent future water quality standard exceedances. The RWQE shall include an implementation schedule containing milestones and performance standards. The RWQE may be incorporated in the Annual Report revision to the SWMP unless the Regional Board directs an earlier submittal.~~

- ~~b. Submit any modifications to the RWQE required by the Regional Board within **30 days** of notification;~~
- ~~c. Within **30 days** following approval of the RWQE by the Regional Board, the Permittee shall revise the SWMP and monitoring program to incorporate the approved BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required; and~~
- ~~d. Implement the revised SWMP and monitoring program in accordance with the approved schedule.~~

3. Delete Provision D.2, which is also superseded by the new RWL C.3:

~~So long as the Permittees have complied with the procedures set forth above and are implementing the revised SWMP, the Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.~~

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 5 September 2003.

original signed by

THOMAS R. PINKOS, Executive Officer