STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2015-0036-EXEC

AMENDING

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

NPDES NO. CAS000003

ORDER WQ 2012-0011-DWQ

STATEWIDE STORM WATER PERMIT

WASTE DISCHARGE REQUIREMENTS (WDRS)

FOR

STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION

The California State Water Resources Control Board (hereafter State Water Board) finds:

1. The Statewide Storm Water Permit for the State of California Department of Transportation[1] (Permit) regulates the storm water discharge from the State of California Department of Transportation's (Department) Municipal Separate Storm Sewer System (MS4). The State Water Board issued the Permit as a National Pollutant Discharge Elimination System (NPDES) permit under the authority delegated by the U.S. Environmental Protection Agency. The Permit was adopted on September 19, 2012, and became effective on July 1, 2013.

2. Consistent with the General Exception to the California Ocean Plan for Selected Discharges into Areas of Special Biological Significance[2] (General Exception), the Permit contains requirements for the control of discharges from the Department's MS4 to seven Areas of Special Biological Significance (ASBS) on the California coast. Attachment III of the Permit specifies 77 monitoring locations across the seven ASBS. These monitoring locations are representative of priority discharges that are determined to pose the greatest threat to water quality in the ASBS and were identified to require monitoring and installation of structural or non-structural controls if the monitoring results show exceedance of natural ocean water quality.[3]

3. The Department conducted an extensive pre-monitoring investigation at the 77 locations specified in Attachment III of the Permit in preparation for the required monitoring. Of the 77 locations specified in Attachment III, the Department, in consultation with State Water Board staff, determined that 27 locations were unsuitable for monitoring due to safety or access limitations.

[1] State Water Board Order 2012-0011-DWQ

[2] State Water Board Resolution 2012-0012 as amended by Resolution 2012-0031

[3] As defined in the Permit (State Water Board Order 2012-0011)

4. For each unsuitable monitoring location, an alternate location within the same ASBS and near the original location was identified. State Water Board staff determined that monitoring at the alternate locations will not compromise the monitoring objectives of the General Exception and the Permit requirements, and that the alternate sampling locations will provide a more accurate characterization of the storm water quality discharged from the Department's outfalls.

5. During the pre-investigation, the Department also found that the coordinates indicated in Attachment III for 30 other discharge locations varied slightly from the actual locations. For each discharge location with inaccurate coordinates, the Department has provided more precise coordinates.

6. Per Code of Federal Regulations, part 40, sections 122.62 and 124.10, the State Water Board issued a Public Notice on February 13, 2015 for a 30-day public review and comment period on the proposed amendment to Order 2012-0011-DWQ, as specified in Attachment A to this Order. Formal comments were due by March 16, 2015.

IT IS HEREBY ORDERED THAT:
Order 2012-0011-DWQ is hereby amended as shown in Attachment A. The amended Order shall become effective on April 7, 2015.

4/7/15
Date

Thomas Howard
Thomas Howard
Executive Director

ATTACHMENT A
TO
ORDER WQ 2015-0036-EXEC
AMENDING

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
NPDES NO. CAS000003
ORDER WQ 2012-0011-DWQ
STATEWIDE STORM WATER PERMIT
WASTE DISCHARGE REQUIREMENTS (WDRS)
FOR
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Section E.2.c.2)a)i)(1) (p. 28):

(1) Core Discharge Monitoring Program
Core discharge monitoring is the monitoring of storm water effluents from the storm water outfalls at the priority discharge locations listed in Attachment III.

(a) General Sampling Requirements for Timing and Storm Size
Runoff must be collected during a storm event that is greater than 0.1 inch and generates runoff, and …

Section E.5.a. (p. 58):

a. Priority Discharges:
Attachment III**, ASBS Priority Discharge Locations,** identifies **representative monitoring** locations where the Department **has priority** discharges to ASBS ~~**that the State Water Board has determined to have priority discharges**~~. Priority discharges are those that pose the greatest threat to water quality in the ASBS and which the State Water Board identifies to require monitoring and **potential** installation of structural or non-structural controls.

b. Alternate Locations:

The Executive Director of the State Water Board may authorize revisions to Attachment III, ASBS Priority Discharge Locations, where access limitations or safety considerations make it infeasible to conduct monitoring. Alternate locations proposed by the Department shall be in as close proximity to the original priority discharge locations as is feasible.

~~**b**~~**c.** Compliance Schedule:

1) On the effective date of the Exception, all non-authorized non-storm water discharges (e.g. dry weather flow) to ASBS shall be effectively prohibited.

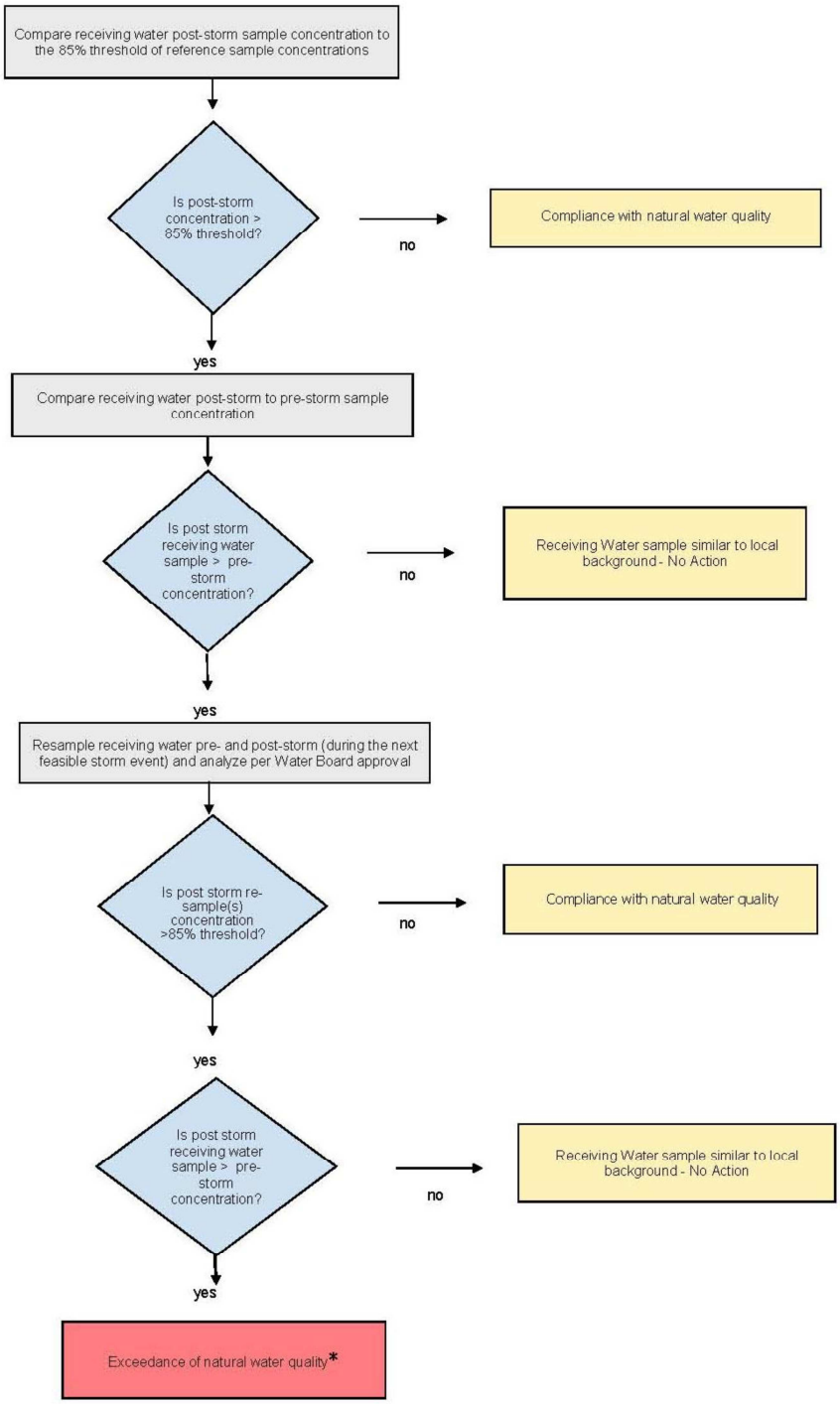
2) No later than September 20, 2013, the Department shall submit a draft written ASBS Compliance Plan to the State Water Board Executive Director that describes its strategy to comply with these provisions, including the requirement to maintain natural water quality in the affected ASBS (see provision E.5.c.). The final ASBS Compliance Plan, including a description and final schedule for structural controls based on the results of runoff and receiving water monitoring, shall be submitted no later than September 20, 2014 and shall be included in the SWMP.

3) Within 18 months of the effective date of the Exception, any non-structural controls that are necessary to comply with these provisions shall be implemented.

4) Within six (6) years of the effective date of the Exception, any structural controls identified in the ASBS Compliance Plan that are necessary to comply with these provisions shall be operational.

5) Within six (6) years of the effective date of the Exception, the Department must comply with the requirement that their discharges into the affected ASBS maintain natural ocean water quality. If the initial results of post-storm receiving water quality testing indicate levels higher than the 85th percentile threshold of reference water quality data and the pre-storm receiving water levels, then the Department must re-sample the receiving water, pre- and post-storm. If after re-sampling, the post-storm levels are still higher than the 85th percentile threshold of reference water quality data, and the pre-storm receiving water levels, for any constituent, then natural ocean water quality is exceeded. See Figure 2.

Figure 2
ASBS Special Protections
Flowchart to Determine Compliance with Natural Water Quality



*** When an exceedance of natural water quality occurs, the Department must comply with section I.A.2.h of the Special Protections as well as the requirements of this Order. Note, when sampling data is available, end-of-pipe effluent concentrations will be considered by the Water Boards in making this determination.**

6) The Executive Director of the State Water Board may only authorize additional time to comply with provisions E.5.b.4) and E.5.b.5) above if good cause exists to do so. Good cause means a physical impossibility or lack of funding.

   If the Department claims physical impossibility, it shall notify the Executive Director of the State Water Board in writing within thirty (30) days of the date that the discharger Department first knew of the event or circumstance that caused or would cause it to fail to meet the deadline in provisions E.5.b.4) or E.5.b.5). The notice shall describe the reason for the noncompliance or anticipated noncompliance and specifically refer to this Permit provision. The Department shall describe the anticipated length of time the delay in compliance may persist, the cause or causes of the delay as well as measures to minimize the impact of the delay on water quality, the measures taken or to be taken by the Department to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Department shall adopt all reasonable measures to avoid and minimize such delays and their impact on water quality.

   The Department may request an extension of time for compliance based on lack of funding. The request for an extension shall require a demonstration and documentation of a good faith effort to acquire funding through the Department's budgetary process, and a demonstration that funding was unavailable or inadequate.

~~c.~~**d.** ASBS Compliance Plan:

The Department shall develop and submit to the Executive Director of the State Water Board a draft ASBS Compliance Plan not later than September 20, 2013. The ASBS Compliance Plan shall address all locations listed in Attachment III as follows:

1) Include a map of surface drainage of storm water runoff, showing areas of sheet runoff, priority discharge locations, and any structural Best Management Practices (BMPs) already employed and/or BMPs to be employed in the future. The map shall also show the storm water conveyances in relation to other features such as service areas, sewage conveyances and treatment facilities, landslides, areas prone to erosion, and waste and hazardous material storage areas, if applicable.

2) Describe the measures by which all non-authorized non-storm water runoff (e.g., dry weather flows) has been eliminated, how these measures will be maintained over time, and how these measures are monitored and documented.

3) Require minimum inspection frequencies as follows:
   a) The minimum inspection frequency for construction sites shall be weekly during the rainy season;
   b) The minimum inspection frequency for industrial facilities shall be monthly during the rainy season; and
   c) Storm water outfall drains equal to or greater than 18 inches (457 mm) in diameter or width shall be inspected once prior to the beginning of the rainy season and once during the rainy season, and maintained to remove trash and other anthropogenic debris.

4) Address storm water discharges (wet weather flows) and, in particular, describe how pollutant reductions in storm water runoff, that are necessary to comply with these special conditions, will be achieved through BMPs. Structural BMPs need not be installed if the discharger can document to the satisfaction of the State Water Board Executive Director that such installation would pose a threat to health or safety. BMPs to control storm water runoff discharges (at the end-of-pipe) during a design storm shall be designed to achieve on average the following target levels:

   a) Table B Instantaneous Maximum Water Quality Objectives in Chapter II of the Ocean Plan; or
   b) A 90 percent reduction in pollutant loading during storm events, for the Department's total discharges.

   The baseline for these determinations is the effective date of the Exception, except for those structural BMPs installed between January 1, 2005 and adoption of the Special Protections.

5) Address erosion control and the prevention of anthropogenic sedimentation in ASBS. The natural habitat conditions in the ASBS shall not be altered as a result of anthropogenic sedimentation.

6) Describe the non-structural BMPs currently employed and planned in the future (including those for construction activities), and include an implementation schedule. The ASBS Compliance Plan shall include non-structural BMPs that address public education and outreach. The ASBS Compliance Plan shall also describe the structural BMPs, including any low impact development (LID) measures currently employed and planned for higher threat discharges, and shall include an implementation schedule. To control storm water runoff discharges (at the end-of-pipe) during a design storm, the Department must first consider, and use where feasible, LID practices to infiltrate, use, or evapotranspire storm water runoff on-site, if LID practices would be the most effective at reducing pollutants from entering the ASBS.

7) The BMPs and implementation schedule shall be designed to ensure that natural water quality conditions in the receiving water are achieved and maintained by either reducing flows from impervious surfaces or reducing pollutant loading, or some combination thereof.

~~d.~~e. Reporting:

If the results of the receiving water monitoring described in provision E.2.c.2)a)i) indicate that the storm water runoff is causing or contributing to an alteration of natural ocean water quality in the ASBS, the discharger shall submit a report to the State Water Board and Regional Water Board within 30 days of receiving the results.

~~1.~~1) The report shall identify the constituents in storm water runoff that alter natural ocean water quality and the sources of these constituents.

~~2.~~2) The report shall describe BMPs that are currently being implemented, BMPs that are identified in the SWMP for future implementation, and any additional BMPs that may be added to the SWMP to address the alteration of natural water quality. The report shall include a new or modified implementation schedule for the BMPs.

~~3.~~3) Within 30 days of the approval of the report by the State Water Board Executive Director, the discharger shall revise its ASBS Compliance Plan to incorporate any new or modified BMPs that have been or will be implemented, the implementation schedule, and any additional monitoring required.

~~4.~~4) As long as the discharger has complied with the procedures described above and is implementing the revised SWMP, the discharger does not have to repeat the same procedure for continuing or recurring exceedances of natural ocean water quality conditions due to the same constituent.

ATTACHMENT III

AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS) PRIORITY DISCHARGE LOCATIONS

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
~~SAU020~~ SAU020A	1	Saunders Reef	~~-123.65329~~ -123.65273	38.86177 38.85916
~~SAU019~~ SAU019A	1	Saunders Reef	~~-123.65328~~ -123.6528	~~38.86161~~ 38.86067
~~SAU016~~ SAU016A	1	Saunders Reef	~~-123.65178~~ -123.65237	~~38.85683~~ 38.85849

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
~~SAU017~~ SAU015	1	Saunders Reef	~~-123.65164~~ -123.65178	~~38.85692~~ 38.85612
~~SAU012~~ SAU013A	1	Saunders Reef	~~-123.65019~~ -123.6514	~~38.8543~~ 38.85451
~~SAU011~~ SAU014	1	Saunders Reef	~~-123.64983~~ -123.6517	~~38.85387~~ 38.8551
~~SAU021~~ SAU011A	1	Saunders Reef	~~-123.64868~~ -123.64853	~~38.85176~~ 38.8527
SAU008	1	Saunders Reef	-123.6478	38.8521
~~SAU006~~ SAU006A	1	Saunders Reef	~~-123.64727~~ -123.64777	~~38.85041~~ 38.85186
~~SAU002~~ SAU009A	1	Saunders Reef	~~-123.64709~~ -123.64809	~~38.84988~~ 38.85254
~~RED026~~ RED023	1	Redwoods National Park	~~-124.10221~~ -124.1017	~~41.59516~~ 41.60527
RED027	1	Redwoods National Park	-124.10126	41.59657
RED028	1	Redwoods National Park	-124.10101	41.59729
~~RED029~~ RED018A	1	Redwoods National Park	~~-124.10046~~ -124.1061	~~41.59976~~ 41.613
~~RED030~~ RED015	1	Redwoods National Park	~~-124.1003~~ -124.11257	~~41.60084~~ 41.62928
~~RED031~~ RED014	1	Redwoods National Park	~~-124.10026~~ -124.11296	~~41.6013~~ 41.63059
~~RED065~~ RED017A	1	Redwoods National Park	~~-124.09299~~ -124.10571	~~41.28217~~ 41.61195
~~FIT011~~ FIT012	2	James V. Fitzgerald	~~-122.51771~~ -122.516861	~~37.53154~~ 37.531406
ANO030	3	Ano Nuevo	-122.30121	37.11334
ANO033	3	Ano Nuevo	-122.29881	37.11202
~~ANO032~~ ANO001	3	Ano Nuevo	~~-122.29764~~ -122.306364	~~37.1113~~ 37.121672
~~ANO034~~ ANO002	3	Ano Nuevo	~~-122.297~~ -122.30534	~~37.11084~~ 37.11987

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
ANO035	3	Ano Nuevo	-122.29297	37.10714
~~MUG002~~ **ALT004**	4	Laguna Point to Latigo Point	~~-119.0618833~~ **-119.059097**	~~34.08635~~ **34.08609**
MUG005	4	Laguna Point to Latigo Point	~~-119.0382833~~ **-119.03821**	~~34.08393~~ **34.083896**
~~MUG009~~ **ALT005**	4	Laguna Point to Latigo Point	~~-119.0367000~~ **-119.054291**	~~34.08367~~ **34.085415**
~~MUG007~~ **ALT006**	4	Laguna Point to Latigo Point	~~-119.0363667~~ **-119.048653**	~~34.08378~~ **34.085361**
MUG008	4	Laguna Point to Latigo Point	~~-119.0363667~~ **-119.036389**	~~34.08378~~ **34.083644**
MUG010	4	Laguna Point to Latigo Point	~~-119.0149833~~ **-119.014826**	~~34.07098~~ **34.070804**
MUG013	4	Laguna Point to Latigo Point	~~-118.9931667~~ **-118.993551**	~~34.06530~~ **34.065445**
MUG016	4	Laguna Point to Latigo Point	~~-118.9869833~~ **-118.987069**	~~34.06287~~ **34.062852**
~~MUG017~~ **ALT008**	4	Laguna Point to Latigo Point	~~-118.9867500~~ **-118.985931**	~~34.06268~~ **34.062325**
MUG028	4	Laguna Point to Latigo Point	~~-118.9740500~~ **-118.974165**	~~34.05890~~ **34.058928**
~~MUG029~~ **ALT009**	4	Laguna Point to Latigo Point	~~-118.9730167~~ **-118.975975**	~~34.05835~~ **34.059978**
MUG031	4	Laguna Point to Latigo Point	~~-118.9683000~~ **-118.968706**	~~34.05622~~ **34.056265**
MUG041	4	Laguna Point to Latigo Point	~~-118.9645~~ **-118.964271**	~~34.0534833~~ **34.053461**
MUG046	4	Laguna Point to Latigo Point	~~-118.9608500~~ **-118.960862**	~~34.05205~~ **34.052112**
MUG048	4	Laguna Point to Latigo Point	-118.9594833	34.05172
MUG049	4	Laguna Point to Latigo Point	-118.9594333	34.05165
MUG051	4	Laguna Point to Latigo Point	~~-118.9581000~~ **-118.957316**	~~34.05033~~ **34.050937**

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
~~MUG052~~ ALT011	4	Laguna Point to Latigo Point	~~-118.9574333~~ -118.939404	~~34.04982~~ 34.045355
MUG053	4	Laguna Point to Latigo Point	~~-118.9564500~~ -118.95539	~~34.04943~~ 34.050248
MUG059	4	Laguna Point to Latigo Point	~~-118.9514167~~ -118.9515	~~34.04738~~ 34.048835
MUG058	4	Laguna Point to Latigo Point	~~-118.9506000~~ -118.95042	~~34.04778~~ 34.048355
~~MUG060~~ ALT010	4	Laguna Point to Latigo Point	~~-118.9499000~~ -118.948184	~~34.04728~~ 34.047873
MUG061	4	Laguna Point to Latigo Point	-~~118.9498500~~ -118.94834	~~34.04723~~ 34.047675
MUG077	4	Laguna Point to Latigo Point	-118.9345833	34.04513
MUG078	4	Laguna Point to Latigo Point	~~-118.9341~~ -118.934358	~~34.0451333~~ 34.045431
MUG070	4	Laguna Point to Latigo Point	-118.9320000	34.04600
MUG066	4	Laguna Point to Latigo Point	~~-118.9252333~~ -118.924654	~~34.04612~~ 34.04714
MUG073	4	Laguna Point to Latigo Point	~~-118.9236833~~ -118.922723	~~34.04577~~ 34.046418
MUG135	4	Laguna Point to Latigo Point	~~-118.89858~~ -118.897426	~~34.0401~~ 34.041983
MUG147	4	Laguna Point to Latigo Point	~~-118.89558~~ -118.894154	~~34.03921~~ 34.041553
MUG150	4	Laguna Point to Latigo Point	~~-118.8919800~~ -118.889212	~~34.03906~~ 34.040872
MUG187	4	Laguna Point to Latigo Point	~~-118.87051~~ -118.869505	~~34.0369~~ 34.039285
SAD0950	4	Laguna Point to Latigo Point	-118.8385500	34.02699
SAD0960	4	Laguna Point to Latigo Point	-118.8375000	34.02619
SAD0970	4	Laguna Point to Latigo Point	-118.8364600	34.02535
SAD0980	4	Laguna Point to Latigo Point	-118.8348600	34.02435

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
MUG318	4	Laguna Point to Latigo Point	~~-18.8342000~~ **-118.834316**	~~34.02389~~ **34.0~~1~~23879**
SAD0990	4	Laguna Point to Latigo Point	-118.8326600	34.02302
SAD1000	4	Laguna Point to Latigo Point	-118.8303400	34.02123
MUG355	4	Laguna Point to Latigo Point	~~-118.8292000~~ **-118.829258**	~~34.02056~~ **34.02122**
SAD1030	4	Laguna Point to Latigo Point	~~-118.8263200~~ **-118.827049**	~~34.01810~~ **34.018711**
SAD1040	4	Laguna Point to Latigo Point	-118.8256600	34.01748
SAD1050	4	Laguna Point to Latigo Point	-118.8249200	34.01700
SAD1060	4	Laguna Point to Latigo Point	-118.8225400	34.01559
~~MUG347~~ **ALT017**	4	Laguna Point to Latigo Point	~~-118.7834300~~ **-118.777059**	~~34.02196~~ **34.025805**
MUG346	4	Laguna Point to Latigo Point	~~-118.7831400~~ **-118.783588**	~~34.02207~~ **34.02508**
MUG283	4	Laguna Point to Latigo Point	~~-118.7658600~~ **-118.765915**	~~34.02550~~ **34.02589**
IRV020	8	Irvine Coast	~~-117.8402333~~ **-117.840190**	~~33.5740167~~ **33.576001**
IRV009	8	Irvine Coast	~~-117.8312~~ **-117.830393**	~~33.5653~~ **33.566251**
IRV007	8	Irvine Coast	~~-117.8281667~~ **-117.828078**	~~33.5645~~ **33.565343**
~~IRV003~~ **IRV001**	8	Irvine Coast	~~-117.823917~~ **-117.81858**	~~33.56195~~ **33.558**
IRV002	8	Irvine Coast	~~-117.8221~~ **-117.821484**	~~33.5606~~ **33.560705**
~~CAR007~~ **CAR007B**	3	Carmel Bay	~~-121.9247~~ **-121.923798**	~~36.52453~~ **36.52499**
CAR006	3	Carmel Bay	-121.92457	36.52469