

PUBLIC HEARING

19 JULY 2011

Item #10



CALIFORNIA DEPARTMENT OF TRANSPORTATION
MUNICIPAL SEPARATE STORM SEWER SYSTEM
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DRAFT TENTATIVE ORDER

OVERVIEW

- BACKGROUND
- HISTORY
- SIGNIFICANT PROVISIONS
- COMMENTS
- COMMENT SUMMARY
- PROPOSED CHANGES
- SCHEDULE

BACKGROUND

- Clean Water Act Section 402(p) - framework for regulating storm water
- USEPA final regulations (1990) - storm water permit requirements
- Permit requirements apply to all MS4s (including roads)
- State Departments of Transportation are considered MS4s and subject to the regulations
- Caltrans manages over 50,000 lane miles of state highway, and numerous related facilities

HISTORY

- Individual permits issued by the Regional Boards prior to 1999
- Order 99-06 DWQ, July 15, 1999
- Permit development is an evolutionary process
- Multiple opportunities for Caltrans, Regional Boards, and environmental groups to provide input
- Stakeholder review of administrative draft Tentative Order, November - December, 2010
- Public review of draft Tentative Order, January – March, 2011

SIGNIFICANT NEW PROVISIONS OF DRAFT TENTATIVE ORDER

- Incorporation of TMDL requirements
- Removal of construction requirements
- Expanded, compliance-driven monitoring and reporting program
- Hydrograph modification, post-construction treatment requirements, LID
- Program effectiveness assessment

COMMENTS (1)

- 16 formal commenters, 330+ comments
- **Affected Parties:**
 - Caltrans
 - California Transportation Commission
 - California Stormwater Quality Association (CASQA)
- **Environmental Organizations:**
 - California Coastkeeper Alliance/Heal the Bay
 - San Francisco Baykeeper
 - Natural Resources Defense Council

COMMENTS (2)

- **Government Regulatory:**
 - USEPA
 - San Diego RWQCB
 - Los Angeles RWQCB
 - Central Coast RWQCB (informal)
 - California Department of Public Health
- **Other:**
 - General public and local public agencies

SUMMARY OF SIGNIFICANT COMMENTS

- Cost of compliance
- TMDLs
- Monitoring and reporting
- Low Impact Development
- Agricultural discharges
- Non-storm water discharges
- Statewide versus local/regional design standards
- Legal sufficiency

PROPOSED CHANGES IN DRAFT TENTATIVE ORDER

- Focus monitoring and reporting program in priority watersheds
- Statewide or regional TMDL compliance plans
- Allowance for minor incidental discharges of landscape irrigation water
- Remove agricultural return flows from the non-storm water section and address separately (where not a point source discharge)
- Design standards would apply statewide
- Numerous other minor changes, clarifications, corrections and additions

SCHEDULE

- Re-notice with revised draft Tentative Order, mid-August 2011
- Board workshop, September 2011
- Board consideration of adoption, October 2011

QUESTIONS?

