

# PUBLIC HEARING

## 7 AUGUST 2012



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

# PURPOSE

- Opportunity for staff to brief the Board
- Opportunity for interested parties to address the Board

# OVERVIEW

- Review of the permit development process
- Review of significant provisions and changes
- Overview of the significant comments received

# TIMELINE

- Draft Tentative Order released January 7, 2011
- Public Hearing on July 19, 2011
- Revised Draft Tentative Order released August 18, 2011
- Board workshop on September 21, 2011
- Executive Director testimony to Senate Select Committee on October 6, 2011
- Second Revised Draft Tentative Order released April 27, 2012
- Responses to comments posted May 3, 2012
- Staff workshop on May 21, 2012

# COST CONSIDERATIONS

- Caltrans estimates of the cost of compliance range from \$281 million to \$904 million per year
- Estimates are based on the draft and Revised Draft Tentative Orders
- Caltrans current expenditures are approximately \$248 million per year
- Changes made to the Revised Draft Tentative Order are expected to significantly lower the cost of compliance

# PROVISIONS/REVISIONS

## Finding 52

“...Because of the numerous advances in storm water regulation and management and the size of the Department’s MS4, the Order does not require the Department to fully incorporate and implement all advances in a single permit term, but takes an incremental approach that allows for prioritization of efforts for the most effective use of the increased, but nevertheless limited, Department funds...”

# CRITERIA

- Focus on cost-effective requirements
- Focus the requirements on those that produce the greatest water quality benefit
- Target the high priority water bodies

# WATER QUALITY MONITORING (1)

- Replaced random compliance-driven monitoring with a tiered approach focusing on ASBS and TMDL watersheds, and deferring to the monitoring requirements specified in the ASBS Special Protections and TMDLs
- No upper limit to the number sites for ASBS and TMDLs
- Deleted sampling pool, water quality action levels, and response process flow chart
- Focused the monitoring constituents on pollutants most likely to be found in Caltrans runoff, or which have the greatest threat to water quality

# WATER QUALITY MONITORING (2)

- Monitoring for new constituents required at all TMDL monitoring locations
- For sites with existing monitoring data, must retrofit the top 15 percent of the highest priority sites
- Deleted the long-term monitoring program
- Deleted maintenance facility compliance monitoring

# PROJECT PLANNING AND DESIGN

- Requirements for design pollution prevention BMPs, post-construction treatment controls, treatment thresholds, sizing criteria, LID, and alternative compliance
- Raised the treatment threshold for highway projects from 5,000 square feet of new impervious surface to one acre
- Deleted the requirement for pilot Low Impact Development retrofits and effectiveness evaluations
- Lowered the treatment threshold for non-highway facility projects from 10,000 square feet of new impervious surface to 5,000 square feet

# HYDROMODIFICATION

- Risk based approach for analysis of impacts to new projects
- First level of analysis is a rapid assessment
- Removed requirement for programmatic stream stability assessments and a retrofit implementation schedule
- Raised the risk assessment threshold for non-highway facility projects from 10,000 square feet of new impervious surface to one acre

# REGION SPECIFIC REQUIREMENTS

Focused on Basin Plan and Regional MS4 permit requirements

- San Francisco Bay
- Los Angeles
- Central Valley
- Lahontan
- San Diego Regional Water Boards

# CONSTRUCTION PROGRAM

- Caltrans must file individually for coverage of each project under the CGP

# TMDLs

- Revised Attachment IV to more precisely identify applicable TMDLs
- Require Regional Boards to propose TMDL-specific permit requirements within one year
- Provided for a reopener for the TMDL-specific permit requirements in order to avoid unreasonably delaying permit re-issuance
- Rely on Basin Plans and TMDLs until TMDL-specific permit requirements are incorporated in the Permit

# ASBS

- Brought the Special Protections requirements directly into the permit.
- Added Attachment III to identify priority ASBS outfalls for installation of controls

# MAINTENANCE PROGRAM

- Comprehensive requirements for highway and facility maintenance, vegetation control, waste management, IC/ID's, compliance inspections, and maintenance of post-construction BMPs
- Deleted the requirement to report the amount of waste and debris removed from drainage inlets
- Replaced the site-by-site characterization of waste management sites with a programmatic characterization
- Deleted the requirement to prepare and implement a storm drain system survey plan
- Replaced quantitative measurements of trash and litter removal with estimated annual volumes

# FORMAL COMMENTS (1)

131 comments from 36 commenters:

- Caltrans
- USEPA
- NRDC/Waterkeepers/Heal the Bay
- CASQA
- Cities (generally form letters)

# FORMAL COMMENTS (2)

Comments generally address:

- Regional Board discretion
- Region-specific requirements
- Receiving water limitations or the iterative process
- ASBS
- TMDLs

# FORMAL COMMENTS (3)

- Resource issues
- Design standards
- Water quality monitoring
- Numeric effluent limits
- Agricultural runoff

# RECEIVING WATER LIMITATIONS AND ITERATIVE PROCESS

- Numerous comments received
- Caltrans: Concerned with potential non-compliance with the Order, even when implementing the iterative process
- Environmental groups support current language
- Issue relevant to Caltrans MS4 permit, proposed statewide Small MS4 permit, and Regional Board Phase I MS4 permits
- Proposed: Board workshop in the fall with opportunity for public comment
- Proposed: Re-opener clause in the Tentative Order to allow for future changes

# NEXT STEPS

- Board consideration of adoption – September 18

