



Terry Tamminen
Secretary for
Environmental
Protection

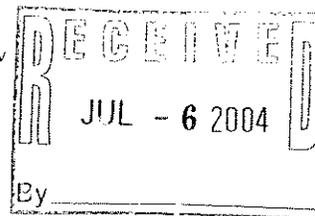
State Water Resources Control Board



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Arnold Schwarzenegger
Governor



June 25, 2004

Mr. Mark Madison
City of Stockton
Director of Municipal Utilities
2500 Navy Drive
Stockton, CA 95206

Mr. Tom Flinn
San Joaquin County
Director of Public Works
1810 East Hazelton Avenue
Stockton, CA 952015

Dear Messrs. Madison and Flinn:

RECEIVING WATER LIMITATIONS IN ORDER R5-2002-0181, AS AMENDED BY
RESOLUTION NO. R5-2003-0133

You have requested that the Central Valley Regional Water Quality Control Board ("Regional Board") clarify its intent with regard to interpretation and enforcement of Receiving Water Limitation C.3 of Order No. R5-2002-0181, as amended by Resolution No. R5-2003-0133 ("the San Joaquin MS4 Permit"). Receiving Water Limitation C.3. states:

"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 [iterative] procedure:" (emphasis added.)

Receiving Water Limitation C.2 states that the discharge from municipal stormwater systems shall not cause or contribute to exceedances of listed water quality objectives.

Specifically, you have asked how compliance with the permit's receiving water limitations will be determined. On behalf of the Regional Board, I am providing the following clarification. Receiving Water Limitation C.3 describes the process that the dischargers must follow to obtain compliance with water quality standards. Where the Permittee causes or contributes to violations of water quality standards, the Permittee must implement the iterative process specified.

Specifically, where there are discharges of pollutants that cause or contribute to exceedances of water quality standards, the Permittee must submit a report that describes existing and additional best management practices that will be implemented to prevent or reduce any pollutants contributing to the exceedances of water quality standards. The Permittee must then incorporate new BMPs into its storm water management plan and implement the plan. The permit clarifies that if the Permittee complies with this procedure, the procedure does not have to be repeated for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.

The Regional Board expects this iterative process to improve BMPs over time, and, therefore, the permit does not require strict compliance with WQS. If the Permittee complies with this iterative process, it would be considered to be in compliance with Discharge Prohibition A.2 and Receiving Water Limitations C.1, C.2 and C.3. In the event that a Permittee has, in the judgment of the Regional Board, failed to properly implement the iterative process, the Regional Board may take appropriate enforcement action to address such failure and others. This letter is intended to clarify what constitutes compliance with Receiving Water Provision C.3. In the event of noncompliance with any provision of the permit, however, nothing stated in this letter is intended to limit the Regional Board's authority with respect to any regulatory or enforcement actions which it may undertake pursuant to its legal authority.

We trust that this clarification is helpful to you.

Sincerely,

Original signed by

Robert Schneider, Chair
Central Valley Regional Water Quality Control Board

cc: See next page

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