

Final Meeting Notes

First Stakeholder Discussion for a Possible Region-wide Phase I MS4 Permit

**Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200, Rancho Cordova, CA
Board Room**

2 July 2013, 1 p.m. - 2:30 p.m.

Attendees:

Pamela Creedon, Executive Officer
Ken Landau, Assistant Executive Officer
Brian Smith, Program Manager, MS4 Program
Elizabeth Lee, Senior, Rancho Cordova Office, MS4 Program
Robert Lira, Fresno Office, MS4 Program
Debra Mahnke, Fresno Office, MS4 Program
Matt Scroggins, Senior, Fresno Office, MS4 Program
Gen Sparks, Rancho Cordova Office, MS4 Program

Diana Messina, SWRCB
Greg Gearheart, SWRCB

Karen Ashby, Larry Walker and Associates
Dana Booth, County of Sacramento
Gary DeJesus, City of Modesto
Gerardo Dominguez, County of San Joaquin
Bill Forrest, City of Galt
Sherrill Huun, City of Sacramento
Lisa Koehn, City of Clovis
Andrew Remus, Fresno Metropolitan Flood Control District
Brit Snipes, City of Rancho Cordova
Ba Than, City of Stockton
Melissa Thorne, Partner, Downey Brand LLP
Christina Walter, City of Stockton
Darren Wilson, City of Elk Grove

Welcome/Introductions

Central Valley Water Board staff welcomed meeting attendees. Introductions were made and the meeting purpose was described to all participants.

Interest in a Region-wide Phase I MS4 Permit (i.e., benefits):

Central Valley Water Board staff requested feedback on a potential region-wide Phase I MS4 permit. A potential region-wide Phase I MS4 permit would ideally eliminate less prescriptive tasks and focus storm water programs towards water quality based programs. The basis of this idea is seated with the direction other Regional Water Boards are moving towards with support of their respective Phase I MS4 stakeholders and State Board's recent effort to develop a stormwater permit template.

For example, the San Diego and Los Angeles Regions were moving towards a water quality-watershed approach, linking stormwater program actions to water quality improvement. Both agencies have recently adopted region-wide Phase I MS4 permits which focus on constituents of concern and implementation of appropriate, effective best management practices. In the Central Valley Region, each of the Phase I MS4 Permittees have acquired extensive water quality data identifying ongoing water quality problems over several permit terms. Rather than continue to identify and reiterate known water quality problems, resources could be redirected to addressing water quality solutions using effective best management practices. Similarly, this could be accomplished under a region-wide Phase I MS4 permit.

Meeting attendees described benefits of over a region-wide Phase I permit approach. Benefits discussed included:

1. A region-wide Phase I permit approach would conceptually use municipal resources more efficiently, leveraging resources at a regional level rather than restricted to the municipality;
2. Increased flexibility;
3. Relate constituents of concern to stormwater program actions;
4. Consistent standards across Central Valley region;
5. May provide the ability for municipalities to prioritize storm water program elements; and
6. Assess progress at regional, local, or watershed level.

Concerns Over a Region-wide Permit

Meeting attendees expressed the following concerns:

1. How would a region-wide permit integrate all municipalities across the Central Valley region? Some Phase I MS4 permits contain requirements that are not as relevant to each municipality covered under the permit. For instance, the Sacramento Area Phase I MS4 contains hydromodification requirements that are more relevant to other municipalities than others.
2. Will the permit language be broad-based language? Would the region-wide permit contain municipality-specific chapters relevant to locale needs?
3. How would a region-wide permit address developed programs where the municipality has expended a lot of resources to improve that program? A concern would be changing a developed program to a new level.
4. A concern would be any Permittee writing their own permit since non-governmental organizations sued over this issue in the past.
5. A concern would be how much resources for storm water and TMDL implementation plans would be expended. It would be helpful if the permit was tailored to address both programs.
6. A region-wide permit that contained prescriptive design standards
7. How would a region-wide permit work? Would a Storm Water Management Plan still be required?

8. Timing of the region-wide permit with existing Phase I MS4 permits, some expired or about to expire, and others not due to expire for over a year. Depending on the time expiration of a current permit, would the Permittee enroll into the new region-wide permit when it is adopted or wait until their permit expires?
9. Re-enrollment costs. Would there be a reduction of cost for enrolling using a Notice of Intent versus traditionally submitting an individual Report of Waste Discharge?
10. Under a region-wide permit, how will reports be required to be submitted? Individually or collectively? How will data sets be looked at?
11. What will be the procedure for Permittees to enroll under the region-wide permit?

Ideas and Suggestions

Meeting attendees discussed different existing and proposed region-wide Phase I MS4 permits from around the state. The San Francisco Water Board, Los Angeles Water Board, and San Diego Water Board region-wide permits contain prescriptive components that were not favorable. Although USEPA prefers prescriptive language in permits, the State Board's recent effort to develop a statewide permit template may be an example that the group should look at for ideas and to address some of the concerns expressed at the meeting. Central Valley Water Board staff will look into the option of distributing portions of the statewide permit template at a future meeting for discussion.

A region-wide permit should contain an adaptive management component so that the Permittee can tailor their program to focus on changes, but still comply with the permit requirements. Without an adaptive management component, there would be concern on how a Permittee would comply with static requirements.

The region-wide permit will focus on the maximum extent practicable, but it will be important to include assessments on the effectiveness of any one storm water program. The assessments would evaluate the progress of known water quality problems and effective best management practices are targeting known water quality problems.

As with the current Phase I MS4 permits, a Storm Water Management Plan is a component of the permit and enforceable. The Storm Water Management Plans would be community-based and focus on water quality management. While the plan would be prescriptive, the permit would not be. Each permit would have hydromodification component for each Permittee's area, specifying the general framework and requirements for the plan, yet still address the constituents of concerns and identify known water quality issues to be improved. The new region-wide permit would contain similar requirements to the current Phase I MS4, especially receiving water limits, core requirements, timelines, and proactively address known water quality impacts. State Board decisions (i.e., trash amendments) would be integrated as they apply and are approved by that agency.

At this time, the proposed region-wide permit will include Sacramento Area, Modesto, Stockton and San Joaquin County Phase I MS4 Permittees. The Port of Stockton has a Phase I MS4, but coverage under the Industrial General Permit may be considered. The East Contra Costa County Area Permittees work in unison with the San Francisco Water Board and may not want to be included at this time. Similarly, Bakersfield and Fresno Phase I MS4 Permittees may want

to consider being included in the proposed region-wide Phase I MS4 permit, but have recently had their respective permits renewed by the Central Valley Water Board staff in the Fresno Office.

Closing/Next Steps

Central Valley Water Board staff closed the meeting with a discussion gaining group consensus on moving forth with the proposed region-wide Phase I MS4 permit.

Meeting attendees provided input on a list of issues to address as the process moves forward. The list included the following considerations:

1. Recognize variability across Central Valley region
2. Pending permit renewals and timing of region-wide permit adoption
3. Identify common elements between current Phase I MS4 Permittee programs
4. Eliminate prescriptiveness and focus on water quality based programs
5. State Board and Central Valley Water Board's roles and anticipated actions
6. Prioritize efforts based on community needs
7. Maintain adaptive management approach
8. Length of region-wide permit term

Preliminarily, the next meeting will be scheduled for mid to late August. A Doodle poll will be distributed. Once the next meeting is scheduled, draft meeting notes, a tentative agenda will be distributed to participants approximately two weeks prior to the meeting date.

Central Valley Water Board staff will check on the possibility of distributing the statewide permit template developed under the State Board's recent effort. If possible, this template will be distributed (in part or in its entirety) for the meeting attendees review too.