

ITEM: 14

SUBJECT: Stockton Port District, San Joaquin County

BOARD ACTION: Consideration of Municipal Separate Storm Sewer System (MS4) NPDES Permit Renewal

DISCUSSION: The Stockton Port District ("Port") requested renewal of their NPDES permit to discharge storm water runoff from their MS4. The discharge consists of surface runoff generated from various land uses that discharge into storm drains, which in turn discharge to natural drainage watersheds. The major natural surface waters in the Port's geographic area are the Stockton Deep Water Ship Channel, Burn's Cutoff and San Joaquin River. These water bodies are tributary to the Sacramento-San Joaquin River Delta.

The Port is located within the City of Stockton, which is the largest city in San Joaquin County. The Port is divided into a West Complex (formerly Rough & Ready Island) and an East Complex. The 640-acre East Complex is older and more developed than the 1,460-acre West Complex, which was acquired from the United States Navy in September 2003. The West Complex is under a separate Central Valley Water Board Order for cleanup of contaminated soil and groundwater caused by Naval activities. A remaining 500 acres on the West Complex is being converted and developed for full-scale shipping and manufacturing operations, which will include maritime, industrial, and commercial uses. It is an island surrounded by water and protected by a levee.

The Port's land use authority allows industrial activity that may generate pollutants and runoff that could impair receiving water quality and beneficial uses. As a large industrial facility, it is appropriate for the Port to be subject to equivalent discharge standards as other industrial sites; therefore discharge prohibitions in the proposed Order define the maximum extent practicable (MEP) standard to be equivalent to Best Available Technology Economically Achievable for non-conventional and toxic pollutants (BAT), and Best Conventional Technology Economically Achievable for conventional pollutants (BCT), as required for industrial storm water dischargers.

ISSUES: The Permittee and the U.S EPA provided comments to the tentative permit. In their public comments, the Permittee expressed concern regarding the following items:

- (1) justification needed for Phase I Permit,
- (2) Best Available Technology and Best Conventional Technology (BAT/BCT) requirements,
- (3) duplicative requirements,
- (4) receiving water limitations section,
- (5) legal conclusions,

- (6) new requirements on Port leases,
- (7) new Total Maximum Daily Loads (TMDL) requirements,
- (8) imposition of only Best Management Practices (BMP) to the Maximum Extent Practicable (MEP),
- (9) newly proposed monitoring requirements,
- (10) requirements unrelated to storm water,
- (11) identified deficiencies in Port's current Development Standards, and
- (12) new Low Impact Development (LID) and CEQA requirements.

Detailed responses to the Permittee's comments are included in the Central Valley Water Board Staff Response to Comments document.

US EPA expressed concern regarding; (1) LID requirements, and (2) compliance with the Water Column Toxicity Program prescribed in the Administrative Order on Consent (AOC), which included the US EPA's 2008 Audit, for the Stockton Port District. Central Valley Water Board staff concurs with U.S. EPA's comments and has modified the tentative order accordingly to include monitoring and reporting requirements that are consistent with the AOC and audit findings.

RECOMMENDATION: Adopt the NPDES permit renewal.

Mgmt. Review _____
Legal Review PEP

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