

**Central Valley Regional Water Quality Control Board
Board Meeting – 4/5 June 2015**

**Response to Comments for the
Tentative Order Amending
Waste Discharge Requirements
to Allow for Participation in Regional Monitoring Programs**

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative Order amending Waste Discharge Requirements to allow for Municipal Separate Storm Sewer Systems (MS4) participation in Regional Monitoring Programs (RMP).

The tentative Order was issued for a 30-day public comment period on 8 April 2015 with comments due by 8 May 2015. The Central Valley Water Board received public comments regarding the tentative amending Order by the due date from the Port of Stockton.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses. Changes were made to the proposed Order based on public comments received.

Port of Stockton (Port)

Port Comment No. 1 – Amendment Language Discrepancy Between the Monitoring and Reporting Program and Fact Sheet

The Port comments that a discrepancy exists in the tentative Permit amendment language in Attachment A between the “Monitoring and Reporting Program” (MRP – Provision II, Monitoring Program) and “Fact Sheet” section (Section IV., Monitoring and Reporting Program) related to approval of reduced or exchanged monitoring. The MRP states:

To ensure consistency with this Order and this MRP, reductions in local water quality monitoring require the Executive Officer’s prior written approval of the Permittee’s request, including related SWMP modifications.

The Fact Sheet states:

To ensure consistency with this Order and this MRP, reductions in local water quality monitoring require the Executive Officer’s prior written approval as well as RMP Steering Committee action on a forthcoming Regional Monitoring Program monitoring plan.

The Port requests that the Fact Sheet language be edited to make it consistent with the Monitoring and Reporting Program language as shown in underline/strikeout format below:

To ensure consistency with this Order and this MRP, reductions in local water quality monitoring require the Executive Officer’s prior written approval, as well as ~~RMP Steering Committee action on a forthcoming Regional Monitoring Program~~ monitoring plan.

RESPONSE: Central Valley Water Board staff concurs.

Port Comment No. 2 – Clarification of “Adequate Participation” in an RMP

The Port requests clarification (i.e., definition) in the tentative Order in regards to the role the Central Valley Water Board and Delta RMP Steering Committee has in the determination of “adequately participating” in or “adequately supporting” the Delta RMP. In addition, the Port states that since it is not a typical Phase 1 MS4 (it cannot grow in land mass or population) it may be possible that the RMP funding level may not account for these factors and it could be greater than the cost of the exchanged monitoring. Therefore, the Port requested for the current language included in the tentative to be maintained. If the current language is not maintained the Port requested for a definition of “adequate participation” be included in the permit.

RESPONSE: The Central Valley Water Board defines “adequate participation” as a financial contribution equal to or greater than the level of monitoring the Permittee has been allowed to discontinue. “Adequate support” in a RMP will be set upon criteria that an RMP Steering Committee will develop to allocate the total program cost across all participants.

The proposed amendment language includes a provision where the Permittee can inform the Central Valley Water Board that participation in an RMP will cease and request for local water quality monitoring to be reinstated to comply with the requirements of the amended permit. The proposed amendment language is to allow Permittees an option to participate in a RMP ahead of a proposed Region-wide MS4 general permit that will include a RMP option. No changes are proposed in the current language and therefore a definition of “adequate participation” was not added.