

ITEM: 9

SUBJECT: Region-wide Municipal Separate Storm Sewer Systems (MS4s)
General Permit

BOARD ACTION: *Consideration of Adoption of New General Permit*

BACKGROUND: Municipal Separate Storm Sewer Systems (MS4s) are the systems of drains, pipes, gutters, and ditches that drain storm water away from, and prevent flooding in, developed areas. The MS4 storm water systems are operated and maintained by towns, cities, counties, and other government entities. This is storm water from residential, commercial, and industrial areas within a community, including from roofs, streets, parking lots, lawns, and outdoor business areas. This municipal storm water can carry pollutants including metals, fuels, oils, greases, bacteria, pesticides, trash, and green waste. In addition to the pollutants contained in municipal storm water, the flow of water itself coming off of all the impervious surfaces in developed areas (roofs, concrete, asphalt) result in the storm water flows becoming more intense and causing erosion in the creeks and rivers receiving the flow.

Currently, the 23 Phase I MS4s within the Central Valley Region are regulated under seven, separate NPDES permits, and the 120 Phase II MS4s are regulated under the State Water Board's general permit. The proposed Region-wide General Permit would replace the seven individual permits for Phase I MS4s, and would allow any interested Phase II MS4s to transfer from State Board's permit to the new Region-wide permit. The tentative Region-wide permit is a paradigm shift, in that it refocuses MS4 efforts to target the highest priority water quality constituents, instead of requiring prescriptive practices that may not result in the best water quality improvement.

Development of the tentative permit has occurred over several years during which Central Valley Water Board staff have worked with stakeholders ranging from permittees to watershed groups, USEPA, and State Water Board staff. Numerous meetings with these stakeholders have occurred to ensure the tentative permit balances stakeholder interests to the extent possible. An Administrative Draft version of the permit was circulated for public comment from 11 March 2016 to 11 April 2016. A public workshop was held to discuss the Administrative Draft version on 6 April 2016. Revisions to the permit were made in response to comments on the Administrative Draft. Subsequently, the Tentative Draft permit was circulated for public comment from 20 April 2016 to 20 May 2016.

ISSUES: Comments on the Tentative Draft permit were received from three groups: MS4 permittees (consolidated comments from a group of permittees), USEPA, and the City of Elk Grove and the Laguna Creek Watershed Council (consolidated comments). All comments were considered, and appropriate permit revisions made. A copy of the comments received, and Central Valley Water Board staff's Response

to Comments are included in the Agenda package. The final agenda version of the proposed permit includes changes made to the Tentative permit. A strikeout/underline version of the Tentative permit is available and indicates all changes made to the Tentative permit in response to comments. While not all comments were accepted, commenters have expressed general support for the Tentative permit.

RECOMMENDATION: Adopt the proposed order.

Mgmt. Review__BJS, 6/6/2016_____

Legal Review__ASD_____

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