

State of California
California Regional Water Quality Control Board
Santa Ana Region

June 7, 2013
Staff Report

ITEM: *9

SUBJECT: Amendment of Order No. R8-2010-0033 (NPDES No. CAS 618033) to Add/Delete Permittees – Tentative Order No. R8-2013-0024

DISCUSSION:

Tentative Order No. R8-2013-0024 amends Waste Discharge Requirements for Area-wide Urban Storm Water Runoff for the County of Riverside, Riverside County Flood Control and Water Conservation District, and the incorporated cities of Riverside County within the Santa Ana Region, Order No. R8-2010-0033, NPDES No. CAS 618033 (Santa Ana MS4 Permit). The Santa Ana MS4 Permit is being reopened for the limited purpose of adding two newly incorporated cities and to address issues related to three cities that were subject to regulatory oversight of two regional boards.

The cities of Eastvale and Jurupa Valley were incorporated after the adoption of the MS4 Permit. These two cities have requested that storm water runoff from their jurisdictions be regulated under the Santa Ana MS4 Permit. The proposed amendment adds these two cities as Permittees under the Santa Ana MS4 Permit.

The cities of Menifee, Murrieta and Wildomar are located within both the Santa Ana and the San Diego Regional Board boundaries. In accordance with California Water Code Section 13228, these cities requested that storm water runoff from these cities be regulated solely under one of the regional boards MS4 permit. Most areas of Menifee are located within the Santa Ana Region and most areas of Murrieta and Wildomar are located within the San Diego Region. Menifee requested to be regulated under the Santa Ana Region and Murrieta and Wildomar requested to be under the San Diego Region for purposes of regulating municipal storm water runoff. Both the Santa Ana and the San Diego Regional Boards agreed to these requests through written agreements dated September 28, 2010 (Designation Agreements).

The San Diego Regional Board, in its Municipal Separate Storm Sewer System Permit for Riverside County, Riverside County Flood Control and Water Conservation District and the Incorporated Cities of Riverside County, Order No. R9-2010-0016 (San Diego MS4 Permit), recognized the Designation Agreements. The proposed amendment to the Santa Ana MS4 Permit addresses the Designation Agreement. Accordingly, the City of Menifee is wholly regulated by the Santa Ana Regional Board, including those portions of

Tentative

the City discharging storm water within the San Diego Regional Board boundary. The Cities of Murrieta and Wildomar are wholly regulated by the San Diego Regional Board under the San Diego MS4 Permit, including those portions of the cities that are within the Santa Ana Regional Board's jurisdiction. The San Diego Regional Board's MS4 Permit requires the cities of Murrieta and Wildomar to continue to comply with the Santa Ana MS4 Permit for compliance with the applicable total maximum daily load requirements.

The proposed amendments address the issues discussed above.

RECOMMENDATION:

Adopt Tentative Order No. R8-2013-0024, as presented.

PUBLIC COMMENTS:

The proposed amendments were posted on the Regional Board's website and distributed to the permittees and the stakeholders on the Riverside County MS4 Permit electronic mailing list for public review and comments.

State of California
California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2013-0024

Amending Order No. R8-2010-0033, NPDES No. CAS 618033

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Regional Board), finds that:

1. On January 29, 2010, the Regional Board adopted Order No. R8-2010-0033, NPDES No. CAS 618033, prescribing Waste Discharge Requirements for Area-wide Urban Storm Water Runoff for the County of Riverside, Riverside County Flood Control and Water Conservation District, and the incorporated cities of Riverside County within the Santa Ana Region. This Order is commonly referred to as the Riverside County Municipal Separate Storm Sewer System (MS4) Permit.
2. Order No. R8-2010-0033 is being amended: (1) to add the newly incorporated cities of Eastvale and Jurupa Valley to the list of Permittees; (2) to remove two cities, Murrieta and Wildomar from the list of Permittees; and (3) to add all portions of the City of Menifee under this Order, including those portions that are under the jurisdiction of the San Diego Regional Board.
3. Title 40 of the Code of Federal Regulations, section 122.62, provides that NPDES permits may be modified if new information that was not available at the time of permit issuance becomes available, and that the information would have justified different permit conditions at the time of permit issuance. (40 CFR § 122.62(a)(2)). In this case, the incorporation of the Cities of Eastvale and Jurupa Valley and the designation agreements under Water Code 13228 were not available at the time of adoption of Order No. R8-2010-0033.
4. In accordance with Water Code Section 13389, amending wastewater discharge requirements for this discharge is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.
5. The Board has notified the discharger and other interested agencies and persons of its intent to amend waste discharge requirements for the discharge and has provided them with an opportunity to submit their written views and recommendations.
6. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HERBY ORDERED that Order No. R8-2010-0033 be amended as follows:

1. Order No. R8-2010-0033, page 1 of 117, revise Table 1 to read:

Table 1. Municipal Permittees (Dischargers)

Principal Permittee	Riverside County Flood Control and Water Conservation District (RCFC&WCD)*	
Co-Permittees	1. Beaumont	10. Menifee
	2. Calimesa	11. Moreno Valley
	3. Canyon Lake	12. Murrieta
	4. Corona	12. Norco
	5. County of Riverside (County)	13. Perris
	6. <u>Eastvale</u>	14. Riverside
	7. Hemet	15. San Jacinto
	8. <u>Jurupa Valley</u>	17. Wildomar
	9. Lake Elsinore	

2. Order No. R8-2010-0033, page 7 of 117, revise Section I.E. as follows:

On February 5, 2008 Wildomar residents voted for cityhood and the city incorporated on July 1, 2008. Menifee residents voted for cityhood on June 3, 2008 and the city incorporated on October 1, 2008. Both cities in letters dated May 5 and May 6, 2009, respectively, have expressed their intent to be a Co-Permittee in this Order and for the purposes of this Order shall be considered as such. Urban Runoff from the cities of Menifee, Murrieta and Wildomar discharges into watersheds within the Santa Ana Regional Board and the San Diego Regional Board jurisdictions. ~~Therefore, these cities are regulated by MS4 permits issued by both Regional Boards. Urban Runoff from the County of Riverside and RCFC&WCD discharge into watersheds within the Santa Ana, San Diego and Colorado River Region Regional Board jurisdictions. Therefore, these entities are regulated by MS4 permits issued by three Regional Boards.~~

On July 20, 2010 and July 21, 2010, the Cities of Murrieta and Wildomar, respectively, pursuant to California Water Code section 13228, requested that the Santa Ana Regional Board designate the San Diego Regional Board as the regulating authority for all portions of these cities, regardless of Regional Board jurisdictional boundaries for matters pertaining to MS4 permitting. In addition, on July 22, 2010, the City of Menifee requested that the San Diego Regional Board designate the Santa Ana Regional Board as the regulating authority for all portions of the city, regardless of Regional Board jurisdictional boundaries for matters pertaining to MS4 permitting.

On September 28, 2010, the Executive Officers of the Santa Ana and San Diego Regional Water Quality Control Boards signed Designation Agreements, pursuant to Water Code section 13228(a), providing: (1) the San Diego Regional Board the authority to regulate municipal storm water runoff from the Cities of Murrieta and Wildomar, including those portions of the cities that fall within the Santa Ana Regional Board's geographic jurisdiction; and (2) the Santa Ana Regional Board the authority

to regulate municipal storm water runoff from all portions of the City of Menifee, including those portions that are within the San Diego Regional Board's jurisdiction.

In accordance with the San Diego MS4 Permit, Order No. R9-2010-0016, the cities of Murrieta and Wildomar are required to comply with the applicable provisions of the Santa Ana MS4 Permit, Order R8-2010-0033, pertaining to implementation of the nutrient total maximum daily loads pertaining to Lake Elsinore and Canyon Lake. Similarly, Order R8-2010-0033 requires the City of Menifee to comply with any TMDLs and associated MS4 permit requirements issued by the San Diego Regional Board which include the City of Menifee as a responsible party.

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3. Order No. R8-2010-0033, page 16 of 117, revise Table 3 to read:

Table 3a – Receiving Waterbodies and Municipal Dischargers:

Municipality	Upper Santa Ana										San Jacinto									
	Mill Creek Prado Area	Chino Creek, Reach 1A	Chino Creek, Reach 1B	Temescal Creek	San Timoteo Wash	Little San Geronio	Santa Ana River, Reach 3	Santa Ana River, Reach 4	Cucamonga Creek	<u>Sunnyslope Channel</u>	San Jacinto River reaches 1-4	Lake Elsinore	Canyon Lake	Strawberry Creek	Lake Hemet	Salt Creek	Poppet Creek	Indian Creek	Bautista Creek	
RCFC&WCD				◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆	
Beaumont					◆	◆	⌘	⌘			◆	⌘	◆							
Calimesa					◆	⌘	⌘	⌘			◆	⌘	◆	◆						
Canyon Lake				⌘			⌘			⌘	⌘	◆								
Corona				◆			⌘													
County of Riverside (County)	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆		
<u>Eastvale</u>							◆	◆	◆											
Hemet				⌘			⌘			⌘	⌘	⌘			⌘					
<u>Jurupa Valley</u>							◆	◆	◆											
Lake Elsinore				◆			⌘			⌘	◆									
Menifee				⌘			⌘			⌘	⌘	⌘			⌘					
Moreno Valley				⌘			⌘			⌘	⌘	⌘								
Murrieta				⌘			⌘				⌘									
Norco				⌘			◆													
Perris				⌘			⌘			◆	⌘	⌘			⌘					
Riverside				⌘			◆	◆			⌘									
San Jacinto										◆	⌘	⌘								
Wildomar				⌘			⌘				⌘									

◆ Direct Discharge of MS4 to Receiving Water
 ⌘ Tributary to Receiving Water

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4. Order No. R8-2010-0033, page 49 of 117, revise Section II. to read:

IT IS HEREBY ORDERED that the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto, ~~and Wildomar~~, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, and the provisions of the CWA, as amended, and the regulations and guidelines adopted there under must comply with the following:

5. Order No. R8-2010-0033, page 116 of 117, revise Section XXI.C. to read:

Pursuant to Section 13228 of the Water Code, on September 28, 2010 the Santa Ana Regional Board, ~~may~~ through a Designation Agreement, authorized the San Diego Regional Board to regulate municipal storm water runoff from all areas of the cities of Murrieta and Wildomar, including those areas that are within the Santa Ana Regional Board's jurisdiction. Similarly, the San Diego Regional Board authorized the Santa Ana Regional Board to regulate municipal storm water runoff from all areas of the City of Menifee, including those areas that are within the jurisdiction of the San Diego Regional Board. ~~, this Regional Board will exercise its authority under this Order in those Regions.~~

6. Order No. R8-2010-0033, Appendix 4, page 3 of 21, revise definition to read:

Co-Permittees – County of Riverside and the cities of Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Murrieta, Moreno Valley, Norco, Perris, Riverside, and San Jacinto ~~and Wildomar~~.

7. Order No. R8-2010-0033, Appendix 6 – Fact Sheet, revise Section I.A., page 2 of 57, to read:

On February 5, 2008 Wildomar residents voted for cityhood and the city incorporated on July 1, 2008. Menifee residents voted for cityhood on June 3, 2008 and the city incorporated on October 1, 2008. On May 6, 2009, the City of Menifee and on May 5, 2009, the City of Wildomar submitted Letters of Intent to be a Co-Permittee in this Order and for the purposes of this Order shall be considered as such. Urban Runoff from the cities of Menifee, Murrieta and Wildomar discharges into watersheds within the Santa Ana Regional Board and the San Diego Regional Board jurisdictions.

On July 20, 2010 and July 21, 2010, the Cities of Murrieta and Wildomar, respectively, pursuant to California Water Code section 13228, requested that the Santa Ana Regional Board designate the San Diego Regional Board as the regulating authority for all portions of these cities, regardless of Regional Board jurisdictional boundaries for matters pertaining to MS4 permitting. In addition, on July 22, 2010, the City of Menifee requested that the San Diego Regional Board designate the

Santa Ana Regional Board as the regulating authority for all portions of the city, regardless of Regional Board jurisdictional boundaries for matters pertaining to MS4 permitting.

On September 28, 2010, the Executive Officers of the Santa Ana and San Diego Regional Water Quality Control Boards signed Designation Agreements, pursuant to Water Code section 13228(a), providing: (1) the San Diego Regional Board the authority to regulate municipal storm water runoff from the Cities of Murrieta and Wildomar, including those portions of the cities that fall within the Santa Ana Regional Board's geographic jurisdiction; and (2) the Santa Ana Regional Board the authority to regulate municipal storm water runoff from all portions of the City of Menifee, including those portions that are within the San Diego Regional Board's jurisdiction.

In accordance with the San Diego MS4 Permit, Order No. R9-2010-0016, the cities of Murrieta and Wildomar are required to comply with the applicable provisions of the Santa Ana MS4 Permit, Order R8-2010-0033, pertaining to implementation of the nutrient total maximum daily loads pertaining to Lake Elsinore and Canyon Lake. Similarly, Order R8-2010-0033 requires the City of Menifee to comply with any TMDLs and associated MS4 permit requirements issued by the San Diego Regional Board which include the City of Menifee as a responsible party

The cities in the Permit Area, along with the County, are collectively referred to as the Co-Permittees, and collectively, with the Principal Permittee, the Permittees.

8. This amendment shall become effective upon the adoption of this Order.
9. With respect to the changes pertaining to the cities of Murrieta and Wildomar, the amendments are valid only as long the Designation Agreements are valid and effective.
10. All other terms and conditions of Order No. R8-2010-0033 shall remain unchanged.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on June 7, 2013.

Kurt V. Berchtold, Executive Officer