

## Central Valley Regional Water Quality Control Board

9 December 2016

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### **NOTICE OF APPLICABILITY; GENERAL PERMIT FOR DISCHARGES FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS, ORDER R5-2016-0040**

On 1 November 2016, the Port of Stockton (Port) submitted a Notice of Intent (NOI) to obtain coverage under the General Permit for Discharges from Municipal Separate Storm Sewer Systems (MS4), Order R5-2016-0040 (General Permit). After review of the NOI, the Central Valley Regional Water Quality Control Board (Central Valley Board) has determined that the Port qualifies for coverage under the General Order. The Port's MS4 is hereby assigned the Order No. R5-2016-0040-011 (NPDES Permit No. CAS0085324). Please reference your General Order Number in all future correspondence and documents.

Provision V.F.2 of the General Permit provides a table which outlines the steps to develop the Port's Storm Water Management Plan. The Assessment and Prioritization steps are outlined in Provisions V.E.1 and V.E.2., respectively. The results of the Port's Assessment and Prioritization and the proposed methodology for the Reasonable Assurance Analysis must be submitted **by 12 June 2017** to the Central Valley Water Board.

In staff's review of the NOI, the following are concerns:

1. The Port used one source of information for determining receiving water impairments and MS4 contribution. As part of the Assessment, the General Permit requires consideration of multiple sources of information when determining receiving water impairments and MS4 contribution.
2. In the Port's NOI, the three criteria for prioritization need to be considered collectively and not individually as each criterion has bearing on the selection of the Priority Water Quality Constituents (PWQCs). One criterion should not be the sole driving decision in the PWQCs.
3. The Port has determined that their MS4 does not cause or contribute to receiving water exceedances. Approval of the NOI does not constitute concurrence with the Port's determination until a full review is completed by Central Valley Water Board staff.

As the Port progresses through the Assessment and Prioritization steps, and subsequent steps toward development of a Storm Water Management Plan in accordance with the General Permit, these concerns will need to be addressed.

In accordance with Provision V.B.1.c of the General Permit, issuance of the Notice of Applicability (NOA) rescinds Waste Discharge Requirements Order R5-2011-0005-02 (NPDES

Permit No. CAS084077) for the Port of Stockton except for enforcement of permit violations that occurred prior to the issuance of the NOA.

The Port's proposed update to Section 5 of the Storm Water Management Plan, dated October 2016, serves as an interim Work Plan and Reporting framework until an updated Storm Water Management Plan is adopted by the Central Valley Water Board. Pursuant to Part V.C.9.c of the General Permit, a Permittee is required to continue implementation of its existing Storm Water Management Program between receipt of an NOA and final approval of a Storm Water Management Plan that meets the requirements laid out in the General Permit. Separate approval of such interim program implementation by the Central Valley Water Board is not a requirement of the General Permit, therefore approval of the Port's proposed update to Section 5 of the Storm Water Management Plan is not necessary. However, staff has reviewed the proposed update to Section 5 of the Storm Water Management Plan and finds that it is consistent with the terms of the General Permit.

You can find the General Permit on the Central Valley Water Board's website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0040\\_ms4.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0040_ms4.pdf)

If you have any questions, please contact Elizabeth Lee at (916) 464-4787 or at [Elizabeth.Lee@waterboards.ca.gov](mailto:Elizabeth.Lee@waterboards.ca.gov)

*Original signed by*

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