



# MS4 Permit Workshop

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## MS4 Permit Workshop

- ✓ New MS4 Permit must reflect final judicial decision in Gardena/Duarte litigation
  - Requirements cannot exceed federal regulations without complying CWC 13241
    - Basically a cost-benefit analysis
    - Involves establishing a cost of compliance for each permit task for each individual city (not a group) and not in generalized terms
    - Involves identifying true benefits of the costs to each city
    - Involves determining affordability
    - Requires a rigorous economic analysis

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- Current MS4 Permit Requirements Exceed federal regulations and therefore are subject to 13241.
  - Here are some examples:
    - EWMPs and WMPs
    - Watershed Management Areas
    - Runoff capture and reuse
    - Numeric effluent limitations (WQBELs and Receiving Water limitations)
    - Non-stormwater discharge compliance with TMDLs and Water Quality Standards
    - Strict compliance with TMDLs and Water Quality Standards
    - Compliance TMDLs not on the 303(d) list
    - TMDL schedules and time schedule orders
    - Low impact development
    - Bio-retention controls
    - 85<sup>th</sup> Percentile Design Storm
    - Hydromodification
    - Compliance with groundwater supply replenishment
    - Industrial and commercial inspection and enforcement

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- Examples:
  - General construction permit inspection and enforcement
  - Effective impervious area
  - Setting water quality standards/TMDLs based on receiving water monitoring
  - Semi-annual report submittals
  - Monitoring on private property to determine effectiveness of infiltration controls
  - Monitoring for constituents not identified in federal regulations
  - Trash management controls and studies
  - Low flow diversion controls
  - Special studies

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- Care also must be taken not carry-over requirements from the 2012 MS4 Permit that exceed federal regulations because are they are STATE UNFUNDED MANDATES
  - Includes all of the foregoing permit requirements that are subject to CWC 13241
  
- An unfunded state mandate must either be paid for by the state or voided
  - Stormwater tax funds cannot relieve the state of this legal responsibility ( to be discussed later)
  
- Another thing to keep in mind: Because cities have stormwater tax funds doesn't mean that the Regional Board can impose their brand of regional programs on them. Cities are to determine how funds are to be spent on reasonable MS4 Permit related requirements.