

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

RESOLUTION NO. R5-2015-0140

**APPROVAL OF THE
STORM WATER MANAGEMENT PLAN**

FOR

**CITY OF BAKERSFIELD
AND
COUNTY OF KERN
STORM WATER DISCHARGES FROM
MUNICIPAL SEPARATE STORM SEWER SYSTEM
KERN COUNTY**

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) finds that:

1. On 6 December 2013, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2013-0153 (Order) (NPDES No. CA0083399), prescribing waste discharge requirements for the City of Bakersfield and the County of Kern (hereafter jointly referred to as 'Permittees') Phase I Municipal Separate Storm Sewer System (MS4), Kern County.
2. The Permittees have jurisdiction over and/or maintenance responsibilities for the storm drainage system in the Bakersfield Urbanized Area.
3. The system includes approximately 2 to 3 miles of major storm drain open channels and approximately 40 miles of major closed conduit conveyances. Approximately 80% of the Bakersfield Urbanized Area discharges storm water to terminal basins. Urban storm water runoff from the remaining 20% of the Bakersfield Urbanized Area drains to the Kern River, East Side Canal, Carrier Canal, Stine Canal, and Kern Island Canal.
4. Order R5-2013-0153, Provision D.2 requires, by 8 September 2014, the Permittees to revise the Storm Water Management Plan (SWMP) to address the requirements of Order R5-2013-0153 and to submit the revised SWMP for public review/comment and approval by the Central Valley Water Board.
5. On 17 September 2014, the Permittees submitted a SWMP update to fulfill Order R5-2013-0153, Provision D.2. In response to comments from Central Valley Water Board staff, a revised SWMP was submitted on 17 February 2015. On 9 October 2015, a final revised SWMP was submitted by the Permittees to update milestone dates.
6. The SWMP includes program elements to reduce the discharge of pollutants in storm water and authorized non-storm water discharges to the maximum extent practicable (MEP). On 11 February 1993, the State Water Resources Control Board's Office of Chief Counsel (OCC) issued a memorandum interpreting the meaning of MEP to include effectiveness, regulatory compliance, public acceptance, technical feasibility, and cost. The burden is on the municipality

to demonstrate compliance with MEP by showing that a best management practice (BMP) is not technically feasible in the locality or that BMPs costs would exceed any benefit to be derived. However, since MEP is a dynamic performance standard which evolves over time as urban runoff management knowledge increases, the Permittees' storm water programs must continually be assessed and modified to incorporate improved programs, control measures, best management practices, etc., in order to achieve the evolving MEP standard. This continual assessment, revision, and improvement of storm water management program implementation is expected to achieve compliance with water quality standards.

7. The SWMP describes the framework for management of storm water and non-storm water discharges during the term of Order R5-2013-0153. The SWMP also describes the goals and objectives, legal authority, source identification process, funding sources, fiscal analysis, performance standards, best management practices, an evaluation and improvement process, and monitoring plan for the storm water management program.
8. In accordance with Order R5-2013-0153, the SWMP includes the following program components:
 - a. Program Management
 - b. Construction Program
 - c. Commercial and Industrial Program
 - d. Municipal Operations Program
 - e. Illicit Connection and Discharge Program
 - f. Public Outreach Program
 - g. Planning and Land Development Program
 - h. Storm Water Quality Monitoring and Reporting Program
 - i. Program Effectiveness Assessment Program
9. Central Valley Water Board staff has reviewed the SWMP and found it to be in compliance with the provisions of the Order R5-2013-0153.
10. Issuance of this Resolution is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") pursuant to Water Code section 13389.
11. The Central Valley Water Board has notified the Permittees and interested agencies and persons of its intent to approve the SWMP and has provided them with an opportunity to submit their written views and recommendations.
12. All comments pertaining to approval of the SWMP were heard and considered in a public hearing.

THEREFORE, BE IT RESOLVED THAT:

The California Regional Water Quality Control Board, Central Valley Region, hereby approves the City of Bakersfield and County of Kern's *Storm Water Management Plan*.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this Resolution, except

that if the thirtieth day following the date of this Resolution falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on **11 December 2015**.

Original signed by:

PAMELA C. CREEDON, Executive Officer