

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2003-0132

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER NO. R5-2002-0182
NPDES NO. CAS083526

CITY OF MODESTO
STORM WATER DISCHARGE FROM
MUNICIPAL SEPARATE STORM SEWER SYSTEM
STANISLAUS COUNTY

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

1. On 18 October 2002, the Regional Board adopted Waste Discharge Requirements and Monitoring and Reporting Program Order No. R5-2002-0182, NPDES No. CAS083526, prescribing waste discharge requirements for the City of Modesto Municipal Separate Storm Sewer System (MS4), (hereafter Discharger) in Stanislaus County.
2. The Discharger has jurisdiction over and/or maintenance responsibility for the MS4 that it owns and/or operates in Stanislaus County. The discharge consists of the surface runoff generated from various land uses in all the hydrologic sub-basins, which discharge into either storm sewers or rockwells. In about one-third of Modesto, the storm water runoff is discharged to surface waters. In the remaining two-thirds of the City, the storm water runoff is discharged to rock wells. Surface water discharges occur generally in the older areas of the City or those areas immediately adjacent to the Tuolumne River, Dry Creek or irrigation canals.
3. Waste Discharge Requirements (WDRs) Order No. R5-2002-0182 is substantially inconsistent with State Water Resource Control Board (State Board) Order Water Quality (WQ) 99-05. This resolution amends the Waste Discharge Requirements Order for the limited purpose of making changes consistent with the precedential language contained in Order WQ 99-05. (Order WQ 99-05 may be viewed at www.swrcb.ca.gov/resdec/wqorders/1999/wqo99-05.html).
4. The action to adopt or amend an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), requiring preparation of an environmental impact report or negative declaration in accordance with Section 13389 of the California Water Code.
5. The Regional Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

6. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.
7. This Order shall amend Waste Discharge Requirements No. R5-2002-0182, NPDES No. CAS083526, pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided EPA has no objections.

IT IS HEREBY ORDERED that Order No. R5-2002-0182 is amended solely to add Receiving Water Limitations (RWL) C.3 and delete Provisions D.1. and D.2., as follows:

1. Add Receiving Water Limitations C.3. as follows:

C.3 The Discharger shall comply with Discharge Prohibition A.2 and Receiving Water Limitations C.1 and C.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this Order, including any modifications. The SWMP shall be designed to achieve compliance with Receiving Water Limitations C.1 and C.2. If exceedance(s) of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the SWMP and other requirements of this Order, the Discharger shall assure compliance with Discharge Prohibition A.2 and Receiving Water Limitations C.1 and C.2 by complying with the following procedure:

- a. Upon a determination by either the Discharger or Regional Board that discharges are causing or contributing to an exceedance of an applicable WQS, the Discharger shall promptly notify and thereafter submit a report to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. This report of water quality exceedance (RWQE) may be incorporated in the Annual Report unless the Regional Board directs an earlier submittal. The RWQE shall include proposed revisions to the SWMP and an implementation schedule for new or improved BMPs, if applicable. The Regional Board may require modifications to the RWQE.
- b. The Discharger shall submit any modifications to the RWQE required by the Regional Board within **30 days** of notification.
- c. Within **30 days** following approval of the RWQE by the Regional Board, the Discharger shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required; and

- d. The Discharger shall implement the revised SWMP and monitoring program in accordance with the approved schedule

So long as the Discharger has complied with the procedures set forth above and is implementing the revised SWMP, the Discharger does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.”

2. Delete Provision D.1 (Page 17) which is superseded by the new RWL C.3.

~~The Discharger shall comply with this Order through the timely implementation of control measures and other actions to reduce pollutants in the discharge to the MEP in accordance with the SWMP, including any modifications, and other requirements of this Order. The SWMP shall be designed to achieve compliance with this Order. If exceedance(s) of water quality standards persist notwithstanding implementation of the SWMP and other requirements of this Order, the Discharger shall assure compliance with this Order by complying with the following procedure:~~

- a. ~~Upon determination by the Discharger that storm water discharges have caused or are causing an exceedance of an applicable water quality standard, the Discharger shall submit a report to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. This report of water quality exceedance (RWQE) shall be incorporated in the Annual Report unless the Regional Board directs an earlier submittal. The RWQE shall include proposed revisions to the SWMP and an implementation schedule for new or improved BMPs, if applicable. The Regional Board may require modification to the RWQE.~~
- b. ~~The Discharger shall submit any modification to the RWQE required by the Regional Board within 30 days of notification.~~
- c. ~~Within 30 days following approval of RWQE by the Regional Board, the Discharger shall revise the SWMP and its monitoring program to incorporate the approved modified BMPs that have been implemented, implementation schedule, and any additional monitoring required; and~~
- d. ~~The Discharger shall implement the revised SWMP and monitoring program in accordance with the approved schedule.~~

3. Delete Provision D.2 (Page 17) which is superseded by the new RWL C.3.

~~As long as the Discharger has complied with the procedures set forth in Provision D.1 and is implementing the revised SWMP, it does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving WQS unless directed by the Regional Board to develop additional BMPs.~~

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 5 September 2003.

original signed by

THOMAS R. PINKOS, Executive Officer