

Central Valley Regional Water Quality Control Board
27 August 2026 Board Meeting

Response to Written Comments on
Tentative Waste Discharge Requirements General Permit for
Discharges from Municipal Separate Storm Sewer Systems
Central Valley Region

At a public hearing scheduled for 27 August 2026, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of tentative Waste Discharge Requirements (NPDES No. CAS0085324) for the Discharges from Municipal Separate Storm Sewer Systems. This document contains responses to written comments received from interested persons and parties in response to the tentative Order. Written comments from interested parties were required to be received by the Central Valley Water Board by 10 July 2026 in order to receive full consideration. Comments were received by the deadline from:

1. Port of Stockton (Discharger) (received 6 July 2026)
2. Yocha Dehe Wintun Nation (received 6 July 2026)
3. Fresno Metropolitan Flood Control District (FMFCD) (Discharger) (received 10 July 2026)
4. City of Stockton & San Joaquin County (Dischargers) (received 10 July 2026)
5. Sacramento Stormwater Quality Partnership – Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento and County of Sacramento (Dischargers) (received 10 July 2026)

Written comments from the above interested parties are summarized below, followed by the response of Central Valley Water Board staff.

PORT OF STOCKTON (PORT) COMMENTS

PORT COMMENT #1 – Alternative Compliance Pathway: Reasonable Assurance Analysis

Modify the requirement for a comprehensive audit of the Reasonable Assurance Analysis (RAA) to be triggered when a permittee's MS4 discharges are continuing to cause or contribute to exceedances of applicable water quality standards in a receiving water rather than being triggered by any receiving water exceedance irrespective of the permittee's contribution.

The Port proposed edits to V.C.9. of the tentative Order.

RESPONSE:

Central Valley Water Board staff have modified V.C.9 to add clarity that audit of the RAA is required. However, an audit may be waived by the Executive Officer if the milestones are being met to the requirement. The following was deleted from V.C.9: "If the Permittee has yet to attain all the water quality objectives or the Central Valley Water Board requires the Permittee,"

PORT COMMENT #2 – Rationale for Pyrethroid Pesticides Discharge Prohibition

Provide clarification to the rationale for pyrethroid pesticides discharge prohibition in the Fact Sheet to specify that Water Code sections 13267 and 13383 Orders were issued to select Phase I MS4 permittees. The Port (regulated as a Phase I MS4 permittee) and other non-traditional Phase II MS4 permittees were not issued such Orders. The Port proposed to specifically add the word "select" into the Fact Sheet to distinguish which Phase II MS4 permittees received Water Code sections 13267 and 13383 Orders.

RESPONSE:

Central Valley Water Board staff do not concur with the Port regarding the non-issuance of a 13383 Order to the Port of Stockton. A 13383 Order was issued to the Port of Stockton on 1 June 2017. Additionally, the proposed modification to include the word "select" already exists in the tentative Order.

Central Valley Water Board staff corrected the issuance date of the 13383 Order in the tentative Order to 1 June 2017.

YOCHA DEHE WINTUN NATION COMMENTS

YOCHA DEHE WINTUN NATION COMMENT #1 – Cultural Interest and Authority

The tentative Order covers the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, the Yocha Dehe Wintun Nation have a cultural interest and authority in the area covered by the tentative Order. The Yocha Dehe Wintun Nation requested to be included as an interested party in the tentative Order and future updates.

RESPONSE:

Central Valley Water Board staff have added the Yocha Dehe Wintun Nation as an interested party to the Regionwide MS4 Permit.

No changes are proposed to the tentative Order.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) COMMENTS

FMFCD COMMENT #1 – Permit Implementation Schedule

FMFCD commented that the tentative Order does not impose fundamentally new substantive requirements, and they submitted a proposed permit implementation schedule for allocating funding in fiscal year 2026-2027 for complying with the tentative Order for our reference.

RESPONSE:

Central Valley Water Board staff have noted FMFCD's proposed permit implementation schedule for complying with the tentative Order.

No changes are proposed to the tentative Order.

**CITY OF STOCKTON & COUNTY OF SAN JOAQUIN (CITY & COUNTY)
COMMENTS**

CITY & COUNTY COMMENT #1 – Total Maximum Daily Load (TMDL) Compliance Demonstration

Compliance with Attachment G TMDL wasteload allocations should result in compliance with the tentative Order's Discharge Prohibitions (II.A), Effluent Limitations (III.B), and Receiving Water Limitations (IV).

RESPONSE:

Central Valley Water Board staff concur, and the tentative Order has been updated to reflect that compliance with Attachment G wasteload allocations will result in compliance with Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations.

CITY & COUNTY COMMENT #2 – Alternative Compliance Pathway

The alternative compliance pathway should only require the City and County to conduct an audit of the Reasonable Assurance Analysis (RAA) if they are found to be causing or contributing to exceedance of water quality standards. The language under Part V.C.9 of the tentative Order is inconsistent with other parts of the tentative Order and holds the City and County responsible for the attainment of the water quality objectives within

the receiving water, rather than being responsible for the quality of the stormwater discharges from the MS4. The City and County are not responsible for the other point and nonpoint sources or other factors which may impact or impair a receiving water, rather they are responsible for the quality of the discharges from their MS4 and ensuring that the discharges do not cause or contribute to an exceedance.

RESPONSE:

See Central Valley Water Board staff response to Port Comment #1.

**CITY & COUNTY COMMENT #3 – Storm Water Management Plan (SWMP)
Development Timeline (Table 3)**

Modify Table 3 Items 1b, 4a, and 4c to be consistent with the language in Table 3, Items 2a and 3a.

RESPONSE:

Central Valley Water Board staff agree with the comment and changed Table 3 Items 1b, 4a, and 4c so that the language is consistent with Table 3, Items 2a and 3a.

**CITY & COUNTY COMMENT #4 – Compliance Demonstration of Water Quality
Based Effluent Limitations (WQBELs) and Waste Load Allocations (WLAs)**

The tentative Order must be clear that the WQBELs are the enforceable effluent limitations that the City and County must meet to ensure that the WLA are achieved. The compliance demonstration should be applicable all the time and the language should reference that the WQBELs were established for the WLAs instead of referencing the WLAs directly.

The City and County propose edits be made to G1.D.1, G2.D.1, G5.D.1, and G6.D.2 in conjunction with the edits made in response to the City and County's Comment #1:

RESPONSE:

Central Valley Water Board staff agree with the comment and staff updated the language in G1.D.1, G2.D.1, G5.D.1, and G6.D.1 to address the City & County's comment to the tentative Order. This revision was also made to G3.D.1, G4.D.1,

CITY & COUNTY COMMENT #5 – TMDL Final Compliance Deadline & Time Schedule Order (TSO)

Clarify that the use of a time schedule order can be used before or after a final compliance deadline and that it is not the only option available after the compliance deadline (e.g., attainment of applicable wasteload allocations in the receiving water or at the discharge or no discharge) by deleting “After the Final Compliance Deadline:” under G1.D.1.b, G2.D.1.b, G5.D.1.b, and G6.D.2.b.

RESPONSE:

Central Valley Water Board staff agree with the City and County’s comment and incorporated the modification to the tentative Order. This revision was also made to G3.D.1.b, G4.D.1.b, G7.D.1.b, and G8.D.1.b.

CITY & COUNTY COMMENT #6 – Alternative Methods for Demonstration of Trash Clean-Ups for Trash Capture Credits

The City and County request a modification to Attachment N, D.7.c.v to allow alternative documentation of trash cleanup amounts in lieu of landfill receipts and to use volume as an alternative to weight as a unit of measurement for trash disposed.

RESPONSE:

Central Valley Water Board staff agree with the City and County’s comment and incorporated the modification to the tentative Order.

SACRAMENTO STORMWATER QUALITY PARTNERSHIP COMMENTS

SACRAMENTO STORMWATER QUALITY PARTNERSHIP COMMENT #1 - Alternative Methods for Demonstration of Trash Clean-Ups for Trash Capture Credits

The Sacramento Stormwater Quality Partnership requests a modification to Attachment N, D.7.c.v to allow alternative documentation of trash cleanup amounts in lieu of landfill receipts and to use volume as an alternative to weight as a unit of measurement for trash disposed.

RESPONSE:

See Central Valley Water Board staff response to the City & County Comment #6.

SACRAMENTO STORMWATER QUALITY PARTNERSHIP COMMENT #2 - Total Maximum Daily Load (TMDL) Compliance Demonstration

The tentative Order does not reflect that a Permittee could be fully compliance with Attachment G but still in violation with Part II.A Discharge Prohibitions, Part III.B Effluent Limitations, and/or Part IV Receiving Water Limitations for a pollutant/waterbody combination.

The Sacramento Stormwater Quality Partnership recommend edits as submitted by the City of Stockton and County of San Joaquin to address this.

RESPONSE:

See Central Valley Water Board staff response to City & County Comment #1.

STAFF REVISIONS

Tentative Order Revisions:

Central Valley Water Board staff made various edits to the proposed Order to fix document formatting and typographical errors.

STAFF REVISION #1 – Stockton Urban Water Bodies Pathogen TMDL Implementation

Prior to the August Board meeting, the Central Valley Water Board circulated a resolution proposing to rescind a 2008 resolution that established a Stockton Urban Water Bodies Pathogen TMDL. However, interested persons commented that rescission was inappropriate without a clear plan to replace the existing TMDL. In light of comments received, the Board will not consider the draft resolution at its August Board meeting, and there are no plans at this time to consider it at a future meeting. Central Valley Water Board staff also reintroduced language relevant to this TMDL in the tentative Order as **G9**.