

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Dale Bower)  
MEETING DATE: May 11, 2011

ITEM: 8

SUBJECT: **Municipal Regional Stormwater Permit** - Implementation Status Report

CHRONOLOGY: October 14, 2009 - Board issued the Municipal Regional Stormwater Permit

DISCUSSION: *Summary:* This is a status report on implementation of the Municipal Regional Stormwater NPDES Permit (Permit) issued to 76 municipalities and local agencies in Alameda, Contra Costa, Santa Clara and San Mateo counties, and the Cities of Fairfield, Suisun City, and Vallejo in Solano County, known as the Permittees. We have prepared a Staff Report (Appendix A) that summarizes our review of the first annual reports submitted by the Permittees in response to the requirements of the Permit. The Staff Report also provides a summary of the implementation of the Permit's requirements for New and Redevelopment, Water Quality Monitoring, Trash Load Reduction, and Mercury and PCBs Controls. Based on our review, significant progress has been made in implementing the Permit, most Permittees are complying with most or all permit requirements, and we are implementing various mechanisms to resolve observed shortcomings.

*Annual Reports:* All Permittees submitted a common format annual report in September 2010 that allowed faster and more straightforward Board staff review than in past years. We reviewed the reports for completeness to determine if they included required elements and the information provided was of the type expected. All but three Permittees submitted a complete report on time and all but a few complied with required actions that had due dates during the reporting period. We issued Notices of Violation to these Permittees, and in response, all have subsequently met the requirements or are taking steps to comply in a timely manner.

*Construction Site Reporting:* We randomly selected 18 Permittees and conducted a focused review on their Construction Site Control sections in their annual reports. While several Permittees performed well, we found some missing data and discrepancies between recorded and reported data from almost all Permittees, and more serious problems with a few Permittees. We are working with all Permittees to improve future reporting. We issued Notices of Violation to nine Permittees and are working with them to resolve the observed problems.

*Pesticides Toxicity Reporting:* We also conducted a focused review of all Permittees' annual reports and associated submittals to determine compliance with the Permit's Pesticides Toxicity Control requirements. Most Permittees submitted copies of an adopted Integrated Pest Management (IPM) policy or ordinance and documentation to confirm compliance with the requirement to

hire IPM-certified contractors or include contract specifications requiring contractors to implement IPM. However, we found a lot of variation in policy breadth and quality. We sent a letter to all Permittees that describes these issues and makes recommendations for improvements.

*Low Impact Development Reporting:* The Permit requires a number of reports or proposals associated with implementing low impact development requirements. These include biotreatment soil media specifications, criteria and procedures to determine when stormwater harvesting and reuse, infiltration, or evapotranspiration is feasible or infeasible, biotreatment specifications for green roofs, and special projects with environmentally beneficial attributes that may receive low impact development treatment reduction credits. All Permittees worked collaboratively on these submittals. We will present a proposed permit amendment to the Board later this year in response to these submittals.

*Monitoring:* All Permittees chose to collaborate on all monitoring efforts. They are developing tools for status monitoring in rotating watersheds and are developing an alternative monitoring approach to access stormwater pollutant loads to the Bay. We are tracking these efforts by attending Permittee work group meetings and providing input as appropriate.

*Trash:* All Permittees submitted required trash hot spot designations and have begun cleanup and assessment of them. They have also begun installation of trash capture devices, facilitated by the San Francisco Estuary Partnership's *Bay Area-wide Trash Capture Demonstration Project*, funded with \$5 million in federal stimulus monies. Permittees are also developing a trash baseline load and trash load reduction tracking method. The method is being developed through a Permittee workgroup that we and other interested parties participate on.

*Mercury and PCBs Controls:* The Permittees are collaborating on implementation of pilot projects to evaluate mercury and PCBs control measures. This effort has been aided in part by a \$5 million U.S. EPA grant to the Bay Area Stormwater Management Agencies Association. Projects have begun, or are planned, to manage PCBs-containing materials in buildings, investigate and abate locations with elevated mercury and PCBs, enhance polluted sediment removal and management, evaluate a variety of stormwater treatment systems, and evaluate strategic diversion of polluted runoff to wastewater treatment systems. The Permittees are also collaborating with other dischargers, the California Department of Public Health, community-based organizations, and us on a program to reduce mercury and PCBs-related risks to consumers of Bay fish and to quantify the resulting risk reductions.

RECOMMEN-      No action is necessary at this time.  
DATION:

Appendix A: Staff Report on Implementation Status of the Municipal Regional Stormwater Permit