

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

**STAFF SUMMARY REPORT: Joseph Martinez
MEETING DATE: August 13, 2025**

ITEM: 8

**Statewide General Permit for Stormwater Discharges from Small Municipal
Separate Storm Sewer Systems (MS4s) – Municipalities in Marin County, Sonoma
County, Napa County, Solano County and Non-Traditional Permittees in Region 2
– Permit Overview and Status Update on Permit Reissuance**

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DISCUSSION

This item builds on the discussion of stormwater regulation through the National Pollutant Discharge Elimination System (NPDES) permit program provided in Item 7. In this item, we discuss how small and non-traditional municipalities are regulated in California under the Statewide General Permit for Stormwater Discharges from Small MS4s ([Order No. 2013-0001-DWQ](#)) (Small MS4 permit). We provide background on the Small MS4 permit and highlight the similarities and differences with our regional Phase I permit, the Municipal Regional Stormwater NPDES Permit (Order No. [R2-2022-0018](#), as amended) (MRP). We also discuss the Regional Board's authorities and responsibilities for implementing this statewide permit. We conclude by providing a status update on the Small MS4 permit's reissuance schedule and some anticipated changes.

Background

As discussed in Item 7, the Water Board began regulating discharges of stormwater from Phase I municipalities using NPDES stormwater permits in the early 1990s. In 1999, U.S. EPA issued Phase II rules extending the requirement to obtain NPDES permit coverage for stormwater discharges to small municipalities (i.e., with populations less than 100,000); non-traditional systems (e.g., military bases, large hospital or prison complexes, and highways); and construction sites disturbing an area between 1 and 5 acres. The Phase II rules outline factors that designate small municipalities as permittees, such as total population and population density; potential impacts to water quality; and Total Maximum Daily Load (TMDL) requirements.

Following the 1999 Phase II rule, the State Water Board adopted the first general permit (Water Quality Order No. 2003-0005-DWQ) in 2003 after electing to issue a statewide general permit rather than hundreds of individual permits. This permit required permittees to submit Stormwater Management Plans that would, at a minimum, address six program areas: (1) public education; (2) public participation; (3) illicit discharge detection and elimination; (4) construction site stormwater runoff control; (5) post-construction stormwater management and pollution prevention; and (6) good housekeeping for municipal operations.

The State Water Board adopted the current Small MS4 permit in 2013 and has amended it six times since. This Small MS4 permit established a provision structure and set minimum requirements for stormwater programs, which replaced the requirement to submit stormwater management plans. It also incorporated language to support implementation of TMDLs adopted by Regional Boards. Our region-specific language in the permit includes actions to address our regionwide diazinon and pesticide-related toxicity TMDL; bacteria in the Napa River, Sonoma Creek, Tomales Bay, and Richardson Bay; and sediment in the Napa River and Sonoma Creek.

Even though there is not currently a dedicated trash provision in the Small MS4 permit, its Permittees are still working to address trash discharges from their MS4s. In 2015, the State Water Board adopted the “Trash Amendments” to the Ocean Plan and the Inland Surface Waters Enclosed Bays and Estuaries Plans prohibiting the discharge of trash to surface waters of the state or the deposition of trash where it may be discharged into surface waters of the state. The State Water Board subsequently issued California Water Code section 13383 orders to all Phase II permittees requiring submittal of a report documenting (1) the location of priority land use areas; (2) significant trash generating areas and those areas’ trash generation rate(s); and (3) the selected track (1 or 2) that the permittee would take to implement trash controls for those areas. Track 1 permittees would exclusively install and maintain full trash capture devices to control discharges of trash from priority land uses in their jurisdictions. Track 2 permittees would use a combination of full trash capture devices and other controls that meet full trash capture equivalency to control trash from areas they determine to be significantly trash generating, in the same way that MRP permittees do.

Similarities with the Municipal Regional Stormwater NPDES Permit (MRP)

Many requirements of the MRP and the Small MS4 permit are congruent. As with the MRP, the Small MS4 permit includes provisions related to municipal operations; illicit discharge detection and elimination; facility inspections; construction site controls; education and outreach; and TMDL-related requirements, including monitoring.

We incorporate information and lessons learned from the MRP to guide permit requirements and implementation for our Small MS4 permittees and vice versa. For example, Small MS4 permittees use trash assessment methodologies developed under the MRP to direct trash controls in their jurisdictions and report on compliance. Small MS4 permittees will also use programs developed and refined by the MRP permittees to control PCBs, such as PCBs in building demolition material, allowing the Small MS4 permittee community to more quickly implement these control programs, since the initial program development work has been completed by others. Incorporating lessons learned from the MRP into Small MS4 permit implementation is important because small municipalities often have smaller budgets and may not have dedicated stormwater staff. Still, the Small MS4 II permit also provides valuable information for the MRP. For example, the Small MS4 permit helped inform the lower thresholds for regulated projects that trigger low impact development (LID) (5,000 sq ft) in the MRP which were discussed in Item 7.

Regional Board Authorities and Responsibilities

In the San Francisco Bay Region, 45 permittees are enrolled in the Small MS4 permit. These permittees include 24 traditional municipalities in Marin, Sonoma, Napa, and Solano counties as well as 21 non-traditional Permittees (e.g., ports, universities, transportation agencies, and large institutions like prisons) throughout the entire Region.

Although the Small MS4 permit is issued by the State Water Board, the Regional Boards play an important role in developing the permit, and Regional Board staff are responsible for overseeing permit compliance. Regional Board staff reviews reports; require modification to programs and submissions; imposes region-specific monitoring requirements or deadlines; conducts inspections and program evaluations; and takes enforcement actions for permit violations. The Regional Board may also approve alternative post-construction measures in lieu of some or all of the LID implementation requirements for multi-benefit projects, if the alternatives are consistent with the MEP standard. These projects can occur at small or very large scales and address benefits such as water supply, flood control, habitat enhancement, open space preservation, recreation, and climate change.

Reissuance and Next Steps

We have been coordinating with State Water Board staff and permittees on the upcoming Small MS4 permit reissuance. State Board staff anticipate an administrative draft of the permit will be released for public review in early 2026, with an adoption hearing in late summer or early fall of 2026. We will work with State Water Board to respond to comments and incorporate any revised language into the next Small MS4 permit. We expect the next permit will contain significant changes, including trash control and updated TMDL implementation and monitoring requirements.

The next Small MS4 permit is likely to include new requirements that direct Permittees to control trash from their jurisdictions and report on progress made, with the deadline for achieving 100 percent control set at December 2, 2030, consistent with the State Water Board's Trash Amendments to the applicable statewide water quality control plans. This requirement will implement the Trash Amendments and presents a challenge for the Small MS4 community. However, they are able to use lessons learned by the MRP permittees' trash control work. Similar to the MRP permittees, the Small MS4 permittees are coordinating with Caltrans, where appropriate, to implement cooperative projects that control trash from both Caltrans and permittee jurisdictions. In the coming months and years, we expect to work closely with permittees as they work toward trash compliance.

The next Small MS4 permit is also likely to include implementation language for our San Francisco Bay PCBs and mercury TMDLs, and Petaluma River and San Francisco Bay beaches bacteria TMDLs, as well as updated implementation language for the TMDLs that are already incorporated into the permit. To support the permit reissuance, we drafted TMDL language and made it available to our region's Small MS4 permittees for informal public comment. We collaborated with permittees and State Board staff to

review comments and adapt the implementation language, which will be made available for formal review as part of the Small MS4 permit's public notice process. We anticipate language in the reissued permit will reflect the following:

- PCBs and mercury language may include requirements for green infrastructure plan development; source property identification referral and abatement; control of PCBs in building demolition, caulks, and oil-filled electrical equipment; control measures for areas of moderate or higher contamination; mercury collection and recycling program reporting; risk reduction; and monitoring.
- The Petaluma River bacteria TMDL implementation language may include actions specific to the permittees that discharge to the Petaluma River.
- The Bay Beaches bacteria TMDL implementation language may direct those permittees to implement the relevant sections of the TMDL's general implementation approach.
- For all bacteria and pathogen TMDLs, a general implementation approach may be included that would apply to all permittees that discharge to the receiving waters listed as impaired for bacteria. This implementation language would provide consistency and enable collaboration amongst Permittees.
- Pesticide-related toxicity language may be updated to more closely resemble the specific requirements contained in the MRP.

We will continue to work with our region's Small MS4 permittees and State Water Board staff as the Small MS4 permit moves through the reissuance process to adoption by the State Water Board.