

California Regional Water Quality Control Board
Santa Ana Region

February 4, 2022
STAFF REPORT

ITEM: #12

SUBJECT: Workshop on Staff Working Proposal for National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges of Pollutants in Urban Runoff from the Municipal Separate Storm Sewer Systems in the Counties of Orange, Riverside, and San Bernardino within the Santa Ana Region (NPDES Permit No. CAS618000)

DISCUSSION:

In 1987, the Clean Water Act (CWA) was amended to include section 402(p) which established a framework for regulating municipal and industrial stormwater discharges under the National Pollutant Elimination Discharge System (NPDES). On November 16, 1990, the United States Environmental Protection Agency (USEPA) amended its NPDES permit regulations to include requirements for stormwater discharges. These regulations are codified in 40 CFR parts 122, 123, and 124 and require discharges of pollutants in urban runoff from Municipal Separate Storm Sewer Systems (MS4s) be regulated under NPDES permits. Urban runoff often contains wastes and pollutants that may adversely affect the quality of the receiving waters.

The major elements of an MS4 permit are: a program to effectively prohibit non-stormwater discharges into MS4s with some exceptions; an inspection program for certain municipal, industrial, and commercial facilities; a public education program; a program to address pollutants from new development (including post construction); a monitoring and reporting program; and implementation of adopted Total Maximum Daily Loads (TMDLs).

Staff of the Santa Ana Water Board has released a staff working proposal for regulating discharges of pollutants in urban runoff from MS4s in Orange, Riverside, and San Bernardino Counties on a regionwide basis. Previously, the Santa Ana Water Board administered three separate MS4 Permits issued to the counties of Orange (R8-2009-0030), Riverside (R8-2010-0033), and San Bernardino (R8-2010-0036). These three MS4 Permits expired but have been extended administratively pursuant to 40 CFR section 122.6(d).

The Santa Ana Water Board is authorized to issue a region-wide MS4 permit under section 402(p)(3)(B)(i) of the CWA, which states "Permits for discharges from municipal storm sewers...may be issued on a system- or jurisdiction-wide basis..." A region-wide permit promotes consistency across the Santa Ana Region and between the Permittees in carrying out their portfolio of projects and programs. This holistic approach provides a framework for addressing all stressors within a defined management area rather than focusing on individual sources. A region-wide permit provides the Permittees with a shared set of objectives, encourages them to share resources towards a common set of

goals, and reduces the likelihood that programs will work at cross-purposes. The issuance of a region-wide permit allows for more efficient use of limited Santa Ana Water Board resources and staff time.

The staff working proposal would regulate the discharge of pollutants from anthropogenic sources in urban runoff from MS4s or activities within the jurisdiction and control of the permittees. It would not authorize the discharge of non-stormwater other than discharges authorized under Section IV, Table 3 of the working proposal, and it is not intended to obligate the permittees to address background, naturally occurring or non-anthropogenic pollutants or flows in receiving waters.

The staff working proposal is for preliminary review and discussion purposes only. Santa Ana Water Board staff plan to work with the permittees and other interested persons prior to releasing a formal draft of the permit, i.e. a “draft permit” or a “proposed permit” as defined in 40 CFR sections 122.2 or 124.6. When a draft permit is eventually released, anticipated in fall 2022, permittees and interested persons will be provided an opportunity to submit formal written comments as set forth in 40 CFR section 124.10. Consistent with federal regulations, staff will prepare responses to significant comments received on the draft permit submitted in compliance with the public notice.

RECOMMENDATION:

Information item only.

An overview of the Santa Ana Region’s stormwater program and key provisions of the staff working proposal will be provided, as well as an opportunity for feedback on the staff working proposal from permittees and other stakeholders. The Board may provide input to staff on the working proposal; however, no action or voting will be taken.

ENCLOSURE:

Staff Working Proposal