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## State Water Resources Control Board

# NOTICE OF PUBLIC WORKSHOP AND NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

## MUNICIPAL STORM WATER PERMITS RECEIVING WATER LIMITATIONS LANGUAGE

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will hold a public workshop concerning the receiving water limitations provisions (Receiving Water Limitations Language) of National Pollutant Discharge Elimination System (NPDES) permits for storm water discharges from Municipal Separate Storm Sewer Systems (MS4s). The public workshop will be held as follows:

**November 20, 2012 - 9:00 a.m.**  
**Joe Serna Jr. - Cal/EPA Headquarters Building**  
**Coastal Hearing Room**  
**1001 I Street, Second Floor**  
**Sacramento, CA 95814**

A quorum of State Water Board members may be present at the workshop. The Board members may provide direction to staff, but no final action will be taken until a subsequent, noticed Board meeting.

The State Water Board is soliciting written public comments on an issue paper discussing several alternatives that may be considered by the Board in addressing the Receiving Water Limitations Language (Issue Paper). The Issue Paper is available at [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/rwl.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/rwl.shtml). A hardcopy of the Issue Paper may be obtained by contacting Bruce Fujimoto at the phone number or email address listed under "Additional Information" below. Interested persons must submit all written comments no later than **12:00 noon on Tuesday, November 13, 2012**.

### BACKGROUND

The current Receiving Water Limitations Language in NPDES permits for MS4s issued by the State Water Board and the regional water quality control boards is derived from precedential [State Water Board Orders WQ 2001-15](#) and [99-05](#).

The purpose of the public workshop is for the State Water Board to hear stakeholder concerns with the current Receiving Water Limitations Language in light of the Ninth Circuit Court of Appeal's decision in [NRDC v. County of Los Angeles](#) (9th Cir. 2011) 673 F.3d 880 and to solicit recommendations on whether and how to modify the language in MS4 permits.

## **SUBMISSION OF WRITTEN COMMENTS**

Written comment letters must be submitted to the attention of:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th floor  
Sacramento, CA 95814

Comment letters may be submitted to the Clerk of the Board via email at: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (15 megabytes, or less, in size) or by fax at (916) 341-5620.

Please indicate in the subject line **“Comment Letter – Receiving Water Limitations Language Workshop.”**

Comments may also be hand delivered. Couriers delivering comment letters must check in with lobby security personnel on the first floor of the Cal/EPA Building at the above address. Questions on comment submittals may be directed to Ms. Townsend at (916) 341-5600.

## **PROCEDURAL MATTERS**

The State Water Board will circulate a detailed agenda prior to the meeting. At the public workshop, participants will be given an opportunity to make oral statements. Participants are encouraged to submit written comments by the deadline above and may summarize those comments orally at the public workshop. To ensure a productive and efficient public meeting in which all participants have an opportunity to participate, oral statements may be time-limited.

## **EX PARTE COMMUNICATIONS**

At the State Water Board’s December 4/5, 2012, meeting, the Board anticipates adoption of an NPDES permit for small MS4s. While the small MS4 permit is pending before the State Water Board, issues in that proceeding are subject to a prohibition on ex parte communications to the State Water Board members. The receiving water limitations language is an issue in the small MS4 proceeding. Other than written comment letters submitted in accordance with this notice or any notice on the small MS4 proceeding, and oral comments during the receiving water limitations workshop or small MS4 meeting, interested persons may not communicate directly to State Water Board members about the receiving water limitations language while the small MS4 permit is pending.

## **WEBCAST OF WORKSHOP**

A broadcast of the meeting will be available via the Internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/> .

## E-MAIL LIST SUBSCRIPTION

Any person desiring to receive future notices concerning this issue must sign up for the Lyris e-mail list. To sign up for the Lyris list, access the E-mail List Subscription form, check the box for Storm Water Municipal Permitting Issues, and fill in the required information. The subscription form is at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml) .

## PARKING AND ACCESSIBILITY

For directions to the Cal/EPA Building and public parking information, please refer to the map on the State Water Board's Web site at: <http://www.calepa.ca.gov/EPAbldg/location.htm>. The Cal/EPA building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

All visitors to the Cal/EPA building are required to sign in and obtain a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

## ADDITIONAL INFORMATION

Questions may be directed to Mr. Bruce Fujimoto, Chief of the Surface Water/Permitting Section at (916) 341-5523 or [bfujimoto@waterboards.ca.gov](mailto:bfujimoto@waterboards.ca.gov), or Ms. Emel Wadhvani, Staff Counsel, at (916) 322-3622 or [ewadhvani@waterboards.ca.gov](mailto:ewadhvani@waterboards.ca.gov).

October 10, 2012

Date



Jeanine Townsend  
Clerk to the Board