
State Water Resources Control Board

REVISED

**NOTICE OF OPPORTUNITY TO COMMENT,
NOTICE OF BOARD WORKSHOP, AND
NOTICE OF ADOPTION MEETING**

**REVISED DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
FOR THE DISCHARGE OF STORM WATER FROM PHASE II SMALL MUNICIPAL
SEPARATE STORM SEWER SYSTEMS**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will receive comments on revisions to the Revised Draft National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of storm water from Phase II Small Municipal Separate Storm Sewer Systems (Phase II Small MS4 Permit).

NOTICE IS ADDITIONALLY HEREBY GIVEN THAT the State Water Board will hold a workshop on the Revised Draft Phase II Small MS4 Permit. A quorum of the State Water Board may be present; however, no Board action will be taken. The time and location of the workshop are:

BOARD WORKSHOP

Tuesday, January 8, 2013 – 9:00 a.m.
Joe Serna, Jr. - Cal/EPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

NOTICE IS ADDITIONALLY HEREBY GIVEN THAT the State Water Board will consider the adoption of the Revised Draft Phase II Small MS4 Permit at its regularly scheduled February 5, 2013 Board meeting. The time and location of the meeting are:

**Tuesday, February 5, 2013 – 9:00 a.m.
Joe Serna, Jr. - Cal/EPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814**

BACKGROUND

On December 8, 1999, the United States Environmental Protection Agency promulgated the Storm Water Phase II Final Rule under authority of the Clean Water Act section 402(p)(6). The regulations require the State Water Board to issue a NPDES permit for operators of Small MS4s. In 2003, the State Water Board adopted Water Quality Order No. 2003-0005-DWQ, NPDES General Permit CAS000004, regulating storm water discharges from Small MS4s. If adopted by the State Water Board, the Revised Draft Phase II Small MS4 Permit will supersede Water Quality Order No. 2003-0005-DWQ upon its effective date.

A public notice was circulated on June 7, 2011, advising that a Draft Phase II Small MS4 Permit was available for public review and comment. The June 7, 2011, notice established an August 8, 2011, deadline for submitting written comments. On July 27, 2011, the public was notified that the deadline for submitting written comments was extended to September 8, 2011. A public workshop on the Draft Phase II Small MS4 Permit was held on August 17, 2011.

Based upon comments received during the public comment period and at the August 17, 2011, public workshop, the Draft Phase II Small MS4 Permit was substantially revised. The Revised Draft Phase II Small MS4 Permit was noticed for public comment on May 21, 2012. The public comment period closed on July 23, 2012 and a public hearing was held on August 8, 2012.

Based again upon the comments received during the public comment period and at the August 8, 2012, public hearing, staff is proposing additional non-substantial revisions to the Revised Draft Phase II Small MS4 Permit. The State Water Board is seeking comments on the proposed revisions and will consider adoption of the Revised Draft Phase II Small MS4 Permit at its February 5, 2013, Board meeting.

DOCUMENT AVAILABILITY

The Revised Draft Phase II Small MS4 Permit, with revisions made since May 21, 2012, is posted on the State Water Board's Web site at: www.waterboards.ca.gov/phasellpermit. Responses to comments received on the May 21, 2012, draft of the Revised Draft Phase II Small MS4 Permit are expected to be posted at the same Web address on or about **November 30, 2012**.

A hardcopy of the Revised Draft Phase II Small MS4 Permit may also be received by contacting Ms. Ali Dunn at (916) 341-6899 or adunn@waterboards.ca.gov.

SUBMISSION OF COMMENTS

The State Water Board will only accept written comment letters that are limited to the revisions to the Revised Draft Phase II Small MS4 Permit made since May 21, 2012. Each comment should clearly relate to a proposed revision and identify the revision by the applicable section number. Written comment letters that address any other aspect, section, or requirement of the Revised Draft Phase II Small MS4 Permit will not be accepted.

Interested persons must submit all evidence (e.g. photographs, data, testimony) and written comments no later than **12:00 noon on December 17, 2012, to:**

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

Comment letters may be submitted by e-mail to commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620. For e-mail submittals, please indicate in the subject line: **“Comment Letter – Revised Draft Phase II Small MS4 Permit.”**

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

The Revised Draft Tentative Order proposes to designate a number of listed entities as regulated under the permit. These lists may continue to be revised before adoption of the final Order. Further, entities not listed at the time of adoption of the final Order may nevertheless be regulated under the final Order by designation by a Regional Water Quality Control Board during the permit term. All Small MS4s are therefore on notice that they may be regulated under the Revised Draft Tentative Order, if adopted, and must submit any comments during the noticed public comment period regardless of whether they are currently listed as designated.

PROCEDURAL MATTERS FOR THE BOARD WORKSHOP

At the Board workshop, participants are expected to limit their oral comments to the revisions made to the Revised Draft Phase II Small MS4 Permit since May 21, 2012, and are encouraged to summarize their written submissions. No new evidence (e.g. photographs, data, testimony) may be submitted at the workshop and all comments will be treated as non-evidentiary policy statements. Staff will not be providing responses to oral statements made at the Board workshop that were not previously timely submitted as written comments. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral statements may be time-limited.

PROCEDURAL MATTERS FOR THE ADOPTION MEETING

At the adoption meeting, participants are expected to limit their oral comments to the revisions made to the Revised Draft Phase II Small MS4 Permit since May 21, 2012, and are encouraged to summarize their written submissions. No new evidence (e.g. photographs, data, testimony) may be submitted at the adoption meeting and all comments will be treated as non-evidentiary policy statements. Staff will not be providing responses to oral statements made at the adoption meeting that were not previously timely submitted as written comments. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time-limited. The State Water Board will consider whether to take action to adopt the Order.

FUTURE NOTICES

Any person desiring to receive future public notices regarding the Revised Draft Phase II Small MS4 permit 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 municipal storm water permitting, then fill in the required information. The subscription form is at:

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.

A broadcast of the meeting will be available via the Internet and can be accessed at:

<http://www.calepa.ca.gov/broadcast/>

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 regarding this notice may be directed to:

Ms. Ali Dunn at (916) 341-6899 (adunn@waterboards.ca.gov),

Mr. Eric Berntsen at (916) 341-5911 (eberntsen@waterboards.ca.gov),

Ms. Christine Sotelo at (916) 445-2317 (csotelo@waterboards.ca.gov), or

Ms. Emel Wadhvani, Staff Counsel, at (916) 322-3622 (ewadhvani@waterboards.ca.gov).

November 30, 2012

Date



Jeanine Townsend
Clerk to the Board