



EDMUND G. BROWN JR.
GOVERNOR



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SECRETARY FOR
ENVIRONMENTAL PROTECTION

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

State Water Resources Control Board

2012 OCT -4 P 12: 13

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To All Executive Officers – California Regional Water Quality Control Boards

Dear Ladies and Gentlemen:

PENDING MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMITS: RECEIVING WATER LIMITATIONS

I am drafting this letter to encourage you to modify any draft MS4 permits that you currently have pending to include a reopener provision for the receiving water limitations.

The State Water Board adopted the Caltrans NPDES MS4 permit on September 19, 2012. In adopting the permit, the State Water Board considered a number of comments that were submitted on the receiving water limitations and iterative process provisions of the permit. The State Water Board has scheduled a workshop on November 20, 2012 to address the issues of receiving water limitations in MS4 permits and the iterative process in a broader context. Several of the commenters at the Board meeting requested the State Water Board to delay adoption of the permit until after the scheduled workshop to provide policy direction to staff on how such provisions should be addressed in MS4 permits. The State Water Board decided not to delay adoption of the Caltrans MS4 permit further, but included reopener language in the permit to facilitate revisions, if necessary, to the receiving water limitations and iterative process provisions after consideration of the issue at the workshop.

The complete text of the adopted permit is on the Caltrans program page on the Board's storm water web site below, and the reopener provision may be found at E.11 on page 66:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans_permits.shtml

For your convenience, I have excerpted it below:

“The State Water Board may reopen and modify this Order at any time prior to its expiration under any of the following circumstances:

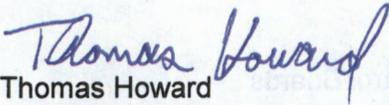
The State Water Board determines, after opportunity for public comment and a public workshop, that revisions are warranted to those provisions of the Order addressing compliance with water quality standards in the receiving water and/or those provisions of the Order establishing an iterative process for implementation of management practices to assure compliance with water quality standards in the receiving water.”

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Also please note the extensive discussion in the *fact sheet* on this issue beginning on page 8.

Please call me at (916) 341-5615 or Chief Deputy Director Jonathan Bishop at (916) 341-5820 if you have any questions on this issue.

Sincerely,



Thomas Howard
Executive Director

cc: Mathew St. John
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