

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING SESSION – DIVISION OF WATER QUALITY
AUGUST 7, 2012**

ITEM 8

SUBJECT

PUBLIC HEARING ON THE SECOND REVISED DRAFT TENTATIVE ORDER FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT

DISCUSSION

Discharges of storm water and non-storm water occur throughout the state from the California Department of Transportation's (Caltrans) Municipal Separate Storm Sewer System (MS4) Permit. Before July 1999, these discharges were regulated by individual National Pollutant Discharge Elimination System (NPDES) permits issued by the California Regional Water Quality Control Boards (Regional Water Boards). On July 15, 1999, the State Water Resources Control Board (State Water Board) issued a statewide permit ([Order No. 99-06-DWQ](#)) which regulated all storm water and certain non-storm water discharges from Caltrans' MS4. This included all State highways, rights-of-way, facilities, and construction activities. The existing permit (Order No. 99-06-DWQ) is under renewal and will be superseded when the Tentative Order is adopted by the State Water Board and becomes effective.

A public notice was circulated on January 7, 2011, advising that the draft Tentative Order was available for public review and comment. Written comments on the draft Tentative Order were due by 12:00 noon on March 14, 2011. A State Water Board public hearing on the draft Tentative Order was held on July 19, 2011. A revised draft Tentative Order was circulated on August 18, 2011, and a State Water Board public workshop on the revised draft Tentative Order was held on September 21, 2011. A [second revised draft Tentative Order](#) was circulated for public review on April 27, 2012, and a staff workshop was held on May 21, 2012.

There has been considerable interest in the Tentative Order by the public, Caltrans, the Regional Water Boards, and the United States Environmental Protection Agency (U.S. EPA). Numerous comments have been received and were carefully considered by staff. State Water Board staff has additionally met with Caltrans and Regional Water Board staff on several occasions to review their concerns, and with State Water Board management to resolve and address the comments and concerns. This second revised draft reflects the changes made to date as a result of the comments and concerns of all interested parties.

There will be no action on this item today. The Public Hearing is being held only to receive testimony on the proposed second revised draft Tentative Order.

POLICY ISSUE

Should the State Water Board adopt the proposed Order?

FISCAL IMPACT

State Water Board and Regional Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

The Regional Water Boards are expected to oversee Caltrans' compliance with the conditions of the Order. Additionally the Regional Water Boards are charged with developing permitting language for Total Maximum Daily Load implementation that will be incorporated into the Order through a reopener within a year of its effective date.

STAFF RECOMMENDATION

None.

State Water Board action on this item will assist the Water Boards in reaching Goals 1, 3, and 6 of the Strategic Plan Update: 2008-2012. In particular, approval of this item will assist in fulfilling the related Objectives and Actions pertaining to implementation of over 70 TMDLs (Goal 1), reduction of pollutant loadings and beach postings (Goal 1), promotion of best management practices (Goal 3), maintenance of adequate stream flows (Goal 3), and establishment of statewide consistency improvements in storm water permits (Goal 6). Approval of this item is one of the State Water Board's priority actions. In addition, it fulfills the legal requirement for regulation of storm water discharges from Municipal Separate Storm Sewer Systems.