

**STATE WATER RESOURCES CONTROL BOARD
BOARD HEARING SESSION – DIVISION OF WATER QUALITY
AUGUST 8, 2012**

ITEM 9

SUBJECT

PUBLIC HEARING ON THE REVISED DRAFT ORDER FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

DISCUSSION

The 1999 regulations promulgated by the U.S. Environmental Protection Agency (U.S. EPA) require that discharges of storm water from small municipal separate storm sewer systems (MS4s) must be in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The regulations generally define a small MS4 as an MS4s that serves a population less than 100,000 persons. In addition to municipalities and counties, state and federal facilities like colleges, universities, hospitals, correctional institutes and military bases are considered small MS4s.

In 2003, the State Water Quality Control Board (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 Order 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 Tentative Order 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 Tentative Order 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 Order has been substantially revised. The [Revised Draft Order](#) was noticed for public comment on May 21, 2012. The deadline for submitting written comments was July 23, 2012.

There was considerable interest in the 2011 Draft Order by the public, the regulated community, the Regional Water Quality Control Boards (Regional Water Boards), and the U.S. EPA. Numerous comments on the 2011 Draft Order were received and carefully considered by staff. State Water Board staff has additionally met with stakeholders 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.

The public hearing will provide an opportunity for interested parties to orally summarize their written comments and make policy statements before the State Water Board on the Revised Draft Order. No new evidence may be submitted at the hearing. Written comments and all evidence were required to be submitted to the Board by the July 23, 2012, comment deadline.

There will be no action on this item at the hearing.

POLICY ISSUE

This is a hearing only and there will be no action on this item.

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

All Regional Water Boards will be responsible for the implementation and oversight of this permit.

STAFF RECOMMENDATION

This is a hearing item. The purpose of the hearing is to solicit comments and suggestions from stakeholders and the public regarding the proposed order. The State Water Board will not take any action on the proposed order at this meeting.

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 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.