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## San Francisco Bay Regional Water Quality Control Board

**Notice Date:** July 21, 2023

### **NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING TO CONSIDER ADOPTION OF THE TENTATIVE ORDER AMENDING THE SAN FRANCISCO BAY REGION MUNICIPAL REGIONAL STORMWATER NPDES PERMIT**

**NOTICE IS HEREBY GIVEN** that the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), has prepared for public comment a Tentative Order to amend the National Pollutant Discharge Elimination System (NPDES) permit covering municipal stormwater discharges from the entities listed below (collectively, Permittees), which permit is also referred to as the Municipal Regional Stormwater NPDES Permit, or MRP. The Tentative Order amends MRP Provision C.3 – New Development and Redevelopment and section C.3 of the Fact Sheet pertaining to alternative treatment systems and Category C Special Project (Affordable Housing) low impact development credits. The Permittees are:

The cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County, the Alameda County Flood Control and Water Conservation District, and Zone 7 of the Alameda County Flood Control and Water Conservation District, which have joined together to form the Alameda Countywide Clean Water Program (Alameda Permittees)

The cities of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Lafayette, Martinez, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek, the towns of Danville and Moraga, Contra Costa County, and the Contra Costa County Flood Control and Water Conservation District, which have joined together to form the Contra Costa Clean Water Program (Contra Costa Permittees)

The cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, the towns of Los Altos Hills and Los Gatos, the Santa Clara Valley Water District, and Santa Clara County, which have joined together to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (Santa Clara Permittees)

The cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco, the towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside, the San Mateo County Flood and Sea Level Rise Resiliency District, and San Mateo County, which have joined together to form the San Mateo Countywide Water Pollution Prevention Program (San Mateo Permittees)

JAYNE BATTEY, CHAIR | EILEEN WHITE, EXECUTIVE OFFICER

The cities of Fairfield, Suisun City, and Vallejo, and the Vallejo Sanitation and Flood Control District which have joined together to form the Solano Stormwater Alliance (Solano Permittees)

The Tentative Order is available at the Water Board's website:

[https://www.waterboards.ca.gov/sanfranciscobay/board\\_decisions/tentative\\_orders.html](https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/tentative_orders.html)

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the Water Board will hold a public hearing to consider adoption of the Tentative Order. The hearing will be held as follows:

**Date: Wednesday, October 11, 2023**

**Time: 9:00 AM (approximate)**

**Location: Elihu M. Harris State Building  
First Floor Auditorium  
1515 Clay Street  
Oakland, CA 94612**

Remote participation will be allowed. Information about participating telephonically or via the remote meeting solution is available at:

[https://www.waterboards.ca.gov/sanfranciscobay/board\\_info/remote\\_meeting/index.html](https://www.waterboards.ca.gov/sanfranciscobay/board_info/remote_meeting/index.html)

If you wish only to watch the meeting, the customary webcast remains available at: <https://cal-span.org/>

Please use this link UNLESS you intend to comment.

At the October 11, 2023, hearing, the Water Board will accept oral public testimony on the Tentative Order, including any revisions in response to comments. To ensure a productive, efficient, and fair hearing in which all participants have an opportunity to be heard, oral comments will generally be limited to **three minutes** or as otherwise directed by the Water Board Chair. The Water Board will conduct the hearing in accordance with the California Code of Regulations, title 23, section 648, et seq. After the close of the public hearing, the Board will consider adopting the Tentative Order. Changes to the Tentative Order consistent with the general purpose of the Tentative Order may be considered and adopted by the Water Board.

Additional information on the public hearing can be found on the Water Board's agenda ten days before the hearing, *including the requirement to submit slide or overhead presentations in advance*, available at:

[https://www.waterboards.ca.gov/sanfranciscobay/board\\_info/agenda.html](https://www.waterboards.ca.gov/sanfranciscobay/board_info/agenda.html)

**BACKGROUND:** The Permittees own and/or operate municipal separate storm sewer systems (MS4s) from which stormwater is discharged into receiving waters, including Bay Area creeks and rivers, San Francisco Bay, the Delta, and the Pacific Ocean. The MRP was adopted in 2022 to regulate these discharges pursuant to the Clean Water Act. The Tentative Order modifies the MRP requirements for Permittees to implement post-construction treatment measures for new development and redevelopment

projects. Specifically, it allows the use of alternative treatment systems in certain geographic areas and revises the method for calculating low impact development credits for Category C Special Projects (Affordable Housing).

**SUBMISSION OF WRITTEN COMMENTS:** The Water Board will accept written comments on the Tentative Order. Written comments must be received **no later than 5:00 p.m. on Monday, August 21**. Comment letters may be submitted electronically, in PDF text format (if less than 20 megabytes in total size), to the following email address: [RB2-MRP@waterboards.ca.gov](mailto:RB2-MRP@waterboards.ca.gov). Please submit all attachments to the email as one electronic file with a file name clearly identifying the commenting entity. Electronic submission is preferred, but not required. Written comments may also be submitted by the deadline to: Derek Beauduy, San Francisco Bay Regional Water Board, 1515 Clay St., Suite 1400, Oakland, CA 94612.

Persons wishing to file written comments on or objections to the Tentative Order must do so no later than this deadline, so that the comments may be considered. No written comments will be accepted or responded to in writing after that date. Non-evidentiary policy statements or oral comments to be made at the hearing need not be submitted in advance.

**OTHER PROCEDURAL MATTERS:** In accordance with California Code of Regulations, Title 23, section 2050(c), a petition of any subsequent Board action on the Tentative Order under Water Code section 13320 may raise only substantive issues or objections previously raised before the Regional Board at the adoption hearing, or in timely submitted written comments.

You may request other documents related to the Tentative Order by emailing [RB2-MRP@waterboards.ca.gov](mailto:RB2-MRP@waterboards.ca.gov) or set up a file review appointment to inspect them at the Water Board's office.

If you require special accommodations, please contact Executive Assistant Julie Haas, (510) 622-2399, [julie.haas@Waterboards.ca.gov](mailto:julie.haas@Waterboards.ca.gov), at least five (5) working days before a meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

**FUTURE NOTICES:** Any changes to the date, time, location, focus, or format of the hearing or any other updates will be noticed by the govDelivery e-mail list. Any person desiring to receive future notices concerning the Tentative Order **must** sign up for the govDelivery e-mail list. To sign up, access the e-mail List Subscription form at the govDelivery subscription page: [https://www.waterboards.ca.gov/resources/email\\_subscriptions/reg2\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/reg2_subscribe.html), and select the box for the "Municipal Regional Stormwater Permit Reissuance" option.

**CONTACT INFORMATION:** If you have any questions regarding this matter, please contact Derek Beauduy at (510) 622-2348 or [RB2-MRP@waterboards.ca.gov](mailto:RB2-MRP@waterboards.ca.gov).