



FINAL DRAFT  
WATER QUALITY CONTROL POLICY FOR  
STANDARDIZED COST REPORTING IN  
MUNICIPAL STORMWATER PERMITS  
DECEMBER 2024  
MUNICIPAL STORMWATER COST POLICY



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## Definitions

**Best Management Practices (BMP)** — Management activities, physical structures, institutional practices, or prohibitions implemented to control, mitigate, or prevent pollution associated with dry- or wet- weather runoff.

**Best Professional Judgement**— A determination based on the best available scientific or engineering knowledge and all reasonably available and pertinent data or information that forms the basis of the cost reporting estimates.

**Clean Water Act** — The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Disadvantaged Communities**—Communities with a median household income less than 80% of the statewide average as defined in California Public Resources Code § 75005.

**Duly Authorized Representative** —Consistent with 40 Code of Federal Regulations (CFR) §122.22(a)(3) or 40 CFR §122.22(b), a person or position title authorized to be a signatory and satisfies certification requirements for submittal of information and reports on behalf of a Permittee.

**Easement**— Where a landowner gives another a limited right to use their land for a specific purpose. It is not an ownership right in the land, it is the mere right to use another's land for limited purposes.

**Illicit Connection** — Any drain or conveyance system that allows an illegal discharge to enter the storm drain system.

**Illicit Discharges**— Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES Permit as defined in 40 CFR §122.26(b)(2).

**Minimum Control Measures**—Six permit elements, as defined in 40 CFR § 122.34, that, when implemented in concert, are expected to result in significant reductions of pollutants discharged into receiving waterbodies: Public Education & Outreach; Public Involvement & Participation; Illicit Discharge Detection & Elimination; Construction Site Stormwater Runoff Control; Post Construction Stormwater Management (BMPs); and Stormwater Pollution Prevention & Good Housekeeping.

**Municipal Separate Storm Sewer System (MS4)** — Has the same meaning set forth in 40 CFR § 122.26(b)(8).

**MS4 Cost Data Portal** — Cost submittal portal developed by the State Water Board to allow Permittees to report their annual expenditures for MS4 Permit-implementation activities.

**National Pollutant Discharge Elimination System (NPDES)**— A national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing Permits, as defined in 40 CFR § 122.

**Non-traditional Phase II Permittees** – Phase II Permittees operated by Federal, State, or local entities other than counties cities, or towns. These can include schools, universities, parks, ports, transportation facilities, prisons, hospitals, and military bases.

**Permittee** — An entity that discharges stormwater and non-stormwater from its jurisdictional area under an approved Phase I MS4 or traditional Phase II MS4 stormwater Permit.

**Phase I MS4 Permits** — Stormwater permits issued by regional water boards to control stormwater discharge from medium to large Permittees, consistent with the definitions provided in (40 CFR §122.26(b)(4)) and (40 CFR §122.26(b)(7)).

**Phase II MS4 Permit** — Statewide permit to control stormwater discharges from small Permittees as defined in 40 CFR §122.26(b)(16). Such small Permittees include non-traditional and traditional Phase II Permittees.

**Trash** — All improperly discarded solid material from any production, manufacturing, or processing operation including (but not limited to) products and their packaging or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials.

**Traditional Phase II Permittees** — Phase II Permittees that are operated by counties, cities, or towns.

## **1 Purpose**

- 1.1 The purpose of the Draft Policy for Water Quality Control for Standardized Cost Reporting in Municipal Stormwater Permits (Municipal Stormwater Cost Policy, hereafter Draft Policy) is to ensure that municipal separate storm sewer system (MS4) permittees (Permittees) in California estimate, track, and report annual expenditures in a consistent manner. The State Water Resources Control Board (State Water Board) and the regional water quality control boards (regional water boards) intend to use this information to a) determine what it costs to implement each Permittee's municipal stormwater program as required by the applicable permit; and b) gather adequate levels of data with appropriate details to inform cost effective permit development and equitable investment in municipal stormwater programs around the State.
- 1.2 The Draft Policy describes the cost categories that Phase I MS4 Permittees and traditional Phase II Permittees shall use to track their Permit implementation costs, including best practices for cost accounting.
- 1.3 The Draft Policy specifies a cost reporting portal that Permittees shall use to annually report all expenditures related to the implementation of MS4 Permits.
- 1.4 The Draft Policy provides direction to regional water boards and the State Water Board regarding the incorporation of standardized cost reporting requirements into any future issuance or reissuance of respective MS4 permits. The Draft Policy eventually may be incorporated into a future water quality control plan that applies to inland surface waters.

## **2 Legal Authority**

- 2.1 The Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) program which requires waste dischargers to comply with certain regulations that permit the discharge of water containing pollutants to waters of the United States (40 CFR § 122.1). The State Water Board is designated as the state water pollution control agency for all purposes stated in the Clean Water Act. The State Water Board and regional water boards (collectively Water Boards) are authorized to issue NPDES permits to MS4 dischargers in California.
- 2.2 This Draft Policy is consistent with 40 CFR sections 122.26(d)(1)(vi)(A) and 122.26(d)(2)(vi) of the federal stormwater regulations that require Phase I Permittees to provide a fiscal analysis of the capital and operation and maintenance expenditures necessary to accomplish the activities outlined in their Phase I MS4 Permits.
- 2.3 The standardized cost reporting requirement for the traditional Phase II MS4 Permittees covered by the Phase II MS4 Permit is consistent with California Water

Code section 13383 which gives the State Water Board authority to impose additional reporting requirements to dischargers.

### **3 Applicability**

- 3.1 This Draft Policy is applicable to the MS4s regulated under Phase I and traditional Phase II MS4 Permits (Permittees).
- 3.2 This Draft Policy is not applicable to non-traditional Phase II MS4 permittees or dischargers under other NPDES Permits.
- 3.3 Within this Draft Policy, references to the State Board or State Water Board shall mean the State Water Resources Control Board. References to a Regional Board or Regional Water Board shall mean a California Regional Water Quality Control Board.

### **4 Use of Standardized Cost Data**

- 4.1 The Water Boards shall use standardized cost data, collected in compliance with this Draft Policy, to inform the regulatory steps necessary to implement state and federal water quality laws for the protection of public health and the environment, including consideration of economic information in the development of new Permits and Permit reissuances.
- 4.2 The Water Boards encourage Permittees to use standardized cost data as a tool to seek and justify proposed stormwater funding measures.
- 4.3 The Water Boards plan to use standardized cost data, in conjunction with other relevant data, to identify and address environmental justice issues in municipal stormwater management, i.e., equitable stormwater management and investments in Disadvantaged Communities.
- 4.4 The reported cost of Permit implementation data shall not be used as a surrogate for the level of compliance activities performed by a Permittee. Additionally, the financial resources necessary to comply with a Permit shall not be used to justify noncompliance.

### **5 Required Cost Reporting**

- 5.1 Cost Categories for Phase I MS4 Permittees
  - 5.1.1 Phase I MS4 Permittees covered by a Phase I MS4 Permit shall report all expenditures incurred while implementing Permit-required activities using all cost categories described below. Permittees shall further itemize expenditures using various subcategories as shown in Table 1.
    1. *Overall Program Management and Administration*: Permit compliance administration and management activities, reporting, and general coordination.

2. *Public Education, Outreach, Involvement and Participation*: Outreach and educational activities that inform members of the public about stormwater as a resource, the potential impacts of stormwater discharges to water bodies, pollution prevention from stormwater discharge, and other associated activities that directly relate to MS4 permit implementation.
3. *Illicit Discharge Detection and Elimination (IDDE) and Spill Response*: Efforts necessary to identify, investigate, enforce, and eliminate illicit connections and illicit discharges.
4. *Planning and Land Development*: Development, implementation, and enforcement activities necessary to accomplish Permit-specified objectives for new and redevelopment projects. Also includes costs related to planning and implementation of stormwater BMPs except for those implemented to meet total maximum daily load (TMDL) implementation requirements.
5. *Industrial and Commercial Facilities*: Permit-required inspection, outreach, municipal oversight, and enforcement of industrial and commercial facilities.
6. *Construction Site Management*: Implementation of Permit-required inspection, outreach, municipal oversight, and enforcement to minimize the impact of construction site runoff to receiving waters.
7. *Municipal Operations and Maintenance*: Planning and implementation of pollution prevention and control programs to address runoff resulting from operation and maintenance of Permittee-owned or operated facilities and activities.
8. *Trash Management*: Trash control activities that are required by the Permit and routinely performed as a part of municipal maintenance.
9. *Water Quality Monitoring*: Permit-required water quality monitoring activities shall be broken down into subcategories such as receiving water monitoring, outfall monitoring, BMP effectiveness monitoring, and facility-specific monitoring.
10. *Permit-specific Special Programs*: Keeping a diverse approach to municipal stormwater management in California in mind, this category is intended to obtain cost information about various region-specific MS4 program elements, including but not limited to TMDL implementation requirements and specific pollutant control requirements, other than trash.
11. *Miscellaneous Costs*: Anything not identified or directly related to the other cost categories.

**Table 1:** List of standardized categories and subcategories for reporting cost of Phase I Permit implementation.

<b>Category Name</b>	<b>Subcategories</b>
1. Overall Program Management and Administration	a. Annual Reporting
2. Public Education, Outreach, Involvement and Participation	-
3. Illicit Discharge Detection and Elimination (IDDE) and Spill Response	a. Spill Response- Response to water pollution reports or spill events
4. Planning and Land Development	a. Post-construction BMPs for public projects that must comply with new or redevelopment project standard b. Other permittee-owned structural BMP projects (with total stormwater related budget higher than \$200,000)
5. Industrial and Commercial Facilities	-
6. Construction Site Management	-
7. Municipal Operations and Maintenance	-
8. Trash Management	a. Full capture device design, installation and maintenance for public projects b. Street sweeping as required by the Permit or part of an approved stormwater management plan
9. Water Quality Monitoring	a. Receiving water and outfall monitoring b. BMP monitoring
10. Permit-specific Special Programs	-
11. Miscellaneous Costs	-



- 5.1.2 Phase I MS4 Permittees shall track and report all expenditures in each cost category using the following line items:
- a. Costs associated with staff wages, salaries, and benefits, including indirect costs.
  - b. Capital investments for Permit implementation, except for land costs.
  - c. Expenditures for land or right-of-way easement acquisition.
  - d. Cost of hiring private consultants to perform Permit implementation activities.
  - e. Costs associated with Permit-required day-to-day operation and maintenance activities.
- 5.1.3 Phase I MS4 Permittees shall track and report construction costs for structural stormwater BMPs for permittee-owned projects where construction of structural stormwater BMPs is the project's primary purpose and that have a cost exceeding the dollar value threshold listed for Subcategory 4.b in Table 1. This information will be included in the reporting for the fiscal year in which the project was completed. Permittees shall also include relevant project details, including location (address and Global Positioning System coordinates), BMP type, design treatment volume or flow rate, and drainage area with the total project cost of the completed project.

## 5.2 Cost Categories for Traditional Phase II MS4 Permittees Only

- 5.2.1 Traditional Phase II Permittees shall report all expenditures incurred while implementing Permit-required activities. Traditional Phase II Permittees may use the cost categories described in Section 5 and shown in Table 1 to report expenditures. Alternatively, traditional Phase II Permittees may report their expenditures using all cost categories described below.
1. Overall Program Management and Administration: Permit compliance administration and management activities, reporting, general coordination.
  2. Capital Costs: Development of new structural stormwater control measures or other tangible assets required to comply with the Permit.
  3. Minimum Control Measures: Permit-required routine operational and maintenance activities, including minimum control measures implementation.
  4. Water Quality Monitoring: All Permit-required water quality monitoring activities.
  5. Miscellaneous Costs: Anything not identified or directly related to the other cost categories.

5.2.2 Traditional Phase II MS4 Permittees shall itemize all expenditures in each cost category using the following line items:

- a. Costs related to staff wages and benefits, and overhead.
- b. Cost of equipment, materials, and machinery purchase.
- c. Cost of land and right-of-way easement acquisition.
- d. Cost of hiring consultants for Permit implementation activities.

### 5.3 Cost Accounting

5.3.1 Permittees shall track all expenditures directly related to Permit implementation activities for each fiscal year beginning July 1 and ending June 30.

5.3.2 Permittees shall treat standardized cost categories as mutually exclusive. Similarly, if an activity or a project is a collaboration among multiple Permittees or co-Permittees, each jurisdiction shall only report their portion of the cost. The sum of all reported costs shall be the total cost of implementing such an activity or program.

5.3.3 For activities that serve purposes in addition to stormwater management, Permittees shall estimate a percentage of expenditures that can be directly attributed to Permit implementation. The cost estimation of these activities shall be informed by feedback from staff performing those activities. Best Professional Judgement shall be used when estimating personnel costs for staff who are also assigned job responsibilities beyond stormwater Permit implementation.

5.3.4 Permittees may attribute expenditures incurred while performing routine activities that are part of municipal operations required by an MS4 Permit (e.g., street sweeping, storm drain cleaning) entirely to the MS4 program. Permittees shall only report costs for the Permit-required frequency (costs incurred past the Permit-required frequency shall not be included). Routine activities shall be considered Permit-required if performed in a manner or frequency necessary to meet a specific requirement in the MS4 Permit or to meet a commitment the Permittee has made in a Permit-required stormwater program plan. Permittees shall include relevant details of street sweeping, including curb-miles swept and volume or weight of debris collected.

5.3.5 Permittees shall track portions of Permit-implementation costs recuperated by a cost recovery program (e.g., one time or recurring fees). Permittees shall track the sources of funds and relative contribution (in percentage) associated with each source to implement their MS4 permits.

- 5.3.6 The State Water Board recognizes that the variability and complexity of municipal accounting for stormwater programs may present a challenge for Permittees to track and report permit implementation costs using a list of standardized categories and line items, and as such, many of the costs reported may be estimates based on Best Professional Judgment. Permittees shall develop and maintain supporting documentation explaining their cost estimation process, when applicable. Such documents shall be retained by the Permittees for at least five years beyond permit expiration and provided to the regional water boards or State Water Board upon request.
- 5.3.7 The State Water Board shall develop and maintain a cost accounting guidance document. The document will provide general guidelines for cost tracking and reporting, examples of activities for each cost category, and description of funding sources. This guidance document is not intended to establish policy or regulation, nor does it represent a new application or interpretation of the Policy. The document will be reviewed annually and may be updated annually (as needed) based on Permittees' needs and frequently asked questions.

## **6 Optional Cost Reporting**

- 6.1 Permittees shall have an option to report stormwater program management expenditures for activities not required by their MS4 permits. Reporting such cost is voluntary and does not replace any mandatory cost reporting requirements established by this Policy. Optional costs shall be reported separate and distinct from cost reporting requirements described in section 5.
- 6.2 When reporting expenditures consistent with 6.1, Permittees shall describe the cost incurred and justify its relevance to stormwater program management.

## **7 Cost Report Submittal**

- 7.1 Each Permittee shall document and submit total MS4 Permit-related expenditures annually, within the same timeframe as the annual reporting required by the Permittee's MS4 permit. The submission shall contain expenditure information from the previously concluded fiscal year, beginning July 1 and ending June 30.
- 7.2 Each Permittee shall report on the overall sources of funds used to implement its MS4 permit. Category-specific reporting for sources of funds is not required.
- 7.3 A Duly Authorized Representative shall submit required reporting on behalf of the Permittee.
- 7.4 Annual expenditure Reports for MS4 Permit implementation shall be submitted electronically using the MS4 Cost Data Portal. Each submission shall be certified electronically in the manner specified by the State Water Board.
- 7.5 Submitted cost information shall be in a format consistent with this Draft Policy and shall be verifiable using supporting documentation retained by the Permittees.

Each Permittee shall retain supporting documentation for at least five years after permit expiration and make such supporting information available upon request within a timely manner, generally no more than ten business days.

## **8 State Agency Roles**

- 8.1 The regional water boards shall incorporate cost reporting framework, cost report submittal method, and reporting timeline consistent with this Draft Policy into a Phase I MS4 Permit through an amendment or at the time of the next permit reissuance after the effective date of this Policy. Once incorporated into a Phase I MS4 Permit, regional water boards shall ensure Permittees follow the Policy through review of cost data submitted by Permittees.
- 8.2 The regional water boards shall review the annually submitted data and use the data to inform the economic analysis of future permits.
- 8.3 The State Water Board shall incorporate cost reporting framework, cost report submittal method, and reporting timeline consistent with this Policy into the statewide Phase II MS4 Permit through an amendment or at the time of the next permit reissuance.
- 8.4 The State Water Board shall issue an order under California Water Code section 13383, as necessary, to require Permittees to begin reporting the costs associated with implementing the MS4 permit in accordance with this Policy. Tracking of such costs shall commence no later than July 1, 2026, with the first cost report to include expenditures incurred during the State Fiscal Year 2026-27.
- 8.5 The State Water Board shall make the collected cost data publicly available, conduct regular review of the cost data, provide periodic Policy related updates to the board, and maintain the MS4 Cost Data Portal.
- 8.6 The State Water Board shall compile and analyze submitted cost data to inform, develop, and implement strategies for supporting efficient stormwater management statewide.