

STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2015-0036-EXEC
AMENDING

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
NPDES NO. CAS000003
ORDER WQ 2012-0011-DWQ
STATEWIDE STORM WATER PERMIT
WASTE DISCHARGE REQUIREMENTS (WDRS)
FOR
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

The California State Water Resources Control Board (hereafter State Water Board) finds:

1. The Statewide Storm Water Permit for the State of California Department of Transportation¹ (Permit) regulates the storm water discharge from the State of California Department of Transportation's (Department) Municipal Separate Storm Sewer System (MS4). The State Water Board issued the Permit as a National Pollutant Discharge Elimination System (NPDES) permit under the authority delegated by the U.S. Environmental Protection Agency. The Permit was adopted on September 19, 2012, and became effective on July 1, 2013.
2. Consistent with the General Exception to the California Ocean Plan for Selected Discharges into Areas of Special Biological Significance² (General Exception), the Permit contains requirements for the control of discharges from the Department's MS4 to seven Areas of Special Biological Significance (ASBS) on the California coast. Attachment III of the Permit specifies 77 monitoring locations across the seven ASBS. These monitoring locations are representative of priority discharges that are determined to pose the greatest threat to water quality in the ASBS and were identified to require monitoring and installation of structural or non-structural controls if the monitoring results show exceedance of natural ocean water quality.³
3. The Department conducted an extensive pre-monitoring investigation at the 77 locations specified in Attachment III of the Permit in preparation for the required monitoring. Of the 77 locations specified in Attachment III, the Department, in consultation with State Water Board staff, determined that 27 locations were unsuitable for monitoring due to safety or access limitations.

¹ State Water Board Order 2012-0011-DWQ

² State Water Board Resolution 2012-0012 as amended by Resolution 2012-0031

³ As defined in the Permit (State Water Board Order 2012-0011)

4. For each unsuitable monitoring location, an alternate location within the same ASBS and near the original location was identified. State Water Board staff determined that monitoring at the alternate locations will not compromise the monitoring objectives of the General Exception and the Permit requirements, and that the alternate sampling locations will provide a more accurate characterization of the storm water quality discharged from the Department's outfalls.
5. During the pre-investigation, the Department also found that the coordinates indicated in Attachment III for 30 other discharge locations varied slightly from the actual locations. For each discharge location with inaccurate coordinates, the Department has provided more precise coordinates.
6. Per Code of Federal Regulations, part 40, sections 122.62 and 124.10, the State Water Board issued a Public Notice on February 13, 2015 for a 30-day public review and comment period on the proposed amendment to Order 2012-0011-DWQ, as specified in Attachment A to this Order. Formal comments were due by March 16, 2015.

IT IS HEREBY ORDERED THAT:

Order 2012-0011-DWQ is hereby amended as shown in Attachment A. The amended Order shall become effective on April 7, 2015.

Date

4/7/15

Thomas Howard
Executive Director

ATTACHMENT A
TO
**ORDER WQ 2015-0036-EXEC
AMENDING**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
NPDES NO. CAS000003
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Section E.2.c.2)a)i)(1) (p. 28):

(1) Core Discharge Monitoring Program

Core discharge monitoring is the monitoring of storm water effluents from the storm water outfalls at the priority discharge locations listed in Attachment III.

(a) General Sampling Requirements for Timing and Storm Size

Runoff must be collected during a storm event that is greater than 0.1 inch and generates runoff, and ...

Section E.5.a. (p. 58):

a. Priority Discharges:

Attachment III, ASBS Priority Discharge Locations, identifies representative monitoring locations where the Department has priority discharges to ASBS ~~that the State Water Board has determined to have priority discharges~~. Priority discharges are those that pose the greatest threat to water quality in the ASBS and which the State Water Board identifies to require monitoring and potential installation of structural or non-structural controls.

b. Alternate Locations:

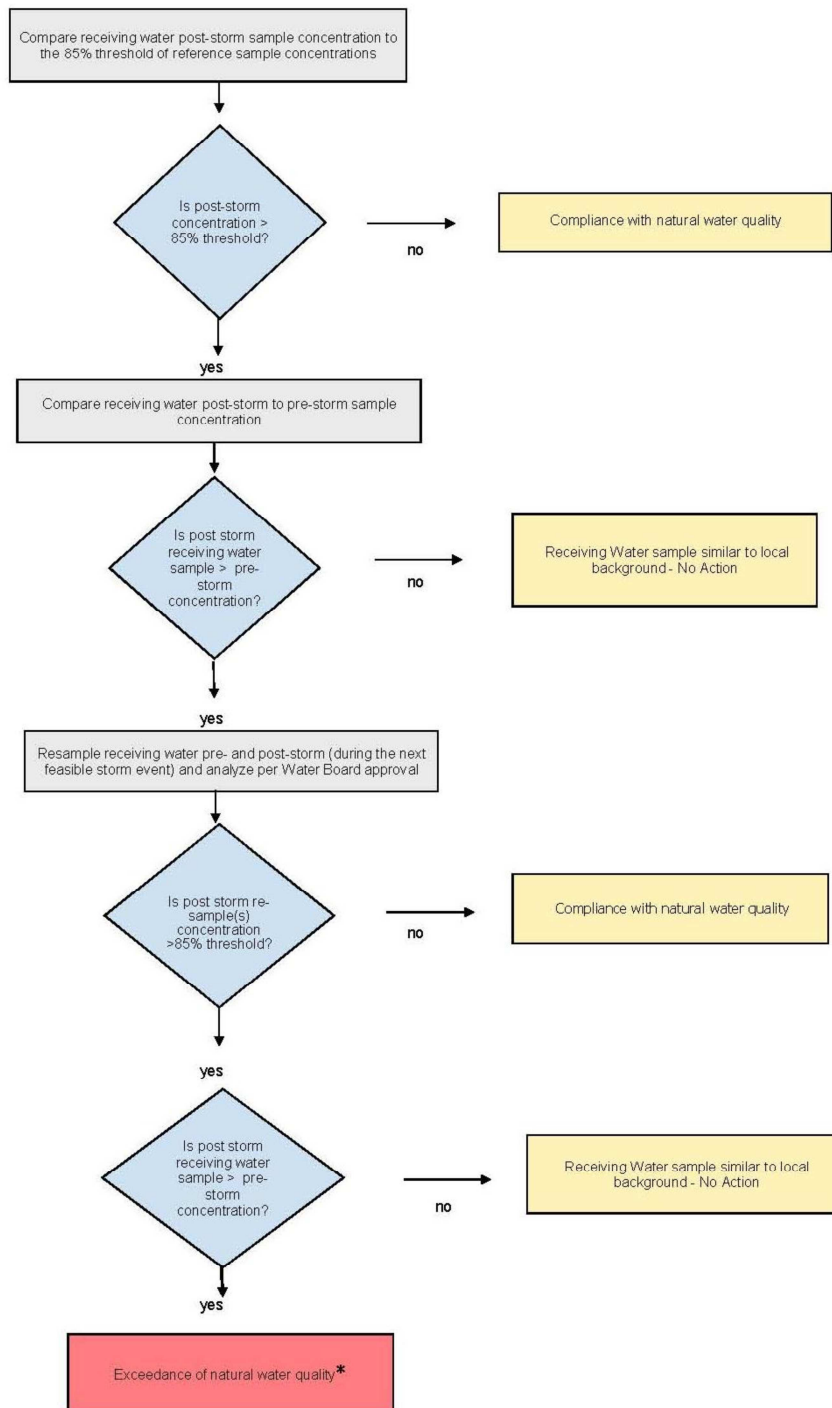
The Executive Director of the State Water Board may authorize revisions to Attachment III, ASBS Priority Discharge Locations, where access limitations or safety considerations make it infeasible to conduct monitoring. Alternate locations proposed by the Department shall be in as close proximity to the original priority discharge locations as is feasible.

bc. Compliance Schedule:

- 1) On the effective date of the Exception, all non-authorized non-storm water discharges (e.g. dry weather flow) to ASBS shall be effectively prohibited.

- 2) No later than September 20, 2013, the Department shall submit a draft written ASBS Compliance Plan to the State Water Board Executive Director that describes its strategy to comply with these provisions, including the requirement to maintain natural water quality in the affected ASBS (see provision E.5.c.). The final ASBS Compliance Plan, including a description and final schedule for structural controls based on the results of runoff and receiving water monitoring, shall be submitted no later than September 20, 2014 and shall be included in the SWMP.
- 3) Within 18 months of the effective date of the Exception, any non-structural controls that are necessary to comply with these provisions shall be implemented.
- 4) Within six (6) years of the effective date of the Exception, any structural controls identified in the ASBS Compliance Plan that are necessary to comply with these provisions shall be operational.
- 5) Within six (6) years of the effective date of the Exception, the Department must comply with the requirement that their discharges into the affected ASBS maintain natural ocean water quality. If the initial results of post-storm receiving water quality testing indicate levels higher than the 85th percentile threshold of reference water quality data and the pre-storm receiving water levels, then the Department must re-sample the receiving water, pre- and post-storm. If after re-sampling, the post-storm levels are still higher than the 85th percentile threshold of reference water quality data, and the pre-storm receiving water levels, for any constituent, then natural ocean water quality is exceeded. See Figure 2.

Figure 2
ASBS Special Protections
Flowchart to Determine Compliance with Natural Water Quality



* When an exceedance of natural water quality occurs, the Department must comply with section I.A.2.h of the Special Protections as well as the requirements of this Order. Note, when sampling data is available, end-of-pipe effluent concentrations will be considered by the Water Boards in making this determination.

- 6) The Executive Director of the State Water Board may only authorize additional time to comply with provisions E.5.b.4) and E.5.b.5) above if good cause exists to do so. Good cause means a physical impossibility or lack of funding.

If the Department claims physical impossibility, it shall notify the Executive Director of the State Water Board in writing within thirty (30) days of the date that the discharger Department first knew of the event or circumstance that caused or would cause it to fail to meet the deadline in provisions E.5.b.4) or E.5.b.5). The notice shall describe the reason for the noncompliance or anticipated noncompliance and specifically refer to this Permit provision. The Department shall describe the anticipated length of time the delay in compliance may persist, the cause or causes of the delay as well as measures to minimize the impact of the delay on water quality, the measures taken or to be taken by the Department to prevent or minimize the delay, the schedule by which the measures will be implemented, and the anticipated date of compliance. The Department shall adopt all reasonable measures to avoid and minimize such delays and their impact on water quality.

The Department may request an extension of time for compliance based on lack of funding. The request for an extension shall require a demonstration and documentation of a good faith effort to acquire funding through the Department's budgetary process, and a demonstration that funding was unavailable or inadequate.

e.d. ASBS Compliance Plan:

The Department shall develop and submit to the Executive Director of the State Water Board a draft ASBS Compliance Plan not later than September 20, 2013. The ASBS Compliance Plan shall address all locations listed in Attachment III as follows:

- 1) Include a map of surface drainage of storm water runoff, showing areas of sheet runoff, priority discharge locations, and any structural Best Management Practices (BMPs) already employed and/or BMPs to be employed in the future. The map shall also show the storm water conveyances in relation to other features such as service areas, sewage conveyances and treatment facilities, landslides, areas prone to erosion, and waste and hazardous material storage areas, if applicable.
- 2) Describe the measures by which all non-authorized non-storm water runoff (e.g., dry weather flows) has been eliminated, how these measures will be maintained over time, and how these measures are monitored and documented.

- 3) Require minimum inspection frequencies as follows:
 - a) The minimum inspection frequency for construction sites shall be weekly during the rainy season;
 - b) The minimum inspection frequency for industrial facilities shall be monthly during the rainy season; and
 - c) Storm water outfall drains equal to or greater than 18 inches (457 mm) in diameter or width shall be inspected once prior to the beginning of the rainy season and once during the rainy season, and maintained to remove trash and other anthropogenic debris.

- 4) Address storm water discharges (wet weather flows) and, in particular, describe how pollutant reductions in storm water runoff, that are necessary to comply with these special conditions, will be achieved through BMPs. Structural BMPs need not be installed if the discharger can document to the satisfaction of the State Water Board Executive Director that such installation would pose a threat to health or safety. BMPs to control storm water runoff discharges (at the end-of-pipe) during a design storm shall be designed to achieve on average the following target levels:
 - a) Table B Instantaneous Maximum Water Quality Objectives in Chapter II of the Ocean Plan; or
 - b) A 90 percent reduction in pollutant loading during storm events, for the Department's total discharges.

The baseline for these determinations is the effective date of the Exception, except for those structural BMPs installed between January 1, 2005 and adoption of the Special Protections.

- 5) Address erosion control and the prevention of anthropogenic sedimentation in ASBS. The natural habitat conditions in the ASBS shall not be altered as a result of anthropogenic sedimentation.

- 6) Describe the non-structural BMPs currently employed and planned in the future (including those for construction activities), and include an implementation schedule. The ASBS Compliance Plan shall include non-structural BMPs that address public education and outreach. The ASBS Compliance Plan shall also describe the structural BMPs, including any low impact development (LID) measures currently employed and planned for higher threat discharges, and shall include an implementation schedule. To control storm water runoff discharges (at the end-of-pipe) during a design storm, the Department must first consider, and use where feasible, LID practices to infiltrate, use, or evapotranspire storm water runoff on-site, if LID practices would be the most effective at reducing pollutants from entering the ASBS.

- 7) The BMPs and implementation schedule shall be designed to ensure that natural water quality conditions in the receiving water are achieved and maintained by either reducing flows from impervious surfaces or reducing pollutant loading, or some combination thereof.

d.e. Reporting:

If the results of the receiving water monitoring described in provision E.2.c.2)a)i) indicate that the storm water runoff is causing or contributing to an alteration of natural ocean water quality in the ASBS, the discharger shall submit a report to the State Water Board and Regional Water Board within 30 days of receiving the results.

4.1) The report shall identify the constituents in storm water runoff that alter natural ocean water quality and the sources of these constituents.

2.2) The report shall describe BMPs that are currently being implemented, BMPs that are identified in the SWMP for future implementation, and any additional BMPs that may be added to the SWMP to address the alteration of natural water quality. The report shall include a new or modified implementation schedule for the BMPs.

3.3) Within 30 days of the approval of the report by the State Water Board Executive Director, the discharger shall revise its ASBS Compliance Plan to incorporate any new or modified BMPs that have been or will be implemented, the implementation schedule, and any additional monitoring required.

4.4) As long as the discharger has complied with the procedures described above and is implementing the revised SWMP, the discharger does not have to repeat the same procedure for continuing or recurring exceedances of natural ocean water quality conditions due to the same constituent.

ATTACHMENT III

AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS) PRIORITY DISCHARGE LOCATIONS

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
SAU020 SAU020A	1	Saunders Reef	-123.65329 -123.65273	38.86177 38.85916
SAU019 SAU019A	1	Saunders Reef	-123.65328 -123.6528	38.86161 38.86067
SAU016 SAU016A	1	Saunders Reef	-123.65178 -123.65237	38.85683 38.85849

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
SAU017 SAU015	1	Saunders Reef	-123.65164 -123.65178	38.85692 38.85612
SAU012 SAU013A	1	Saunders Reef	-123.65019 -123.6514	38.8543 38.85451
SAU011 SAU014	1	Saunders Reef	-123.64983 -123.6517	38.85387 38.8551
SAU021 SAU011A	1	Saunders Reef	-123.64868 -123.64853	38.85176 38.8527
SAU008	1	Saunders Reef	-123.6478	38.8521
SAU006 SAU006A	1	Saunders Reef	-123.64727 -123.64777	38.85041 38.85186
SAU002 SAU009A	1	Saunders Reef	-123.64709 -123.64809	38.84988 38.85254
RED026 RED023	1	Redwoods National Park	-124.10224 -124.1017	41.59516 41.60527
RED027	1	Redwoods National Park	-124.10126	41.59657
RED028	1	Redwoods National Park	-124.10101	41.59729
RED029 RED018A	1	Redwoods National Park	-124.10046 -124.1061	41.59976 41.613
RED030 RED015	1	Redwoods National Park	-124.1003 -124.11257	41.60084 41.62928
RED031 RED014	1	Redwoods National Park	-124.10026 -124.11296	41.6013 41.63059
RED065 RED017A	1	Redwoods National Park	-124.09299 -124.10571	41.28217 41.61195
FIT011 FIT012	2	James V. Fitzgerald	-122.51774 -122.516861	37.53154 37.531406
ANO030	3	Ano Nuevo	-122.30121	37.11334
ANO033	3	Ano Nuevo	-122.29881	37.11202
ANO032 ANO001	3	Ano Nuevo	-122.29764 -122.306364	37.1113 37.121672
ANO034 ANO002	3	Ano Nuevo	-122.297 -122.30534	37.11084 37.11987

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
ANO035	3	Ano Nuevo	-122.29297	37.10714
MUG002 ALT004	4	Laguna Point to Latigo Point	-119.0618833 -119.059097	34.08635 34.08609
MUG005	4	Laguna Point to Latigo Point	-119.0382833 -119.03821	34.08393 34.083896
MUG009 ALT005	4	Laguna Point to Latigo Point	-119.0367000 -119.054291	34.08367 34.085415
MUG007 ALT006	4	Laguna Point to Latigo Point	-119.0363667 -119.048653	34.08378 34.085361
MUG008	4	Laguna Point to Latigo Point	-119.0363667 -119.036389	34.08378 34.083644
MUG010	4	Laguna Point to Latigo Point	-119.0149833 -119.014826	34.07098 34.070804
MUG013	4	Laguna Point to Latigo Point	-118.9931667 -118.993551	34.06530 34.065445
MUG016	4	Laguna Point to Latigo Point	-118.9869833 -118.987069	34.06287 34.062852
MUG017 ALT008	4	Laguna Point to Latigo Point	-118.9867500 -118.985931	34.06268 34.062325
MUG028	4	Laguna Point to Latigo Point	-118.9740500 -118.974165	34.05890 34.058928
MUG029 ALT009	4	Laguna Point to Latigo Point	-118.9730167 -118.975975	34.05835 34.059978
MUG031	4	Laguna Point to Latigo Point	-118.9683000 -118.968706	34.05622 34.056265
MUG041	4	Laguna Point to Latigo Point	-118.9645 -118.964271	34.0534833 34.053461
MUG046	4	Laguna Point to Latigo Point	-118.9608500 -118.960862	34.05205 34.052112
MUG048	4	Laguna Point to Latigo Point	-118.9594833	34.05172
MUG049	4	Laguna Point to Latigo Point	-118.9594333	34.05165
MUG051	4	Laguna Point to Latigo Point	-118.9581000 -118.957316	34.05033 34.050937

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
MUG052 ALT011	4	Laguna Point to Latigo Point	-118.9574333 -118.939404	34.04982 34.045355
MUG053	4	Laguna Point to Latigo Point	-118.9564500 -118.95539	34.04943 34.050248
MUG059	4	Laguna Point to Latigo Point	-118.9514167 -118.9515	34.04738 34.048835
MUG058	4	Laguna Point to Latigo Point	-118.9506000 -118.95042	34.04778 34.048355
MUG060 ALT010	4	Laguna Point to Latigo Point	-118.9499000 -118.948184	34.04728 34.047873
MUG061	4	Laguna Point to Latigo Point	-118.9498500 -118.94834	34.04723 34.047675
MUG077	4	Laguna Point to Latigo Point	-118.9345833	34.04513
MUG078	4	Laguna Point to Latigo Point	-118.9341 -118.934358	34.0451333 34.045431
MUG070	4	Laguna Point to Latigo Point	-118.9320000	34.04600
MUG066	4	Laguna Point to Latigo Point	-118.9252333 -118.924654	34.04612 34.04714
MUG073	4	Laguna Point to Latigo Point	-118.9236833 -118.922723	34.04577 34.046418
MUG135	4	Laguna Point to Latigo Point	-118.89858 -118.897426	34.0401 34.041983
MUG147	4	Laguna Point to Latigo Point	-118.89558 -118.894154	34.03921 34.041553
MUG150	4	Laguna Point to Latigo Point	-118.8919800 -118.889212	34.03906 34.040872
MUG187	4	Laguna Point to Latigo Point	-118.87051 -118.869505	34.0369 34.039285
SAD0950	4	Laguna Point to Latigo Point	-118.8385500	34.02699
SAD0960	4	Laguna Point to Latigo Point	-118.8375000	34.02619
SAD0970	4	Laguna Point to Latigo Point	-118.8364600	34.02535
SAD0980	4	Laguna Point to Latigo Point	-118.8348600	34.02435

Sample ID	Regional Board	ASBS Name	Longitude	Latitude
MUG318	4	Laguna Point to Latigo Point	-118.8342000 -118.834316	34.02389 34.0423879
SAD0990	4	Laguna Point to Latigo Point	-118.8326600	34.02302
SAD1000	4	Laguna Point to Latigo Point	-118.8303400	34.02123
MUG355	4	Laguna Point to Latigo Point	-118.8292000 -118.829258	34.02056 34.02122
SAD1030	4	Laguna Point to Latigo Point	-118.8263200 -118.827049	34.01810 34.018711
SAD1040	4	Laguna Point to Latigo Point	-118.8256600	34.01748
SAD1050	4	Laguna Point to Latigo Point	-118.8249200	34.01700
SAD1060	4	Laguna Point to Latigo Point	-118.8225400	34.01559
MUG347 ALT017	4	Laguna Point to Latigo Point	-118.7834300 -118.777059	34.02196 34.025805
MUG346	4	Laguna Point to Latigo Point	-118.7831400 -118.783588	34.02207 34.02508
MUG283	4	Laguna Point to Latigo Point	-118.7658600 -118.765915	34.02550 34.02589
IRV020	8	Irvine Coast	-117.8402333 -117.840190	33.5740167 33.576001
IRV009	8	Irvine Coast	-117.8312 -117.830393	33.5653 33.566251
IRV007	8	Irvine Coast	-117.8281667 -117.828078	33.5645 33.565343
IRV003 IRV001	8	Irvine Coast	-117.823917 -117.81858	33.56195 33.558
IRV002	8	Irvine Coast	-117.8221 -117.821484	33.5606 33.560705
CAR007 CAR007B	3	Carmel Bay	-121.9247 -121.923798	36.52453 36.52499
CAR006	3	Carmel Bay	-121.92457	36.52469