

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT
STAFF : Dale Bowyer, Shin-Roei Lee
MEETING DATE: March 14, 2007

ITEM: 13

SUBJECT: **Status Report on Municipal Regional Stormwater Permit** – Status Report

CHRONOLOGY: 2004 – Board staff and BASMAA reach consensus on development of a regionwide Phase I municipal stormwater permit
2005 - 2006 – 6 stakeholder working groups formed by Board staff to develop permit provisions for key components of the permit; public workshops held to solicit public comments for specific permit components
October 2006 – Consolidated draft provisions distributed to all stakeholders; public workshops held to solicit comments

DISCUSSION: Progress continues on development of our first regionwide municipal stormwater permit. This permit will encompass 76 “Phase I” permittees in the four major urban counties of Alameda, Santa Clara, San Mateo and Contra Costa, and include the cities of Vallejo, Fairfield and Suisun. “Phase I” refers to U.S. EPA’s approach to addressing stormwater runoff pollution from the largest or “Phase I” cities (generally, over 100,000 in population) first, and that pollution from “Phase II” cities (generally, those under 100,000) later. In our region, the Board initially issued permits to the Phase I permittees in a sequential fashion in the early 1990s. As these permits have been reissued at different times, permit provisions have gotten out of sync. Permittees have thus at times faced the challenge of implementing pollution control measures either in a different manner or a different schedule than elsewhere in the Region. The goal of the regionwide permit is to make the requirements and implementation for these Phase I permittees consistent regionwide, as well as consistent as possible with the Phase I requirements for Caltrans. Also, as the Board has begun adopting TMDLs that require actions by stormwater permittees, this regionwide permit will provide a “level playing field” for permittees to begin implementing the TMDLs.

Given the number of permittees and stakeholders involved, the development of this permit has been a long and complex endeavor, as we attempt to develop it in as open and collaborative a process as possible. After a stakeholder process now its third year, we plan to release an Administrative Draft Permit for public review within a few weeks, to be followed by additional public workshops and discussions, so that we can release a final tentative order for public review and Board consideration in late summer of this year. At this point, the process is not unlike our collaborative approach towards adopting TMDLs, where extensive public outreach and participation is needed to ensure that the Board is considering a final document appropriate for all permittees and stakeholders.

We have worked extensively with permittee representatives and the Bay Area Stormwater Management Agencies Association (BASMAA) managers to guide this process. We have also reached out to the public at large, representatives of environmental and community groups, and representatives of commercial interests, such as the Northern California Home Builders, in these discussions.

These stakeholders have been involved both in creating the draft permit provisions for key components of the permit, and in large public workshops providing comments on the draft provisions that were distributed in October 2006. Nonetheless, given the broad range of interests represented, it is understandable that not all parties have been pleased with the process to date.

The goals for the permit are to capture the strong performance of these Phase I permittees in the key permit components of Industrial and Construction Inspection, Public Outreach, Municipal Maintenance and Illicit Discharge Control. To adequately implement TMDLs, we need to focus these core activities on reducing the loads of pollutant of concerns such as mercury, PCBs, pesticide toxicity, trash, and copper to the Region's creeks and the Bay. The Board's requirements and implementation schedules for new and redevelopment projects adopted in the last six years remain controversial, and we aim to make these requirements more consistent regionwide. Also, according to a 2003 Superior Court decision, monitoring requirements in stormwater permits need to be specific about monitoring type, interval and frequency sufficient to yield data that are representative of the monitoring activities. Overall, the permit should include enough specific and clear requirements, and measures of accountability, so that permit compliance can be determined more directly and consistently than in previous municipal stormwater permits.

We will more fully describe the proposed permit and the remaining development process at the Board meeting. While we have not solicited comments for this status report, BASMAA and some of the community groups have submitted materials addressing the proposed permit and its development process. BASMAA has indicated its desire to speak during the Board meeting to represent the permittees and their concerns. We expect other groups to speak as well.

RECOMMEN-
DATION:

Information Item – No Action Required

Attachments – Comments Received

File No. 1210.48 (DCB, SRL)