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## San Francisco Bay Regional Water Quality Control Board

Notice Date: September 10, 2021

### **NOTICE OF PUBLIC WORKSHOP HEARING AND PUBLIC COMMENT PERIOD FOR THE TENTATIVE ORDER FOR 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) will hold a two-day public workshop hearing on the Tentative Order for the National Pollutant Discharge Elimination System (NPDES) permit covering municipal stormwater discharges from the entities listed below (collectively, Permittees). The Tentative Order, also referred to as the Municipal Regional Stormwater Permit or MRP, will replace the Permittees' existing stormwater permit.

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

JIM McGRATH, CHAIR | MICHAEL MONTGOMERY, EXECUTIVE OFFICER

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)

The cities of Fairfield and Suisun City, which have joined together to form the Fairfield-Suisun Urban Runoff Management Program (Fairfield-Suisun Permittees)

The City of Vallejo and the Vallejo Sanitation and Flood Control District (Vallejo Permittees)

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the Water Board will receive public comments on the Tentative Order in accordance with this notice.

At the public workshop hearing, the Water Board will consider and receive public comments on the Tentative Order. The hearing will be held as follows:

**DATE: October 12 & 13, 2021**  
**TIME: 9:00 AM (approximate) each day**  
**LOCATION: Video and Teleconference Only\*\*\***  
**No Physical Meeting Location**

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.

**\*\*\*As of the date of this notice, the public hearing is currently scheduled to take place remotely as described above, but the format of the hearing may be changed. Any person desiring to receive future notices about changes to the date, time, location, focus, or format of the public hearing must sign up for the Lyrus e-mail list, as described below.**

The Water Board will receive public comments on the Tentative Order on both hearing days. For purposes of an orderly hearing, however, at the October 12, 2021, hearing date, the Board will focus on public comments on the following Provisions of the Tentative Order, in addition to hearing other public comments: C.3 - New Development and Redevelopment, C.10 - Trash Load Reduction, and C.17 - Discharges Associated with Unsheltered Homeless Populations. At the October 13, 2021, hearing date, the Board will focus on public comments on the following Provisions, in addition to hearing other public comments: C.8 - Water Quality Monitoring, C.11 - Mercury Controls, C.12 - PCBs Controls, and C.14 - Bacteria Control for Impaired Water Bodies.

**BACKGROUND:** On September 10, 2021, the Water Board transmitted the Tentative Order to the Permittees and other stakeholders for public comments. The Tentative Order is a draft permit pursuant to 40 C.F.R. section 124.6(d), and opportunity for public comment is provided pursuant to 40 C.F.R. section 124.10 and California Water Code section 13167.5. 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 Tentative Order requires Permittees to reduce the discharge of pollutants from their MS4s and to effectively prohibit non-stormwater discharges into storm sewers pursuant to the federal Clean Water Act. It includes a Fact Sheet that sets forth the principal facts and the significant factual, technical, legal, and policy rationales for the Tentative Order's requirements.

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

[https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/index.html](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/index.html).

**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 November 9, 2021**. 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. Due to Covid-19, electronic submission is preferred, but not required. Written comments may be also 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.

**PROCEDURAL MATTERS:** The Water Board will conduct the workshop hearing in accordance with the California Code of Regulations, title 23, section 648, et seq. 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. Participants with similar comments are strongly encouraged to make joint presentations.

Joint presenters may request more than three minutes to present by submitting an email request to the Water Board by no later than **12:00 noon on October 5, 2021**. Requests for additional time for a joint presentation shall include the name of each presenter, the individuals or entities being represented, the topic of the presentation, the date(s) during the two-day hearing where the comments are proposed to be presented, the total amount of time requested, and the justification for the time request. Requests shall be sent to Derek Beauduy via email at [RB2-MRP@waterboards.ca.gov](mailto:RB2-MRP@waterboards.ca.gov). If you have any

questions, please contact him at (510) 622-2348. The Water Board will respond to the requests by **October 8, 2021**, and reserves the right to grant or modify requests for additional time and may schedule joint presentations for a time certain, consistent with the focus of topics for each day of the hearing set forth above.

The Water Board will not take an action at the conclusion of the public workshop hearing. Adoption of the Tentative Order will take place at a future noticed Water Board hearing. Changes to the Tentative Order consistent with the general purpose of the order may be considered and adopted by the Board.

Additional information on the public workshop hearing can be found on the Water Board's agenda ten days before the hearing, available at:

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

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 workshop or 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 the hearing format is changed to allow in-person attendance at a physical location and you require special accommodations, please contact Executive Assistant Guy Gutterman, (510) 622-2399, [Guy.Gutterman@Waterboards.ca.gov](mailto:Guy.Gutterman@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 Lyris e-mail list. **Any person desiring to receive future notices concerning the Tentative Order must sign up for the Lyris e-mail list.** To sign up, access the e-mail List Subscription form at the Lyris 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).