



B A S M A A



Alameda Countywide
Clean Water Program

Contra Costa
Clean Water Program

Fairfield-Suisun
Urban Runoff
Management Program

Marin County
Stormwater Pollution
Prevention Program

Napa County
Stormwater Pollution
Prevention Program

San Mateo Countywide
Water Pollution
Prevention Program

Santa Clara Valley
Urban Runoff Pollution
Prevention Program

Sonoma County
Water Agency

Vallejo Sanitation
and Flood
Control District

Bay Area

Stormwater Management

Agencies Association

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September 19, 2011

Mr. Charles R. Hoppin, Chair
State Water Resources Control Board

Subject: California Department of Transportation MS4 Permit

Dear Chair Hoppin:

On behalf of the MS4 stormwater permittee members of the Bay Area Stormwater Management Agencies Association (BASMAA), thank you for the opportunity to comment on the revised draft Caltrans Tentative Order (TO). These comments are in response to the Notice of Opportunity for Public Comment and Notice of Public Workshop issued by the State Water Board on August 18, 2011.

BASMAA and its member agencies are supportive of the objectives of the Revised Draft TO. However, there is one issue that we would like to call to your attention. Provision E.2.c of the Revised Draft contains Monitoring and Discharge Characterization Requirements. More specifically, Provision E.2.c.3)c contains Receiving Water Limitations Compliance Requirements. Section i. of that section provides that upon a determination that a discharge is causing or contributing to an exceedance of an applicable water quality standard (WQS), notification must be provided and a report filed with the Regional Water Board. (See p. 37 of the August 18 draft). However, the August 18 draft deletes the language indicating that the notification and reporting requirements do not apply to exceedances caused by pollutants subject to a waste load allocation.

This deletion, which makes all exceedances subject to the notification and reporting requirement, is confusing and may create a conflict with the TMDL compliance requirements contained in Provision E.4 and Attachment IV of the draft. This could be clarified by either leaving the deleted language in place, or by stating in i. that the provision does not apply to exceedances caused by pollutants subject to waste load allocations, and that such discharges are instead subject to the requirement contained in Provision E.4 and Attachment IV of the draft. This clarification would make regulation of such discharges more consistent with many of the current municipal MS4 permits.

Please contact me at (510) 670-6548 if you have any questions or would like to discuss our comments further.

Sincerely,

James Scanlin
Chair, Bay Area Stormwater Management Agencies Association

cc: BASMAA Board of Directors