

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JULY 19, 2011**

ITEM 10

SUBJECT

PUBLIC HEARING ON THE DRAFT TENTATIVE ORDER FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT

DISCUSSION

Discharges of storm water and non-storm water occur throughout the state from the Department's MS4. Before July 1999, these discharges were regulated by individual NPDES permits issued by the California Regional Water Quality Control Boards (Regional Water Boards). On July 15, 1999, the State Water Resources Control Board (State Water Board) issued a statewide permit ([Order No. 99-06-DWQ](#)) which regulated all storm water and certain non-storm water discharges from the Department's MS4. This included all State highways, rights-of-way, facilities, and construction activities. The existing permit (Order No. 99-06-DWQ) will be superseded by a new permit when the Tentative Order is adopted by the State Water Board and approved by U.S. EPA.

A [public notice](#) was circulated on January 7, 2011, advising that the [draft Tentative Order](#) was available for public review and comment. Written comments on the draft Tentative Order were due by 12:00 noon on March 14, 2011. A State Water Board workshop is expected to be scheduled for September 2011. Staff intends to submit the final Tentative Order for State Water Board adoption in October 2011.

The draft Tentative Order differs significantly from Order No. 99-06 in several respects, including:

- Transitioning from a characterization based monitoring and reporting program to a compliance based program.
- Incorporation of Total Maximum Daily Loads and implementation requirements directly into the permit.
- Removal of construction activities from regulation under the permit (now regulated directly under the Construction General Permit).
- A significantly expanded section on Region-specific requirements.
- New requirements for hydromodification, Low Impact Development, and post-construction treatment controls.

POLICY ISSUE

The Tentative Order places new requirements on the Department that will require a significant increase in expenditures for implementation of the storm water program and compliance with permit requirements. Without additional funding, the Department contends that it may have to reduce funding to other programs to meet the new permit requirements.

FISCAL IMPACT

The State and Regional Water Boards will incur added costs in implementing the new permit. Regional Water Boards will have to work with the Department to develop and approve TMDL implementation plans, and to monitor compliance. The State Water Board will need to monitor compliance with administrative requirements and to re-open the permit from time to time to approve required plans and submittals, and to incorporate new TMDLs.

REGIONAL BOARD IMPACT

Yes, all.

STAFF RECOMMENDATION

The State Water Board will not take action at the hearing. Staff will discuss changes being considered in the draft Tentative Order as a result of comments received, Regional Water Board consultations, and Board member briefings.