

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/WORKSHOP SESSION – DIVISION OF WATER QUALITY
JANUARY 8, 2013**

ITEM 6

SUBJECT

PUBLIC WORKSHOP TO RECEIVE ORAL COMMENTS ON THE NOVEMBER 16, 2012 REVISIONS MADE TO THE REVISED DRAFT TENTATIVE ORDER FOR THE GENERAL PERMIT FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

DISCUSSION

In 1999, the U.S. Environmental Protection Agency promulgated Phase II of its storm water regulations. Phase II required discharges of storm water from small municipal separate storm sewer systems (MS4s) be in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Phase II regulations address both traditional and non-traditional small MS4s. Non-traditional small MS4s are state and federal facilities, located in urbanized areas, whose storm water discharges are not addressed by a Phase I permit. The non-traditional small MS4s include college and university campuses, prisons, hospitals, etc.

The State Water Resources Control Board (State Water Board) adopted its Phase II Small MS4 permit on April 30, 2003 ([Order No. 2003-0005-DWQ](#)). The existing permit is under renewal and will be superseded when the revised draft order is adopted by the State Water Board and becomes effective.

A public notice was posted on June 7, 2011, advising that the draft Phase II Small MS4 permit was available for public review and comment. Written comments on the draft Phase II Small MS4 permit were due on August 8, 2011. The comment deadline was subsequently extended to September 8, 2011.

Based upon public comment, the draft Phase II Small MS4 permit was revised. On May 21, 2012, the revised draft Phase II Small MS4 permit was released to the public for review and comment. The comment deadline was June 23, 2012. A public hearing on the revised draft Phase II Small MS4 permit was held on August 8, 2012.

Based again upon the comments received during the public comment period and at the August 8, 2012, public hearing, staff made additional non-substantial revisions to the Revised Draft Phase II Small MS4 Permit. On November 16, 2012, the [revised draft Phase II Small MS4 permit](#) was released to the public for review and comment. The comment deadline was December 17, 2012. The State Water Board will consider adoption of the Revised Draft Phase II Small MS4 Permit at its February 5, 2013, Board meeting.

There has been considerable interest in the revised draft Phase II Small MS4 permit by the public, small MS4s subject to the permit, State and federal agencies subject to the permit and the Regional Water Quality Control Boards. Numerous comments have been received and were carefully considered by staff. State Water Board staff has additionally met with stakeholders several occasions to review their concerns, and with State Water Board

management to resolve and address the comments and concerns. The revised draft Phase II Small MS4 permit reflects the changes made as a result of the comments and concerns of all interested parties.

POLICY ISSUE

This is a workshop item and does not apply.

FISCAL IMPACT

This is a workshop item and does not apply.

REGIONAL BOARD IMPACT

This is a workshop item and does not apply.

STAFF RECOMMENDATION

This is a workshop item and does not apply. No action is required by the Board.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update 2008-2012 to enhance consistency across the Water Boards, on an ongoing basis to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.