

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, October 8, 2015
Regional Water Board Office
Santa Rosa, California

- ITEM: 6
- SUBJECT: Public Hearing on Proposed Order No. R1-2015-0030 Waste Discharge Requirements and Monitoring and Reporting Program for the County of Sonoma, the City of Cloverdale, the City of Cotati, the City of Healdsburg, the City of Rohnert Park, the City of Santa Rosa, the City of Sebastopol, the Sonoma County Water Agency (SCWA), the City of Ukiah, and the Town of Windsor, Discharges from Municipal Separate Storm Sewer Systems (MS4s), NPDES No. CA0025054
(Colleen Hunt)
- BOARD ACTION: The Board will consider adoption of Waste Discharge Requirements Order No. R1-2015-0030 (Proposed Order). The Proposed Order will serve as a National Pollutant Discharge Elimination System (NPDES) permit for a period of five years.
- BACKGROUND: Storm water runoff can carry pollutants that degrade water quality and impair the beneficial uses of waters of the U.S. For the past two decades, the State and Regional Water Boards, and the U.S. EPA have regulated storm water runoff with the goal of reducing pollutants carried into storm sewers and ultimately surface waters. The State and Regional Water Boards have been designated by U.S. EPA to regulate storm water discharges under the NPDES program.
- Agencies that operate an MS4 that discharge to waters of the U.S. and meet certain criteria must apply for an NPDES permit. MS4 operators must comply with permits that regulate storm water entering their systems under a two phase system. Phase I regulates storm water permits for medium (serving between 100,000 and 250,000 people) and large (serving 250,000 or more people) municipalities. Phase II regulates small municipalities (serving less than 100,000 people), including non-traditional small operations, such as military bases, public campuses, and prison and hospital complexes. In California, Phase I MS4 operators are regulated under individual permits adopted by regional water boards, and Phase II MS4 operators are regulated under a general statewide permit.
- DISCUSSION: The Proposed Order rescinds and replaces Order No. R1-2009-0050, *Waste Discharge Requirements for Storm Water and Non-Storm Water Discharges from MS4s*. The Phase I MS4 Co-Permittees regulated under Order No. R1-2009-0050 include the City of Santa Rosa, the County of Sonoma, and the Sonoma County Water Agency (SCWA). The remaining agencies designated under the Proposed Order were previously designated as Phase II MS4s. The Proposed Order names these seven Phase II MS4s as Phase I MS4 Co-Permittees.

The Proposed Order directs Co-Permittees to comply with the following new requirements:

- Develop and implement workplans to reduce copper, lead, zinc, pathogens and sediment in storm water runoff;
- Treat runoff from reconstruction of streets and roads that are less than 48 feet wide and remaining in the original footprint;
- Assess trash and litter within receiving waters; and
- Conduct monitoring in the Laguna de Santa Rosa Watershed. Co-Permittees are encouraged to seek collaborative opportunities to reduce the cost of receiving water monitoring by participating in the Russian River Watershed regional monitoring program once the program is established.

Public Comment Period

On May 22, 2015, a draft Order was circulated for a 45-day public review and comment period. Regional Water Board staff received close to 350 comments from ten entities within the public comment period. Staff reviewed and responded to the comments, and made necessary revisions to the Proposed Order. The comment letters, staff response to comments, including proposed revisions, are included as supporting documents in this package.

The County of Sonoma's comment letter was submitted after the public comment period ended. Comments submitted after the comment period ended cannot be accepted into the record by staff, and are not included in the agenda package. Some of the County of Sonoma's comments were consistent with other comments received and are reflected in the response to comments document. Staff is prepared to respond orally to any other comments from the County of Sonoma.

Staff has provided written responses to comments received timely. Below is a summary of the significant comments and changes made to the Proposed Order in response to the comments received.

Treatment of Runoff from Road Reconstruction

The Proposed Order requires Co-Permittees to implement post-construction Low Impact Development (LID) Best Management Practices (BMPs) to treat runoff from all reconstruction projects of streets or roads, including those remaining in the original footprint and less than 48 feet wide. Order No. R1-2009-0050 exempted reconstruction of streets or roads less than 48 feet wide from implementing LID BMPs. This exemption was removed from the Proposed Order.

Regional Water Board staff received comments from eight agencies with concerns regarding removal of this exemption. Insufficient funding, compliance infeasibility, and lack of water quality benefits were all referenced as supporting concerns against the removal of the exemption.

Regional Water Board staff believes that significant water quality benefits will be achieved from the implementation of post-construction LID BMPs at road or street reconstruction projects. Analysis of monitoring data collected under the current Order No. R1-2009-0050 found that metals typically found in street runoff were elevated in storm water runoff. LID is an effective method at treating pollutants generated in storm water runoff from streets and roads. The exemption was removed with the intent to expand the number of projects treating pollutants from street and road storm water runoff, and over time improve the quality of runoff.

To address concerns raised regarding compliance infeasibility and insufficient funding, Regional Water Board staff revised the Proposed Order to allow Co-Permittees to develop and implement an offset mitigation program as an alternative method of compliance. Additionally, the Co-Permittees who choose to implement an offset mitigation program will have a two year grace period to develop the program. Thus, road reconstruction projects will continue to be exempt from implementing post-construction LID BMPs during the grace period. If an equivalent offset project that will remove pollutants typically found in road runoff cannot be developed, Co-Permittees may install filters effective in removing pollutants typically found in road runoff directly in existing storm drains, and meet the requirements of the Proposed Permit. This type of treatment is less effective than LID BMPs, but would provide a substantial water quality benefit over existing conditions.

Trash Assessment

In the North Coast Region, the amount of trash that enters receiving waters via MS4s or other mechanisms is unknown. The draft Order required Co-Permittees to: (1) develop a trash assessment workplan within three months from the effective date of this Order, (2) implement the workplan within 30 days of the Regional Water Board Executive Officer's approval, and (3) submit a summary of the results within 90 days of completing the trash assessment. These due dates were established to align with implementation of the State Water Board's *Amendments to the Statewide Water Quality Control Plans for the Ocean Waters of California to Control Trash and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (Trash Amendments).

Comments were received from six agencies with concerns regarding the draft Order's short time frame for planning and reporting on the trash assessment. Allocation of funding and logistics of coordinating with other Co-Permittees were referenced as the main concerns. Commenters proposed to change the due date of the trash assessment workplan to one year after the effective date of the Proposed Order.

To stay on track with requirements of the Trash Amendments, Regional Water Board staff cannot recommend changing the due date of the workplan from three months to one year. To alleviate some

concern, however, an additional three months has been granted to allow for the preparation of the workplan. Regional Water Board staff stands firm that the assessment be conducted during the 2016/2017 fiscal year and be reported within 90 days of completion. This would ensure that the findings of the trash assessment are available prior to amending the Proposed Order to implement the Trash Amendments.

RECOMMENDATION: Adopt Order No. R1-2015-0030, as proposed.

SUPPORTING DOCUMENTS:

1. Proposed Order R1-2015-0030, Waste Discharge Requirements and Monitoring and Reporting Program for the County of Sonoma, the City of Cloverdale, the City of Cotati, the City of Healdsburg, the City of Rohnert Park, the City of Santa Rosa, the City of Sebastopol, the Sonoma County Water Agency, the City of Ukiah, and the Town of Windsor, Storm Water and Non-Storm Water Discharges from Municipal Separate Storm Sewer Systems, NPDES No. CA0025054 (tracked changes version)
 - a. Attachment A: Definitions
 - b. Attachment B: Beneficial Uses
 - c. Attachment C: Boundary Maps
 - d. Attachment D: Standard Provisions
 - e. Attachment E: Monitoring and Reporting Program
 - f. Attachment F: Fact Sheet
2. Response to comments and all timely comment letters
3. Public Notice