

### What is the purpose of the Small Municipal Storm Water Phase II Regulations?

Since it flows untreated into creeks, the Bay, or other waters, storm water runoff can be a significant source of water pollution. Urban development increases the pollutant load, volume, and velocity of storm water runoff. During urban development two important changes occur. First, urbanization results in increased pollutant loads such as auto-related emissions, human and pet wastes, municipal sewage, pesticides, household hazardous wastes, and trash. Secondly, naturally vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots.

The loss of vegetated soils is significant since it acts as a filter, removing many pollutants from storm water runoff. When the natural ground cover is converted to impervious surface, the natural purification characteristics of the land are lost and pollutants are washed into the storm sewer system.

Additionally, vegetated soils and natural landscape provide storm water retention and detention. When they are converted to impervious surfaces, the increased flows and volumes of storm water can cause bank erosion, channel widening, flooding, and loss of the natural floodplain. This can result in a loss or degradation of the beneficial uses of aquatic ecosystems. Significant declines in the biological integrity and physical habitat of streams and other receiving waters have been found to occur with as little as a 10% conversion from natural to impervious surfaces.

### What is the status of the State Phase II General Permit

The State Water Resources Control Board recently released a [draft State Phase II General Permit](#) - Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (General Permit). This permit and the permit workshop schedule are available for review on the State Board website:

[http://www.waterboards.ca.gov/stormwtr/phase\\_ii\\_municipal.html](http://www.waterboards.ca.gov/stormwtr/phase_ii_municipal.html)

### What Are the Deadlines to Comply?

By March 10, 2003, regulated Small MS4s located in an urbanized area as determined by the latest census must apply for coverage under an National Pollutant Discharge Elimination System (NPDES) permit by submitting to the Regional Board a Notice of Intent (NOI) to comply with the General Permit or a report of waste discharge to be covered by an individual permit. A Storm Water Management Program (SWMP) and a fee must be submitted along with the NOI.

Regulated Small MS4s designated by the State Board or the Regional Board must submit to the Regional Board within 180 days of designation notification or March 10, 2003, whichever is later, an NOI to comply with the terms of the General Permit, a SWMP and a fee.

Regulated Small MS4s that fail to obtain coverage under a general or individual permit by this date will be in violation of the federal Clean Water Act and the state Porter-Cologne Water Quality Control Act.

### How can I find out if I must apply for a permit?

If you still have questions after reviewing the information below, please contact your [Regional Board contact](#).

US EPA requires permits for storm water discharges from “Small MS4s” and from construction sites disturbing between 1 and 5 acres of land.

An “MS4” is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) designed or used for collecting or conveying storm water; (ii) which is not a combined sewer; and (iii) which is not part of a Publicly Owned Treatment Works (POTW).

A “Small MS4” is defined as an MS4 that is not permitted under Phase I regulations. This definition of a Small MS4 applies to MS4s operated within cities and counties, as well as governmental facilities that have a system of storm sewers.

The US EPA Phase II regulation includes a list of counties and cities that are automatically designated, and must apply for permit coverage, because they are located within an urbanized area. In addition, areas may be individually designated by the State or Regional Boards because they have a high population density, have a high growth potential, are significant contributors of pollutants to another permitted MS4, or discharge to sensitive waters. For instance, the City of Sonoma, with a population of 9500, was not automatically designated, however the City does discharge to a sensitive water body that is listed as impaired for sediment, nutrients, and pathogens, and is also an ‘urbanized cluster’ or high density area. Based on this, the SFB RWQCB is designating the City of Sonoma.

### List of Phase II County/Municipality in SFB RWQCB area

#### Government Facilities, Universities, and other designated sites

The State Board recently released a copy of the draft designation policy for certain governmental facilities such as universities, prisons or other government building complexes that may be required to apply for permit coverage by March 10, 2003, or within 180 days after receiving notice of their designation, whichever is later. The policy was included in the draft statewide General Permit for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4s). These types of facilities are included since cities, counties, and special districts often lack legal authority to regulate federal and state facilities. Federal and state facilities within regulated Small MS4s, or within medium and large MS4s, could

be regulated. To determine if your facility could be required to apply for coverage, please see the [draft State Phase II General Permit](#).

### [Construction activities](#)

The Phase II regulations require that construction activities disturbing between 1-5 acres of land now obtain a permit for storm water discharges. The statewide general permit for construction activities is being revised to reflect the new requirements and all construction activities disturbing 1 acre or greater will be required to apply for coverage under the Construction General Permit. Municipalities will need to require Design Standards for construction activities greater than 1 acre. (Please refer to [draft State Phase II General Permit](#)).

### [Industrial Sites](#)

Industrial sites will still need to apply for permit coverage and submit an NOI to be covered under the Industrial General Permit. However, under the Phase II program, the counties and municipalities may take a more active role in inspecting sites and enforcing if necessary.

### [General Permit vs. Individual permit – what will RB2 require?](#)

At this point in time, only Marin County, and those municipalities within Marin County, will be covered under an individual permit. Others will need to file to be covered by the State General Permit by March 10, 2003. At the time they file for coverage, municipalities will be expected to comply with the State General Permit. Over time, counties may be issued individual permits, but the Regional Board is more interested, at this time, in assisting municipalities develop and implement an effective storm water program.

[Co-permittees](#) The draft State General Permit does allow for co-permittees under the General Permit. Regional Board staff is working within each County to hold meetings with the implementers of the storm water programs (county and city staff). These meetings provide an opportunity to share information and begin a dialogue on how the program will be implemented and how to take advantage of what has already been developed elsewhere in the Bay Area. County and city staff are being encouraged to contact counties and cities already permitted pursuant to Phase I to apply the lessons learned through developing and implementing existing storm water programs.

### [Where can I find out more information about the Phase II Program?](#)

[Regional Board Contacts by County](#)

[Links to Additional Websites](#)

[www.epa.gov/npdes/stormwater](http://www.epa.gov/npdes/stormwater)

The U.S. Environmental Protection Agency website includes a copy of the US EPA Phase II regulations and a series of fact sheets on the national requirements.

[www.stormwatercenter.net](http://www.stormwatercenter.net)

Billed as the storm water manager's resource center, the website has fact sheets, slide shows, ordinance examples, manual builder, and many other items.

[www.BASMAA.org](http://www.BASMAA.org)

The Bay Area Storm Water Management Agencies Association website includes information about local workshops and issues pertinent to the Bay Area.

[www.abag.org](http://www.abag.org)

The Association of Bay Area Governments is a regional planning agency that is working to help solve problems in areas such as land use, housing, environmental quality, and economic development.

[http://mcstoppp.org/www\\_mcstoppp\\_org.htm](http://mcstoppp.org/www_mcstoppp_org.htm)

The Marin County Stormwater Pollution Prevention Program is a joint effort of Marin's cities, towns, and unincorporated areas to prevent stormwater pollution, protect and enhance water quality, preserve beneficial uses of local waterways, and comply with State and Federal regulations.

#### [Available literature](#)

[Bay Area Workshops](#) Workshop Presentation Materials

[Model Urban Runoff Program \(MURP\) Workshop](#)

[County/City Presentation](#)