

## **Final Meeting Notes**

### **Third Stakeholder Discussion for a Planned Region-wide Phase I MS4 Permit**

**Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200, Rancho Cordova, CA  
Board Room**

**12 November 2013, 1 p.m. - 3:30 p.m.**

#### **Attendees:**

Pamela Creedon, Executive Officer  
Clint Snyder, Assistant Executive Officer, Redding Office  
Brian Smith, Program Manager, MS4 Program  
Adam Laputz, NPDES Section Chief, Rancho Cordova Office  
Elizabeth Lee, Senior, Rancho Cordova Office, MS4 Program  
Gen Sparks, Rancho Cordova Office, MS4 Program  
George Day, Redding Office, MS4 Program  
Debra Mahnke, Fresno Office, MS4 Program  
Greg Gearheart, SWRCB  
Ali Dunn, SWRCB

Ba Than, City of Stockton  
Bill Forrest, City of Galt  
Bob Costa, Placer County  
Bob Hitomi, California State University at Sacramento  
Brendan Ferry, El Dorado County  
Brent Jorgensen, RBI, for Port of Stockton  
Brian Fragiao, City of Loomis  
Chris Fallbeck, City of Citrus Heights  
Chris Kraft, City of Roseville  
Christina Walter, City of Stockton  
Dana Booth, County of Sacramento  
Daniel Rourke, Fresno Metropolitan Flood Control District  
Darren Wilson, City of Elk Grove  
David Melilli, City of Rio Vista  
Delyn Ellison-Lloyd, City of Roseville  
Duane Becker, City of Modesto  
Faridal Mutalib, Department of the Navy  
Fernando Duenas, City of Elk Grove  
Francis Baldonado, City of Ripon  
Garner Reynolds, City of Turlock  
Gary Hansen, Lake County  
George Siren  
Gerardo Dominguez, County of San Joaquin  
Ivar Ridgeway, Los Angeles Water Board  
James House, City of Rocklin

J. Sanchez, City of Porterville  
Jason Riley, City of Dixon  
Justin Vinson, City of Atwater  
Karen Ashby, LWA, for City of Stockton and County of San Joaquin  
Kathy Garcia, City of Lodi  
Kathy Gregg, Yuba County  
Kay Dunkel, City of Ceres  
Kelye McKinney, City of Roseville  
Kevin Hamilton, Kern County  
Laurie Walsh, San Diego Water Board  
Lee Leavelle, Elk Grove Unified School District  
Lisa Koehn, City of Clovis  
Lisa Moretti, University of California at Davis  
Lydia Sizelove, City of Rocklin  
Manu Dhaliwal, City of Yuba City  
Mary Keller, Placer County  
Matt Davis, City of Modesto  
Melissa Thorne, Downey Brand, for Port of Stockton  
Michael Bryan, RBI, for Port of Stockton  
Michael Renfrow, City of Oakdale  
Paul Bedore, RBI for Port of Stockton  
Paul Saini, Stanislaus County  
Paul Siebensohn, Rancho Murieta Community Services District  
Paulina Rosenthal, City of West Sacramento  
Pedro Nunez, City of Delano  
Rhys Rowland, City of Davis  
Rob McLeod, Rancho Murieta Community Services District  
Robert Pachinger, Calaveras County  
Roberta Childers, City of Woodland  
Royal Lloyd, City of Los Banos  
Sarah Bradford, Federal Bureau of Prisons  
Sarah Staley, City of Folsom  
Scott Harter, City of Lakeport  
Scott Wahl, Shasta County  
Sherill Huun, City of Sacramento  
Stephanie Hiestand, City of Tracy  
Sue Fields, University of California at Davis  
Thom Clark, City of Hughson  
Thomas Blixt, Butte County  
Tim Kiser, City of Grass Valley  
Tom Sinclair, City of Modesto  
Tom Reyes, City of Vacaville  
Tony Pirondini, City of Vacaville  
Trisha Tollitson, City of Grass Valley

## **Welcome/Introductions**

- Central Valley Water Board staff welcomed meeting attendees. Introductions of Central Valley Water Board staff were made and the meeting purpose was described to all participants.
- There were some potential changes to the meeting notes from the 17 September 2013 Regional MS4 Permit meeting. A Word version of the 17 September 2013 Meeting Notes will be sent to stakeholder to review and make any changes necessary.
- Stakeholders requested that Meeting Notes try to be sent out within one (1) week of a given meeting.

## **Presentations**

Four presentations were made by representatives of the San Diego Water Board, Los Angeles Water Board, the City of Modesto, and Larry Walker Associates.

### *San Diego Water Board Presentation*

Laurie Walsh, San Diego Water Board, presented on the recently adopted Region-wide Permit by their office to the audience.

- The presentation provided highlights of the San Diego Water Board's permit, including a 2-year time frame to develop water quality improvement plans.
- This permit includes entities that would meet the criteria as Phase I and II MS4 Permittees.
- The City of Rio Vista representative asked if the California Department of Transportation (commonly known as CalTrans) could join under one permit, since CalTrans has a right-of-way through his municipality.
  - The representative stated it was difficult to coordinate under a separate Phase II MS4 Permit (City of Rio Vista) and Phase I MS4 Permit (CalTrans).
  - For clarification, the purpose of the Region-wide Permit is to allow Phase II MS4 Permittees to join with the Phase I MS4 Permittees in this effort.
  - Central Valley Water Board staff asked to continue the discussion with the City of Rio Vista at a later date.
- Phase II MS4 Permittees haven't been required to collect water quality data. Water quality data considered by the San Diego Water Board MS4 Permittees was solicited from their communities.
- In terms of the Central Valley Water Board's Region-wide Permit, Phase II MS4 Permittees are not required to enroll; enrollment would be optional since they are currently covered under the State Board's Phase II MS4 Permit.

### *Los Angeles Water Board Presentation*

Ivar Ridgeway, Los Angeles Water Board, presented on the recently adopted Region-wide Permit by their office to the audience.

- The presentation provided highlights of the Los Angeles Water Board's permit, including a focused water quality plan that implements effective best management practices.
- In terms of realized water quality improvements, the permit is too new to determine if source controls are effective and water quality data collection requirements.
- Clarifying Questions/Answers:
  - Can a Phase II MS4 Permittee enroll under the Central Valley Water Board's Region-wide Permit instead of the State Board's Phase II MS4 Permit?
    - Answer: Yes, the Phase II MS4 Permittee is only required to obtain permit coverage under either permit.
  - Could a Phase II MS4 Permittee opt into the Central Valley Water Board's Region-wide Permit at any time or do they need to wait until the State Board's Phase II MS4 Permit expires in five (5) years?
    - Answer: Ali Dunn, State Board, will need to research this issue and provide a response at a later date.

### *City of Modesto Presentation*

Tom Sinclair, City of Modesto, presented on the City's proposed risk-based method used to prioritize where water quality issues exist and non-structural and structural best management practices need to be focused.

- Method used to perform inspections and direct resources
- Clarifying Questions/Answers:
  - Is the City of Modesto a Phase I MS4 Permittee? Under their permit, is the City required to inspect commercial and industrial facilities?
    - Answer: Yes, the City is a Phase I MS4 Permittee. The current permit requires the City to inspect commercial and industrial facilities. Currently the City is reviewing different industrial type facilities to determine if existing best management practices are effective. The City is also reviewing their program for other program elements as well (i.e., redevelopment).
  - Has the City of Modesto negotiated with the Central Valley Water Board on using this method, especially to perform inspections?

- Answer: The City has requested changes in the Report of Waste Discharge and are currently awaiting approval from the Central Valley

#### *Larry Walker Associates Presentation*

Karen Ashby, Larry Walker Associates, presented on the City of Stockton-San Joaquin County's proposed water quality based approach.

- The approach is driven by water quality data collected by the City and County
- Under this approach, the City and County have the ability to prioritize identified water quality problems to specific water bodies. Resources would be allocated to address the highest prioritized water quality problems.
- No questions posed by stakeholders.

#### **Group Discussion**

Stakeholders asked Central Valley Water Board staff a series of questions, requests, and comments pertaining to the Central Valley Water Board's Region-wide Permit:

- Question: Is the Central Valley Water Board's vision to focus on watershed based permit?
  - Answer: The approach for the Central Valley Water Board's Region-wide Permit is water quality based. Based on further discussion with stakeholders, a watershed approach may be needed.
- Question: For the State Board's Phase II MS4 Permit, the second and third permit years are heavily weighted requiring the Phase II MS4 Permittees to expend resources to comply. How will they transfer to the new regional permit?
  - Answer: Based on discussions, Central Valley Water Board staff would like to move at a quicker pace to accommodate these types of issues. For example, Phase I MS4 Permits are on hold to be re-written. Depending on next couple of meetings Central Valley Water Board staff will work with stakeholder to determine if this will work and develop a timeline.
- Question: Phase II MS4 Permittees have only done visual and not quantitative monitoring to date. Can they use data from the large Phase I MS4 Permittees to begin evaluating water quality targets across their jurisdiction or watershed?
  - Answer: To get started, Central Valley Water Board staff suggested that Phase II MS4s could leverage data collected through TMDL development, Clean Water Act Section 303(d) listings, Surface Water Ambient Monitoring Program, agricultural

monitoring and others to gain a preliminary idea of ambient water quality conditions and establish priorities.

- Request: Watershed identification would be very important in order to collaborate across the region with multiple MS4s within a monitoring program.
- Request: San Diego Water Board laid out very specific meeting schedule so that stakeholders knew what the mission, goals and vision are. Could the Central Valley Water Board lay out a timeline for deliverables and topics of each meeting? This would help the Phase I MS4 Permittees, especially since a number of their permits have been administratively extended.
- Question: In terms of water quality monitoring to determine if improvements are identified, this could be a long-term process. Are there short term assessments that could be considered?
  - Answer: BMPs assessments in between monitoring would help to determine priorities. For example, source control programs that had instant or quick improvements in the water column would be a type of short term assessment. In other cases, some pesticides have been banned and are no longer available for residential use. Improvements were observed fairly quickly in impaired waterbodies. Interim assessments are important to make sure there is progress on source controls.
- Question: The Phase II MS4 Permittees are trying to understand what the Central Valley Water Board want from Phase II MS4 communities. Does the Central Valley Water Board want each individual Phase II MS4 Permittee to participate in the Region-wide Permit effort or can only some Phase II MS4 Permittees join into the Region-wide Permit effort? How would it work if the Phase II MS4s remained under the State Board's Phase II MS4 and observed the development of the Central Valley Water Board's Region-wide Permit?
  - Answer: Central Valley Water Board staff encourage the Phase II MS4 Permittees to participate so that the Region-wide Permit can be developed to include Phase II MS4 Permittees once it's adopted.
- Comment: Phase II MS4 Permittees will join the Region-wide Permit effort, especially if less resources are required from municipalities to implement their Storm Water Management Programs than what is required under the State Board's prescriptive Phase II MS4 Permit. Commenter believes it would be helpful to see water quality based program examples, including cost considerations and adaptive management, from the MS4 Permittees covered under the Los Angeles and San Diego Water Board's Region-wide Permits.

- Question: Has the Central Valley Water Board identified watershed boundaries within the Central Valley region.
  - Answer: Central Valley Water Board staff has not determined how level watershed boundaries will be determined. This could be determined through further discussions with MS4 Permittees in future meetings.
  
- Question: Central Valley Water Board staff asked for feedback from the Phase I MS4 Permittees.
  - Answer: The Port of Stockton would like to pursue a water quality based program, but the current permit does not allow this flexibility. Sacramento Area Permittees have a core program which implements monitoring to identify concerns, however in comparison to San Diego's permit, there is a scale issue to consider. The concept included in the San Diego permit is already implemented in the Sacramento Area permit, just at a different scale (i.e., the San Diego permit includes three larger permit areas reconfigured into 10 watersheds while the Sacramento Permittees work together over the entire County). Sacramento Area Permittees already collaborate through a regional monitoring program that collects data determined to be representative for each/all of the Permittees. The representative monitoring data is used to identify target pollutants and best management practices throughout the permit area.
  
- Comment: Could we discuss some potential topics for the next meeting?
  
- Comment: The approach in the Central Valley Water Board's Region-wide Permit is similar to the approach used in Lake Tahoe region, which makes sense. For example, working collaboratively in the Lake Tahoe region, MS4 Permittees looked at connectivity analysis in water. This approach changed how resources were allocated and what the MS4 Permittees were working on. This allowed the MS4 Permittees to focus which was more beneficial so they were not doing everything (actions) everywhere.
  
- Comment: The timeline is a concern, especially for Phase II MS4 Permittees enrolled under the State Board's Phase II MS4 Permit. It would be helpful if Phase II MS4 Permittees were provided guidance on complying with State Board's Phase II MS4 Permit requirements so that they can participate in the Central Valley Water Board's Region-wide Permit.

**Next Steps**

- The next meeting will be held in January 2014. Once the dates/times are secured a Doodle Poll will be distributed to the Phase I and II MS4 stakeholders.

- Central Valley Water Board staff is aware of emails and meeting appointments not being received by stakeholders and are looking into alternatives to communicate with the stakeholders (i.e., Lyris list, email address to receive questions). Stakeholders will be notified of any developments.
- Presentations, meeting notes and agendas will be made available on the Central Valley Water Board's website. Stakeholders will be notified as this is developed.
- Meeting notes from the 17 September 2013 will be distributed as requested in Word format so that proposed changes can be incorporated using Track Changes.
- Central Valley Water Board staff will try to issue Meeting Notes from this meeting within one (1) week, or soon thereafter.
- WebEx was difficult for stakeholders to hear questions throughout the meeting, so the meeting structure and location will be reviewed for the next meeting.
- A draft timeline and framework will be distributed prior to the next meeting in time for stakeholder review.
- At an interim break, Phase II MS4 Permittees were asked to review the list of "Issues to Address" developed by the Phase I MS4 Permittees at the 2 July 2013 Meeting and add any items they would like addressed. The following issues were provided by the Phase II MS4 Permittees (italics added for emphasis):
  1. Recognize variability across Central Valley region
  2. Pending permit renewals and timing of region-wide permit adoption
  3. Identify common elements between current Phase I MS4 Permittee programs
  4. Eliminate prescriptiveness and focus on water quality based programs
  5. State Board and Central Valley Water Board's roles and anticipated actions
  6. Prioritize efforts based on community needs
  7. Maintain adaptive management approach
  8. Length of region-wide permit term
  9. *Balance of State Board's 2013 Phase II MS4 Permit requirements and Central Valley Water Board's Region-wide Permit (i.e., use of SMARTS database for reporting, etc...)*
  10. *What do Phase II MS4 Permittees do during the Central Valley Water Board's Region-wide Permit process? Continue with current State Board permit requirements?*
  11. *Who would lead the Region-wide Permit?*
  12. *What are the advantages and disadvantages for Phase II MS4 Permittees to partner with Phase I MS4 Permittees and the join the "regional group?"*