

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

RESOLUTION NO. R5-2013-0079

**APPROVAL OF THE
REVISED GUIDANCE MANUAL FOR NEW DEVELOPMENT
FOR STORM WATER QUALITY CONTROL
FOR**

**CITY OF MODESTO
PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM
STANISLAUS COUNTY**

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board) finds that:

1. On 12 June 2008, the Central Valley Water Board adopted Waste Discharge Requirements Order R5-2008-0092 (NPDES Permit No. CAS083526), prescribing waste discharge requirements for the City of Modesto Phase I Municipal Separate Storm Sewer System, Stanislaus County. For the purposes of this Resolution, the City of Modesto is hereafter referred to as the "Permittee."
2. The Permittee owns and operates a municipal separate storm sewer collection system within the urbanized area of the City of Modesto. Storm water from the urbanized area is discharged to the Tuolumne and San Joaquin Rivers and their tributaries, draining to the Sacramento-San Joaquin Delta. Both the Tuolumne and San Joaquin Rivers are waters of the United States.
3. Order R5-2008-0092 includes Provisions 16 and 22, which require the Permittee to revise the 2001 *Guidance Manual for New Development Storm Water Quality Control Measures* (revised Development Standards) subject to a public review period and adoption by the Central Valley Water Board.
4. On 10 December 2009, the Central Valley Water Board adopted Resolution No.R5-2009-0119, approving the Permittee's Storm Water Management Plan (SWMP) as an enforceable component of Order R5-2008-0092. The SWMP describes the framework for management of storm water discharges during the term of the permit. The SWMP framework includes goals and objectives, legal authority, source identification process, funding sources, fiscal analysis, performance standards, Best Management Practice (BMPs) evaluation and improvement process, and monitoring plan of the storm water management program. The revised Development Standards is a component of the SWMP.

5. The revised Development Standards requires the implementation of low impact development control measures to protect receiving water and groundwater from adverse impacts of urban runoff and providing development standards for stakeholders. The revised Development Standards enhances the 2001 *Guidance Manual for New Development Storm Water Quality Control Measures* and reflects new permit requirements, which emphasizes the inclusion of storm water quality and watershed principles through low impact development implementation strategies for all qualifying priority new development and significant redevelopment projects. As required by Order R5-2008-0092, the revised Development Standards address the following:
 - (a) post development standards;
 - (b) priority development project categories;
 - (c) BMP requirements;
 - (d) numeric sizing criteria or equivalent numeric sizing criteria;
 - (e) pollutants and activities of concern;
 - (f) restaurants less than 5,000 square feet;
 - (g) infiltration and groundwater protection; and
 - (h) regional storm water mitigation.
6. Central Valley Water Board staff has reviewed the revised Development Standards and found it to be in compliance with the permit provisions.
7. The Central Valley Water Board has notified the Permittee and interested agencies and persons of its intent to approve the revised Development Standards and has provided them with the opportunity to review the revised Development Standards and submit their written views and recommendations. The 30-day public review for the revised Development Standards ended on 17 April 2013.
8. In accordance with California Water Code (CWC) section 13389, approval of this Resolution, which revises an enforceable component of Waste Discharge Requirements Order R5-2008-0092, is exempt from the provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.

THEREFORE, BE IT RESOLVED THAT:

The California Regional Water Quality Control Board, Central Valley Region, hereby approves the revised *Guidance Manual for New Development Storm Water Quality Control Measures* as required by Order R5-2008-0092.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00p.m., 30 days after the date of this Resolution, except that if the thirtieth day following the date of this Resolution falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 31 May 2013.

Originally signed by Ken D. Landau for

PAMELA C. CREEDON, Executive Officer