

## **Final Meeting Notes**

### **Fourth 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**

**17 January 2014, 1 p.m. - 3:30 p.m.**

#### **Attendees:**

Pamela Creedon, Executive Officer  
Ken Landau, Assistant Executive Officer, Rancho Cordova Office  
Clint Snyder, Assistant Executive Officer, Redding Office  
Bryan Smith, Program Manager, MS4 Program  
Lonnie Wass, Supervisor, Fresno Office  
Elizabeth Lee, Rancho Cordova Office, MS4 Program  
George Day, Redding Office, MS4 Program  
Matt Scroggins, Fresno Office, MS4 Program  
Gen Sparks, Rancho Cordova Office, MS4 Program  
Debra Mahnke, Fresno Office, MS4 Program  
Robert Lira, Fresno Office, MS4 Program  
Laurel Warddrip, SWRCB

Bill Forrest, City of Galt  
Brendan Ferry, El Dorado County  
Brent Jorgensen, RBI, for Port of Stockton  
Chris Kraft, City of Roseville  
Christina Walter, City of Stockton  
Dana Booth, County of Sacramento  
Dana Grossi, City of Rancho Cordova  
Daniel Rourke, Fresno Metropolitan Flood Control District  
Delyn Ellison-Lloyd, City of Roseville  
Fernando Duenas, City of Elk Grove  
Fred Bremermen, Cosumnes Services District  
Gerardo Dominguez, County of San Joaquin  
James House, City of Rocklin  
Jason Riley, City of Dixon  
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  
Lisa Moretti, University of California at Davis  
Mary Keller, Placer County  
Paul Bedore, RBI for Port of Stockton  
Paulina Rosenthal, City of West Sacramento

Rhys Rowland, City of Davis  
Robert Pachinger, Calaveras County  
Royal Lloyd, City of Los Banos  
Sarah Staley, City of Folsom Scott  
Wahl, Shasta County Sherill Huun,  
City of Sacramento  
Stephanie Hiestand, City of Tracy  
Steve Herrera, Herrera Engineering, City of Placerville

### **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 no additional changes to the meeting notes from the 17 September 2013 and 12 November 2013 Regional MS4 Permit meetings. The meeting notes will be finalized.
- New information to access WebEx was distributed to attendees.
- All handouts were provided to stakeholders attending the meeting in person and via the WebEx. Handouts discussed during the meeting are available on the MS4 Program website at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

### **Follow up on Action Items from Previous Meeting**

Central Valley Water Board staff provided an update on action items from the November 12<sup>th</sup> meeting. The following items were discussed:

- Handout entitled, “Regional Board Organization Chart” which provides organizational and contact information for MS4 Program staff in the Central Valley Water Board
- Lyris List and general MS4 Program email address.
  - The Lyris List for MS4 is setup and information will be distributed via the list. If stakeholders have attended any of the first three Region-wide MS4 Permit meetings, they were automatically enrolled in the Lyris List.
  - If a stakeholder was not automatically enrolled in the Lyris List, instructions on how to subscribe to the list will be added to the website soon. Please use the general MS4 Program email address to submit questions to MS4 Program staff.
- Regional Board website has an updated stormwater section for the Region-wide MS4 Permit. Stakeholders can find information on all meetings at this website.

- Small municipalities under the State Water Resources Control Board’s (State Board) Phase II MS4 Permit may remain under the State Board’s permit or volunteer to enroll under the Central Valley Water Board’s Region-wide MS4 Permit once it is adopted. In the meantime, compliance with the State Board’s Phase II MS4 Permit is still required.

## **Group Discussion and Feedback**

### ***Conceptual Water Quality-Based Framework***

Central Valley Water Board staff presented the highlights of the Conceptual Water Quality-Based Framework handout and requested feedback from stakeholders. The diagram provides a conceptual model of a possible water quality-based framework that may be considered in the Region-wide MS4 Permit.

- In summary, the results of water quality monitoring would be used to prioritize pollutants of concern and waterbodies to be monitored.
- Best management practices would be implemented through Stormwater Program Elements and then assessed for their effectiveness based on continued water quality monitoring results.
- If water quality goals were not achieved, new best management practices would be implemented and the process would be continued until water quality goals were met.
- If water quality goals were achieved, the analyte would be removed from routine monitoring although effective, feasible best management practices would continue to be implemented to ensure water quality objectives continued to be met.

### *Group Discussion*

- An alternative conceptual framework handout was described by Karen Ashby, Larry Walker and Associates, entitled, “Conceptual Water Quality-Based Framework for Region-wide MS4 Permit (Revised)”, which included the following key points:
  - More development of the ending/goal portion is needed, which is highlighted in the blue boxes
  - Critical to prioritize the pollutants of concern at a programmatic level including measuring changes to evaluate effectiveness of BMPs, evaluate goals and revise BMPs
  - Question: How would the off-ramp work? It appears to be too oversimplified on the Central Valley Water Board’s version of the framework.
  - Question: Are the water quality goals described in both versions of the framework similar to those described in the Los Angeles Water Board’s permit?
  - Comment: Some Permittees are confused with the definitions of water quality objective or water quality goals within both versions of the framework.

- Comment: Some pollutants of concern can't be changed with MS4 program (i.e., pesticides until they are prohibited from many actions, all MS4's can do is public outreach), so the MS4 should be evaluated with that mind. To make real progress with pesticides as a pollutant of concern, emphasis should be in source control with pesticide manufacturers and limited use.
- Comment: Suggest including interim goals or milestones to reach the goal or goals, considering a timeframe for reaching those goals too. One goal of this stakeholder process is to provide Permittees more flexibility to determine priorities for water quality improvement within their jurisdictions.
- Question: Will there be opportunities in the Region-wide MS4 Permit, should compliance goals not be met, like a "safe harbor"?
- Question: Is there opportunity to include language that shows that Permittees are doing all the steps that we agreed upon so that the Central Valley Water Board will limit enforcement? This could affect third party law suits.
  - Answer: In developing the Region-wide MS4 Permit, we are trying to avoid prescriptiveness so we need to find a middle ground. The permit should be set up to identify an iterative approach in recognition of the time it takes to achieve goals. Provisions will be included to take into account receiving waters language from State Board, including intermediate objectives
- Question: How often do we go through the iterative review process?
  - Answer: Adaptive management will be emphasized to be more real time and not so static and inflexible. In this way, the Permittees will be allowed to use resources most effectively
- Comment: Appreciated the revised framework provided by Larry Walker's office.
- Question: If the jurisdiction doesn't have a good baseline water quality data set, how much time would the Permittee have to collect data? Or do can a Permittee use another jurisdiction's data set? The concern is that it takes time to identify and develop priorities and best management practices, especially with legacy pollutants.
  - Answer: Permittees may be able to leverage other jurisdiction's resources to obtain water quality data, such as other regional water monitoring programs. When the MS4 Program began in the 1990s, Permittees didn't have much data. Over time, Permittees found that they had had similar pollutants of concern, although it is possible that each jurisdiction may have different sources. Ambient water quality data can be useful if that data can help understand stormwater pollutants of concern. As a Permittee's program develops, modifications to monitoring or focus on source reduction would occur. Small municipalities should work with larger municipalities to build a MS4 program that meets each jurisdiction's priorities and provides multiple benefits. When that occurs, we can call agree on where to spend resources on agreed upon priorities.

- Comment: The conceptual model is favorable for the Port of Stockton.
- Question: Regarding the assessment if a goal has been reached, it sounds subjective on Permittee? Will there be more guidance on laboratory analysis and the assessment process from the Regional Water Board? Comment: As part of iterative/adaptive process, best management practices should be re-evaluated, including new practices which were not shown on the Central Valley Water Board's version of the framework. In addition, the terms iterative and adaptive management processes should be defined. This is important so that the Permittees and Central Valley Water Board staff have mutual understanding of when a municipality reaches a goal. For instance, a Permittee could get cited for an exceedance while that jurisdiction is trying to fix the problem and address the source of the exceedance.

### ***Draft Charter***

Central Valley Water Board staff presented the highlights of the Draft Charter handout and requested feedback from stakeholders. The document provides an opportunity to discuss the mission, goals and objectives, and roles of those participating in the Region-wide MS4 Permit development process.

- Each section of the Draft Charter was read to the audience by Central Valley Water Board staff.

#### *Section 1, Mission*

- Comment: The objectives are good and the framework is needed but not as a mission statement.
- Question: What is the intent of this Charter? Is it to provide definitions to this subject and guiding principles that will go into permit? Or are we signing the Charter?
  - Answer: The intent of the Charter is to provide definitions and acknowledge conceptual components before starting to draft the Region-wide MS4 Permit
- Question: In reference to, "also to bring in consistent framework and conditions" ...is this the mission statement?
- Question: What is the feeling on the current State Board Phase II MS4 Permit and how will this new Central Valley Water Board Region-wide MS4 permit be different?
  - Answer: In comparison to the State Board's permit, the Central Valley Water Board is trying to provide more flexibility so that goals are focused on using available resources, instead of setting predetermined activities. The Central Valley Water Board's Region-wide MS4 Permit would be customized for achieving water quality improvements
- Comment: If a Permittee finds exceedances from sampling, they may need guidance on how to deal with sediment, pesticides, and dissolved oxygen exceedances. For Phase II MS4 Permittees, we still need prescriptiveness to be shown how to handle exceedances.

- Answer - Regional collaboration and leveraging of resources from nearby Phase I MS4 Permittees may help on these type of issues. The Central Valley Water Board is interested in helping Phase II MS4 Permittees to move through these program issues. Prescriptive activities (i.e., sweeping, outreach) don't always improve water quality. The Central Valley Water Board's focus is to protect water quality and allow resources to be focused on MS4 program elements that will result in improving water quality. Since this will take time for smaller municipalities to develop, Phase II MS4 Permittees should build off of Phase I Permittees. If the Region-wide MS4 Permit contained step by step guidelines, the flexibility to implement a Permittee's MS4 Program would be compromised. The intent is to identify problems and agree on what to focus on and then focus a Permittee's MS4 Program on resolving those problems. An iterative/adaptive management component should be included in the Region-wide MS4 Permit to address highest priorities for each Permittee (mission) which may take some work to incorporate. From monitoring, a Permittee's may find that water quality has not improving. In that instance, the Permittee should ask what more or different can be done to address their highest water quality priorities. With the Region-wide MS4 Permit, the Central Valley Water Board wants to create a MS4 Program to determine pollutants of concern then learn and create a feedback loop to the Permittee's MS4 Program to reach priorities. Storm Water Management Plans would be tailored to each community based on local issues understanding that that not all local issues and activities will be applicable to each entity.
- Comment: Permittee would like a larger toolbox to draw from to address priorities due to concerns they are limited to existing tools like stenciling and street sweeping

*Section 2, Vision/Permitting Approach and Goals*

- Comment: The second to the last paragraph of the Vision/Permitting Approach describes the basic steps a Permittee would take to develop a more focused program of monitoring, assessment, and reporting than in previous permits. From the language, it appears that more monitoring that will be necessary to see any change in water quality. It will take a lot of data each year to see changes, thus the Permittees would need to spend more time and resources on data monitoring.
  - Answer: For clarification, the Draft Charter states, a "better defined and more focused program", not an expanded or larger MS4 Program. For Phase I MS4 Permittees who have developed their MS4 Programs over several permit terms, water quality data collected during each permit term is used to determine short-term (i.e., a permit term) and long-term trends (i.e., all permit terms). Water quality data collected within a permit term may indicate a goal has been or not been achieved, or is in the process of being achieved. While short-term water quality data have been driving the water quality requirements in a Permittee's next permit, it actually may take more time to reach a water quality goal. Phase II MS4 Permittees are starting with baseline monitoring and should focus on identified pollutants of concern contributed by municipal stormwater runoff. The Region-wide MS4 Permit provides an opportunity to define a permit approach that builds in flexibility in monitoring and reporting.

- Question: Each year, water flow is variable, which affects pollutant loads. Would a Permittee focus on year to year trends or on average annual condition? It would seem that trends based on average annual condition would provide some regulatory protection. The long-term may show improvement where the short term does not.
  - Answer: Trends should be part of the analysis, understanding that there is variability in data. We do have regulatory issues to overcome and will be open to all potential strategies to analyze the data.
- Question: Will the Region-wide MS4 Permit include a consistent framework to evaluate monitoring and reporting? It sounds like the Permittee can change the monitoring program from this discussion.
  - Answer: A consistent approach with flexibility should be considered in the Region-wide MS4 Permit.
- Question: Please provide more clarification for Small MS4 Permittees on the prescriptiveness level in the Region-wide MS4 Permit. The City of Placerville is facing lots of prescriptive tasks under the current Phase II MS4 Permit; will the Region-wide MS4 Permit shift this? It also sounds like the Small MS4 Permittees will need to shift to a different monitoring under the Region-wide MS4 Permit.
  - Answer: Yes, if enrolled under the Region-wide MS4 Permit, Small MS4 Permittees will need to shift to the focus of that permit, improving water quality, not specific actions or tasks. To start, the Central Valley Water Board would consider Small MS4 Permittees may leverage existing data that is appropriate and/or representative for the municipality's water quality.
- Comment: Suggests that in addition to water quality monitoring, the Region-wide MS4 Permit should discuss low impact development (LIDs) and impervious areas and not only focus on water quality monitoring (prescriptive) language. This would help the Phase II MS4 Permittees anticipate what program changes they will need to make catch up to the Region-wide MS4 Permit.
  - Answer: Central Valley Water Board staff recognizes that some prescriptive elements do have benefits, including how adaptive monitoring will be accomplished. There will be an opportunity to focus on low impact development and impervious surfaces requirements, which may be simpler than describing an adaptive water quality monitoring framework. Comment: The Region-wide MS4 Permit should include management questions to assess if a Permittee is collecting data to address the questions that are being asked.
- Comment: It would be helpful if the Region-wide MS4 Permit contained a definition of effectiveness beyond water quality objectives. This is helpful to understand when a Permittee should toss a selected best management practice or modify it.

### *Section 3, Ground Rules*

- Question: In reference to Section 3, Goals, under number 3, Identifying synergies, would that require Permittees to develop extensive memoranda of understandings? There are some pre-existing partnerships that could be built on, but partnerships take

time to develop.

- Answer: The Sacramento Area Phase I MS4 Permittees use formal and informal partnerships to leverage resources. The partnership is working with Roseville and collaborates informally. It depends on the availability of resources (i.e., some types of data is free and can be shared). Permittees would need memoranda of understandings to share financial resources, which is not difficult to put together. The Sacramento Area Phase I MS4 Permittees determined financial share based on population percentages. The partnership has a steering committee to use money jointly. Data available from other state programs such as the Surface Water Ambient Monitoring Program (SWAMP), pesticide studies, California Department of Water Resources). Existing datasets can be accessed through these and other sources (i.e., most agencies will share data).
- Comment: The Sacramento Area Phase I MS4 Permittees found that many communities will share data. We have a formal memorandum of understanding to share data with seven other entities. As an example of work produced without a formal memorandum of understanding, the partnership developed a design manual in 2007 with Roseville.
- Comment: Suggestion to clarify language under Section 3, Goals, number 3, Identifying synergies. Replace “to give the Permittees a greater sense of ownership” with “more flexibility in meeting goals and objectives.”

#### *Section 4, Roles and Responsibilities*

- Comment: Under Roles and Responsibilities to develop permit, who is the facilitator? Will an outside party be brought in to facilitate since it states “professionally neutral”?
  - Answer: Gen Sparks is facilitating at this time during the initial Region-wide MS4 Permit meetings but it is expected she will not continue in the same capacity once the permit starts to be written. Central Valley Water Board staff recognizes that at a future time, another facilitator (from the State Board facilitation pool) will step in and assist with meeting preparation and oversight.

#### *Section 5, Ground Rules*

No comments or feedback were provided on this section during the meeting.

#### *Section 6, Group Organization*

No comments or feedback were provided on this section during the meeting.

#### *General Questions*

- Question: Will the Region-wide MS4 Permit be for all the entire Central Valley region?
  - Answer: Yes.

- Question: Does a Phase II MS4 Permittee need to join in the Region-wide MS4 Permit if there does not seem to be a benefit?
  - Answer: For Phase II MS4 Permittees, enrollment is voluntary, but we hope to develop a permit that will have broad benefit to all entities and is attractive to Phase II MS4 Permittees too.
- Question: Will the Region-wide MS4 Permit include all Phase I MS4 Permittees, replacing the existing Phase I MS4 Permits as they expire?
  - Answer: Yes.

***Tentative Schedule***

Central Valley Water Board staff presented the highlights of the Tentative Schedule handout and requested feedback from stakeholders. The document provides a tentative outline of the deliverables and milestones for Region-wide MS4 Permit development process.

- Question: What is the schedule to get all Permittees enrolled under the Region-wide MS4 Permit? 5 Years?
  - Answer: Central Valley Water Board staff will address this at the next meeting. For clarification, the Region-wide MS4 Permit is not to develop a one size fits all permit. The Central Valley Water Board would like to emphasize that the Region-wide MS4 Permit will be breaking the mold.
- Comment: For Phase II MS4 Permittees who need to continue working with the State Board on the Phase II MS4 Permit, especially the intensive requirements the second and third permit years, transferring to the Region-wide MS4 Permit may take additional resources to transfer while continuing to comply.
  - Answer: Yes. The Phase II MS4 Permittees will need to continue complying with current Phase II MS4 Permit until they are enrolled in the Region-wide MS4 Permit. The second and third permit years The requirements of year 2 and 3 may still be applicable to this permit and should result in water quality improvement if you transition after that time to this permit.
- Comment: The schedule is well thought out but we may need more emphasis on time to review submittals and then for the Central Valley Water Board to respond back and forth. The schedule seems short and may not have enough time for both entities and staff to review.
  - Answer: Central Valley Water Board staff recognizes the tentative timetable is aggressive, but this draft document is just a starting point for planning purposes. Adjustments may be needed as the process moves forth. Revisions will be discussed at the next Region-wide MS4 Permit meeting in April 2014. For the April 2014 meeting, Central Valley Water Board staff will look at revisions to the Draft Charter and Draft Conceptual Framework. A draft of the Storm Water Management Program elements portion of the Region-wide MS4 Permit will also be provided for review.

- Comment: For turnaround times, Sacramento County would be available to meet more often if that helped. Sacramento County recommended sub-committees provide feedback to Central Valley Water Board staff so not all entities need to travel each time or in between meetings.
- Comment: As a Phase II MS4 Permittee, the City of Roseville would prefer to have the Region-wide MS4 Permit sped up or slowed down. If Phase II MS4 Permittees are in permit year 4 or 5 of State Board's Phase II MS4 Permit, there may be more incentive after permit year 2 and 3 to join the Central Valley Water Board's Region-wide MS4 Permit since it will be slowed down during that timeframe
- Comment: The schedule is aggressive with only one round of reviewing the permit. The City of Sacramento recommends more time.
- Question: When do stakeholders come into this process?
- Question: How do the Storm Water Management Plans process work and will it be added to this schedule?
  - Answer: Central Valley Water Board staff is interested in stakeholder input on how Storm Water Management Plans will work, especially since Phase II MS4 Permittees do not produce a report-like Storm Water Management Plan under the State Board's current Phase II MS4 Permit. Stakeholders are not excluded from these meetings, but these meetings are focused on current Phase I and II MS4 Permittees for the moment. Stakeholders will most likely engage in providing their input during the public meetings scheduled for next Fall 2015. In addition, stakeholders may come to the Central Valley Water Board meeting approving the permit.
- Question: What is State Board's reaction to the Central Valley Water Board's Region-wide MS4 Permit?
  - Answer: State Board is fully supporting the Central Valley Water Board's Region-wide MS4 Permit effort although they could not attend today's meeting. To the Working Group idea, there will be some groups formed, but volunteers are needed to participate. Many helpful comments were brought forth today on topics Central Valley Water Board staff are discussing. The Draft Tentative Schedule is more a framework and will be revised to accommodate the steps needed to work on the Region-wide MS4 Permit. To form the Working Groups, Central Valley Water Board staff will distribute a survey to find out what portions of the Region-wide MS4 Permit stakeholders are most interested in, in time for distribution of the draft permit in mid-March 2014. The survey will be distributed in approximately 2-3 weeks. Finally, for the next meeting, please think about your time is best spent, such as a ½ day workshop format to make traveling worthwhile.

### ***Next Steps***

- Stakeholders should submit comments and revisions to the Draft Charter, or any other handout provided at today's meeting to Liz Lee, Gen Sparks, or Bryan Smith. Bryan Smith's email is [Bryan.Smith@ waterboards.ca.gov](mailto:Bryan.Smith@waterboards.ca.gov).
- The Central Valley Water Board's website will be updated to include instructions on how to enroll in the Lyris List.
- Next meeting scheduled for April 2014.
- Until next time, our office will communicate to the stakeholders regarding workgroups within approximately 2-3 weeks.
- Draft meeting notes will be sent out within approximately 10 calendar days.