



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for Environmental
Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

JUL 05 2006

Robert Costa
Placer County Department of Public Works
11414 B Avenue
Auburn, CA 95603

DESIGNATION AS REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - PLACER COUNTY

This letter is to notify you that the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) is designating the area of Placer County located within the Truckee River watershed in the Lahontan Region as a regulated Small Municipal Separate Storm Sewer System (MS4). This is exclusive of the portion of Placer County already permitted in the Lake Tahoe Basin. This designation requires the County to apply for coverage under a general National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges from Small MS4s.

As a regulated Small MS4, the County will be required to develop and implement a Storm Water Management Program (SWMP) to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and meet applicable water quality objectives through an iterative implementation approach. The Lahontan Water Board will require the County to develop and implement a comprehensive water quality monitoring program in conjunction with its SWMP. This requirement will be addressed in a separate letter.

Discussions of our authority and rationale for the designation, and the associated requirements are presented below.

Authority

In accordance with Section 13370 of the California Porter-Cologne Water Quality Act, the State Water Resources Control Board (State Water Board) and the Lahontan Water Board are responsible for implementing regulations developed under the Federal Water Pollution Control Act, as amended (also referred to as the Clean Water Act). These regulations include the requirements of the NPDES program.

California Environmental Protection Agency

In 1990, the U.S. Environmental Protection Agency (USEPA) promulgated regulations for permitting storm water discharges from municipal separate storm sewer systems (MS4s) serving a population of 100,000 people or more. These regulations, known as Phase I regulations, require operators of such MS4s to obtain storm water NPDES permits. An MS4 is a conveyance or system of conveyances that are: (1) designed or used for collecting or conveying storm water; (2) not a combined sewer; and (3) not part of a Publicly Owned Treatment Works. Conveyances include roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.

On December 8, 1999 the U.S. Environmental Protection Agency promulgated Phase II regulations that require the State Water Board to issue NPDES storm water permits to operators of "regulated Small MS4s" that discharge to waters of the U.S or to another MS4 regulated by an NPDES permit. Small MS4s include those that are owned or operated by the U.S., a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity (40 CFR § 122.26(b)(16)). Regulated Small MS4s are either automatically designated because they are located within an urbanized area defined by the U.S. Census Bureau, or specifically designated by the State or Regional Water Boards in accordance with established criteria.

Designation Criteria

In accordance with Section 123.35(b) of 40 CFR, the State Water Board developed criteria by which the State and Regional Water Boards may designate regulated Small MS4s that are not automatically required to obtain coverage under the Phase II MS4 NPDES permitting requirements. The designation criteria include the following parameters that affect water quality:

- a. High population density – High population density means an area with greater than 1,000 residents per square mile. Also to be considered in this definition is a high density created by a non-residential population, such as tourists or commuters.
- b. High growth or growth potential – If an area grew by more than 25 percent from 1990 to 2000, it is a high growth area. If an area anticipates a growth rate of more than 25 percent over a 10-year period ending prior to the end of the first permit term, it has high growth potential.

- c. Significant contributor of pollutants to an interconnected permitted MS4 – A Small MS4 is interconnected with a separately permitted MS4 if storm water that has entered the Small MS4 is allowed to flow directly into a permitted MS4. In general, if the Small MS4 discharges more than 10 percent of its storm water to the permitted MS4, or its discharge makes up more than 10 percent of the other permitted MS4's total storm water volume, it is a significant contributor of pollutants to the permitted MS4. In specific cases, the MS4s involved or third parties may show that the 10 percent threshold is inappropriate for the MS4 in question.
- d. Discharge to sensitive water bodies – Sensitive water bodies are receiving waters that are a priority to protect. They include the following:
- those listed as providing or known to provide habitat for threatened or endangered species;
 - those used for recreation that are subject to beach closings or health warnings; or
 - those listed as impaired pursuant to CWA section 303(d) due to constituents of concern in urban runoff (these include biochemical oxygen demand [BOD], sediment, pathogens, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons [PAHs], trash, and other constituents that are found in the MS4 discharge).

Additional criteria to qualify as a sensitive water body may exist and may be determined by the State or Regional Water Boards on a case-by-case basis.

- e. Significant contributor of pollutants to waters of the U.S. – Specific conditions presented by the MS4 may lead to significant pollutant loading to waters of the U.S. that are otherwise unregulated or inadequately regulated. An example of such a condition may be the presence of a large transportation industry.

A regulated small MS4 and the population that it serves need not meet all of the factors to be designated.

Basis for Designation

The Lahontan Water Board is designating the portion of Placer County within the Lahontan Region (excluding the Lake Tahoe Basin) as a regulated Small MS4. I have determined that the following designation factors apply to Placer County:

1. High population density – This area is subject to significant non-resident population increases and associated transportation activities due to tourism. For example, the estimated number of visitors serviced each ski season in the area is over 1.6 million, based on estimates for Squaw Valley USA, Alpine Meadows, and Northstar-at-Tahoe¹. These conditions increase traffic and the potential for storm water discharges to contain roadway-related pollutants such as sediment from road sand, oil and grease, and heavy metals.
2. High growth or growth potential – According to the U.S. Census Bureau, the growth rate from 1990 to 2000 in the Placer County portion of the Lahontan Region was over 40 percent. Significant future development pressure also exists in the Martis Valley area. According to the Martis Valley Community Plan Update Draft EIR² and analysis from the Town of Truckee Planning Commission³, over 1,000 new single-family residential units, 2,200 cluster-type residential units, and 345,000 square feet of commercial/office space is either in construction, approved, or proposed within Placer County. The current Martis Valley General Plan would allow for over 11,000 residential dwelling units and over 1.6 million square feet of commercial/office space at build-out. These conditions increase runoff and the potential for storm water discharges to contain excess sediment and other pollutants associated with development and land disturbing activities.
3. Discharge to sensitive water body – Storm water runoff from lands under Placer County's jurisdiction discharges to the Truckee River, which has historically provided important spawning habitat for Lahontan Cutthroat Trout (LCT). In 1970, the LCT was listed as a threatened species under the federal Endangered Species Act and the U.S. Fish and Wildlife Service (USFWS) is working to restore LCT in Pyramid Lake and its associated spawning grounds in the Truckee River. Control of excessive sedimentation is an important component of the LCT recovery effort. Additionally, the Truckee River is on the Clean Water Act 303(d) list of impaired waters for excessive sedimentation.
4. Significant contributor of pollutants to waters of the U.S. – Placer County's jurisdiction in the Truckee River watershed includes high elevation lands that have steep slopes and erosion prone soils that are highly sensitive to land disturbance. There is significant development either existing or planned that

¹ <http://www.placer.ca.gov/business/current-edp/econ-demo-profile.htm>

² Martis Valley Community Plan Update Draft EIR, May 2002 and Martis Valley Community Plan Update Revised EIR, Section 6.0 – Project Alternatives, March 2003

³ Town of Truckee Planning Commission Staff Reports dated December 8, 2004 (Development in 2004) and December 27, 2004 (Development in Martis Valley)

is adjacent to the small creeks and the main-stem Truckee River. These developments have a high potential to discharge sediment laden storm water as well as other pollutants to the waterways. For example, municipal water treatment servicing the Reno, Nevada area has historically been forced to shut down temporarily because of high turbidity in the Truckee River downstream of Placer County and other jurisdictions. Therefore, control of storm water runoff containing sediment from existing and future development is important to protecting downstream conditions.

Application Requirements

In accordance with the State Water Board's Water Quality Order No. 2003-0005-DWQ, Placer County **must** obtain coverage under NPDES General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit) by **December 31, 2006**. Detailed information on the application process and requirements of the permit may be found at the following State Water Board website:
<http://www.waterboards.ca.gov/stormwtr/municipal.html>

To obtain coverage under the General Permit, Placer County must submit to the Lahontan Water Board by **December 31, 2006** a Notice of Intent (NOI), a complete Storm Water Management Program (SWMP) document, and an appropriate fee. The SWMP submittal must include one hard copy document and one electronic copy in Word or PDF format. Based on the 2000 U.S. Census, the annual fee is \$2,500 (population between 1,000 and 9,999).

Storm Water Management Program (SWMP)

The critical action to meet the permitting requirements is the development and implementation of an appropriate SWMP designed to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and meet established water quality objectives for receiving waters. In accordance with the January 14, 2003, Ninth Circuit Court decision (*Environmental Defense Center v. EPA*), permit applicants obtain coverage under the General Permit only after the SWMP is approved by the Lahontan Water Board or its Executive Officer.

Lahontan Water Board staff will review the submitted SWMP. If Lahontan Water Board staff determine that the SWMP does not contain appropriate minimum control measures, the County will be given an opportunity to amend its plan. Once the Lahontan Water Board staff determines that the SWMP contains appropriate minimum control measures it will post the SWMP on the Lahontan Water Boards web site and will notify the public that they will have 60 days to

submit comments on the SWMP. At the end of the comment period I will either approve the SWMP because no adverse comments were received or will schedule a public hearing for the Lahontan Water Board to consider approval of the SWMP.

The SWMP must describe how pollutants in storm water will be controlled and address the following six program areas (Minimum Control Measures – see WQO No. 2003-0005-DWQ for more details regarding the minimum requirements):

1. Public Education

The Permittee must educate the public in its permitted jurisdiction about the importance of the storm water program and the public's role in the program.

2. Public Participation

The Permittee must comply with all State and local notice requirements when implementing a public involvement/participation program.

3. Illicit Discharge Detection and Elimination

The Permittee must adopt and enforce ordinances or take equivalent measures that prohibit illicit discharges. The Permittee must also implement a program to detect illicit discharges.

4. Construction Site Storm Water Runoff Control

The Permittee must develop a program to control the discharge of pollutants from construction sites greater than or equal to one acre in size within its permitted jurisdiction. The program must include inspections of construction sites and enforcement actions against violators.

5. Post Construction Storm Water Management

The Permittee must require long-term post-construction BMPs that protect water quality and control runoff flow, to be incorporated into development and significant redevelopment projects. Post-construction programs are most efficient when they stress (i) low impact design; (ii) source controls; and (iii) treatment controls. Information on this management measure may be found on the State Water Board's website at

http://www.waterboards.ca.gov/stormwtr/post_construction.html and at <http://www.nrdc.org/water/pollution/storm/chap12.asp>

6. Pollution Prevention/Good Housekeeping for Municipal Operations

The Permittee must examine its own activities and develop a program to prevent the discharge of pollutants from these activities. At a minimum, the program must educate staff on pollution prevention, and minimize pollutant sources.

Additionally, the storm water control program developed by Placer County must comply with specific provisions described in Attachment 4 of Water Quality Order No. 2003-0005-DWQ because it is a high growth area. Detailed information regarding provisions included in Attachment 4 may be found at the following website: http://www.waterboards.ca.gov/stormwtr/docs/final_attachment4.pdf

Placer County is responsible for the adoption and enforcement of ordinances and/or policies, implementation of identified control measures/BMPs needed to prevent or reduce pollutants in storm water, and for allocation of funds for the capital, operation and maintenance, and enforcement expenditures necessary to implement and enforce such control measures/BMPs within its jurisdiction. Therefore, the SWMP must include a discussion that demonstrates with reasonable assurance how the SWMP will be appropriately implemented.

It is the intent that the SWMP submitted with the NOI contain sufficient information such that Lahontan Water Board staff and interested parties understand the control practices that will be implemented or will be developed and implemented over the course of the term of the permit. It is anticipated that the SWMP initially submitted may be revised or modified based on review of staff or on comments provided by interested parties.

We encourage you to work with key stakeholders and Lahontan Water Board staff in developing the SWMP. If you have any questions, please contact Alan Miller at (530) 542-5430 or AMiller@waterboards.ca.gov.



HAROLD J. SINGER
EXECUTIVE OFFICER