



California Regional Water Quality Control Board  
San Francisco Bay Region



Terry Tamminen  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov>  
1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 • FAX (510) 622-2460

Arnold Schwarzenegger  
Governor

Date **AUG 04 2004**  
File No. 1538.01 (CEB)

Certified Mail No. 70032260000212621901

Mr. Donald P. Freitas  
Program Manager  
Contra Costa Clean Water Program  
255 Glacier Drive  
Martinez, CA 94553

**SUBJECT: ORDER R2-2004-0061 AMENDING THE CONTRA COSTA  
COUNTYWIDE NPDES MUNICIPAL STORMWATER PERMIT FOR  
THE CONTRA COSTA CLEAN WATER PROGRAM**

*Don*  
Dear Mr. Freitas:

On July 21, 2004, the Regional Water Quality Control Board, San Francisco Bay Region, adopted Order R2-2004-0061, amending the Contra Costa Countywide NPDES municipal stormwater permit for the Contra Costa Clean Water Program. We thank you, the Program, and the Permittees' staff for all the work toward writing the enclosed Order and making it accurately reflect the current state of permit implementation. We look forward to continuing the dialogue with you as we enter permit reissuance activities.

If you have any questions, please contact Christine Boschen of my staff at (510) 622-2346 or [ceb@rb2.swrcb.ca.gov](mailto:ceb@rb2.swrcb.ca.gov).

Sincerely,

*Oris*

*Bruce H. Wolfe*  
Bruce H. Wolfe  
Executive Officer

Enclosures:                   - Fact Sheet  
                                     - Adopted NPDES Permit, Order R2-2004-0061

cc (with enclosure):       - Mailing List

## Contra Costa Clean Water Program Contacts Mailing List

Updated July 2004

Todd Teachout  
Contra Costa Clean Water Program  
City of Pleasant Hill  
100 Gregory Lane  
Pleasant Hill, CA 94523-3323

Rinta Perkins  
Contra Costa Clean Water Program  
City of Walnut Creek  
P.O. Box 8039  
Walnut Creek, CA 94596

Roderick Wui  
Contra Costa Clean Water Program  
City of San Ramon  
P.O. Box 5148  
San Ramon, CA 94583-1350

Karineh Samkian  
Contra Costa Clean Water Program  
City of San Pablo  
One Alvarado Square  
San Pablo, CA 94806

Stephen Friday  
Contra Costa Clean Water Program  
City of Richmond  
Canal Boulevard  
Richmond, CA 94804

Ken Strelo  
Contra Costa Clean Water Program  
City of Pittsburg  
65 Civic Avenue  
Pittsburg, CA 94565

Nancy Voisey  
Contra Costa Clean Water Program  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564

Maya Rappaport  
Contra Costa Clean Water Program  
City of Orinda  
52 Charles Hill Road  
Orinda, CA 94563

Rich Lierly  
Contra Costa Clean Water Program  
Contra Costa County Public Works  
255 Glacier Drive  
Martinez, CA 94553-4825

Tim Tucker  
Contra Costa Clean Water Program  
City of Martinez  
525 Henrietta St.  
Martinez, CA 94553-2394

Jeff Roubal  
Contra Costa Clean Water Program  
City of Concord  
1455 Gasoline Alley  
Concord, CA 94519

Christine McCann  
Contra Costa Clean Water Program  
Town of Danville  
510 La Gonda Way  
Danville, CA 94526-1740

Donna Feehan  
Contra Costa Clean Water Program  
City of Lafayette  
Public Works Services  
3001 Camino Diablo  
Lafayette, CA 94549

Erwin Blancaflor  
Contra Costa Clean Water Program  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Bruce King  
Contra Costa Clean Water Program  
City of El Cerrito  
10890 San Pablo Avenue  
El Cerrito, CA 94530

Laura Hoffmeister  
Contra Costa Clean Water Program  
City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517-1250

Frank Kennedy  
Contra Costa Clean Water Program  
Town of Moraga  
c/o:  
Linhart Petersen Powers  
Associates (LP2A)  
7610 Auburn Blvd., Suite 5  
Citrus Heights, CA 95610

Don Freitas  
Contra Costa Clean Water Program  
255 Glacier Drive  
Martinez, CA 94553-4825

Tom Dalziel  
Contra Costa Clean Water Program  
255 Glacier Drive  
Martinez, CA 94553-4825

REGION FIVE CONTRA COSTA CITIES (NOT UNDER OUR JURISDICTION)

Phil Hoffmeister  
Contra Costa Clean Water Program  
City of Antioch  
P.O. Box 5007  
Antioch, CA 94531

Teresa Wooten  
Contra Costa Clean Water Program  
City of Brentwood  
708 Third Street  
Brentwood, CA 94513

Jason Vogan  
Contra Costa Clean Water Program  
City of Oakley  
P.O. Box 6  
Oakley, CA 94561

INTERESTED PARTIES:

Sejal Choksi  
WaterKeepers,  
NorthernCalifornia  
55 Hawthorne Street, Suite 550  
San Francisco, CA 94105-3924

Christine Palisoc  
Region 5 RQWCB, Sacramento

George Day  
Region 5 RWQCB, Sacramento

Law Office of Gary J. Grimm  
2390 Vine Street  
Berkeley, CA 94708

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**ORDER NO. R2-2004-0061  
NPDES PERMIT NO. CAS0029912**

AMENDMENT REVISING ORDER NO. 99-058, AS AMENDED, FOR:

CONTRA COSTA COUNTY, CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF CLAYTON, CITY OF CONCORD, TOWN OF DANVILLE, CITY OF EL CERRITO, CITY OF HERCULES, CITY OF LAFAYETTE, CITY OF MARTINEZ, TOWN OF MORAGA, CITY OF ORINDA, CITY OF PINOLE, CITY OF PITTSBURG, CITY OF PLEASANT HILL, CITY OF RICHMOND, CITY OF SAN PABLO, CITY OF SAN RAMON, CITY OF WALNUT CREEK, which have joined to form the CONTRA COSTA CLEAN WATER PROGRAM.

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter referred to as the Regional Board), finds that:

**FINDINGS**

1. **Incorporation of Fact Sheet:** The Fact Sheet for the Contra Costa Clean Water Program NPDES Permit Amendment includes cited references and additional explanatory information in support of the requirements of this Amendment. This information, including any supplements thereto, and any future response to comments on the Tentative Order, is hereby incorporated by reference.
  
2. **Existing Orders:**
  - The Regional Board adopted Order No. 99-058 (the Permit) on July 21, 1999, reissuing waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) for Contra Costa County, Contra Costa County Flood Control and Water Conservation District, and the sixteen cities and towns in the County, as named above (hereinafter referred to collectively as the Dischargers and individually as the Discharger).
  
  - On February 19, 2003, the Regional Board adopted Order No. R2-2003-0022, amending Provision C.3 (New and Redevelopment Component) to the Permit.
  
  - On July 21, 2004, the Regional Water Board adopted Order No. R2-2004-0059, modifying the Permit as it relates to monitoring and amendments to the Stormwater Management Plan (Plan) and the Permit, in response to the San Francisco Superior Court's Writ of Mandate and Statement of Decision. The Board also vacated administratively approved amendments to the Plan Order

because such approvals were granted contrary to the process sanctioned by the Court.

3. Basis for Amending the Permit:

Consistent with the requirements of the Permit, there have been changes to the Plan since its adoption in 1999. Those changes were approved by administrative action or inaction without a formal circulation process for public review or comments. On November 14, 2004, the San Francisco County Superior Court issued a Writ of Mandate and Statement of Decision that held that the Plan must be amended by Board, not Executive Officer, action and that modifications to the Plan, as an integral part of the Permit, must be subject to public notice and comment. Thus, the administrative changes to the Plan have effectively been invalidated and the Board formally invalidated those changes by Order No. R2-2004-0059 referenced above. This Order then brings the invalidated administrative approvals, and any pending requests for administrative approvals, to the Water Board for consideration and adoption.

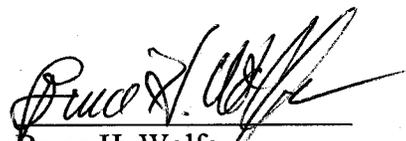
4. The Regional Board finds that these modifications of the Plan, previously approved by the Executive Officer, are appropriate and consistent with the Plan and Order No. 99-058.
5. This action to modify an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Division 13 of the Public Resources Code, Chapter 3, Section 21100, et.seq.) in accordance with Section 13389 of the California Water Code.
6. The Dischargers and interested agencies and persons have been notified of the Regional Board's intent to modify waste discharge requirements for the existing discharge and have been provided opportunities for public meetings and to submit their written views and recommendations.

**IT IS HEREBY ORDERED that the Dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted hereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted hereunder, shall comply with the following revisions:**

The following changes to the Plan (and hence the Permit) that are summarized in the table below (and attached hereto) are hereby approved:

<b>Summary of Modifications to the Stormwater Management Plan since the Adoption of Order No. 99-058 as Amended</b>			
<b>Requirements</b>	<b>Technical Content</b>	<b>Submittal Date</b>	<b>Executive Officer Approval Date</b>
Provision C.6 (formally C.5)	Change Yearly Permit Deadline for Annual Reports from September 1 to September 30	05/14/01	Accepted
Improvements	Performance Standards for Illicit Discharge Control Activities Component	10/22/03	Pending
Improvements	Performance Standards for Illicit Discharge Control Activities Component	03/01/04	Pending
Improvements	City of Clayton Performance Standard No. 26 for New Development and Construction Controls Component	09/30/03	10/01/03 Accepted along with 2002/2003 Annual Report

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 21, 2004.

  
Bruce H. Wolfe  
Executive Officer

Fact Sheet

**CONTRA COSTA CLEAN WATER PROGRAM**  
ORDER NO. R2-2004-0061  
AMENDMENT OF NPDES PERMIT NO. CAS0029912

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
1515 CLAY STREET, 14TH FLOOR  
OAKLAND, CA 94612

**I. Permit History**

- A. Contra Costa County, Contra Costa County Flood Control and Water Conservation District, City of Clayton, City of Concord, Town of Danville, City of El Cerrito, City of Hercules, City of Lafayette, City of Martinez, Town of Moraga, City of Orinda, City of Pinole, City of Pittsburg, City of Pleasant Hill, City of Richmond, City of San Pablo, City of San Ramon, and City of Walnut Creek (hereinafter Dischargers), have joined together to form the Contra Costa Clean Water Program (hereinafter Program). On July 21, 1999, the California Regional Water Quality Control Board for the San Francisco Bay Region (hereinafter referred to as the Regional Board) re-issued waste discharge requirements (NPDES Permit No. CAS0029912, Order No. 99-058, hereinafter Permit) under the National Pollutant Discharge Elimination System (NPDES) to the Program to discharge stormwater runoff from storm drains and watercourses within the Dischargers' jurisdictions by complying with the Permit and implementing the Permit's associated Stormwater Management Plan (hereinafter Plan).
- B. On February 19, 2003, the Regional Board adopted Order No. R2-2003-0022, amending Provision C.3 (New and Redevelopment Component) of the Permit. On July 21, 2004, the Regional Board adopted Order No. R2-2004-0059, amending the Permit in response to the San Francisco Superior Court's Writ of Mandate and Statement of Decision. The amendments pertained to monitoring requirements and the process for amending the Permit, including the Plan.
- C. Order Nos. 99-058 and R2-2003-0022 recognize the Program's Plan as the Dischargers' comprehensive control program and requires implementation of the Plan. The Plan describes a framework for management of stormwater discharges. Pursuant to Provisions in Order No. 99-058, the 1999 Plan has been administratively modified since then and describes the Program's goals and objectives and contains Performance Standards, which represent the baseline level of effort required of each of the Dischargers. The Plan contains Performance Standards for five different stormwater management components, including watershed assessment and monitoring.

**II. Discharge Description and Location:**

The Dischargers each have jurisdiction over and/or maintenance responsibility for their respective municipal separate storm drain systems and/or watercourses in the Contra Costa County basin. The basin can be divided into several sub-basins or watersheds including: Wildcat, San Pablo, Pinole, Rodeo, Alhambra, Walnut, Pine, Alameda, San Lorenzo, and San Leandro Creek. Discharge consists of the surface runoff generated from various land uses in all the hydrologic sub basins in the basin which discharge into watercourses, which in turn flow into San Francisco Bay. The quality of the discharge varies considerably and is affected by hydrologic, geologic, land use, season, and sequence and duration of hydrologic events.

**III. Rationale for Amendment of NPDES Permit No. CAS0029912**

- A. 1. In 2001, San Francisco BayKeeper filed a lawsuit in San Francisco County Superior Court challenging the Regional Board's adoption of the Permit. On November 14, 2003, the Court issued a Writ of Mandate and Statement of Decision that held that the Plan must be amended by the Regional Board, not Executive Officer, action and that modifications to the Plan, as an integral part of the Permit, must be subject to public notice and comment. The Regional Board adopted Order No. R2-2004-0059 to comply with Court's Writ of Mandate.
2. Consistent with the requirements of the existing Permit, there have been changes to the Plan since its adoption in 1999. Those changes were already approved by administrative action by the Executive Officer or by inaction without formal circulation process for public review or comments, which process was rejected by the Court. These changes to the Plan have effectively been invalidated by the Court and the Regional Board formally invalidated those changes by Order No. R2-2004-0059.
- B. This Order therefore amends existing Order No. 99-058, as amended, to bring the invalidated administrative approvals and any pending requests for administrative approvals for consideration and action by the Regional Board.
- C. Pursuant to 40 CFR sections 124.5.c.2 and 122.62 only those conditions to be modified by this amendment shall be reopened with this amendment. All other aspects of the existing permit shall remain in effect and are not subject to modification by this amendment.

**IV. Written Comments**

The formal written comment period for this Tentative Order to amend an existing Permit will **open on May 17 and close at 5 PM on June 18, 2004**. Comments on the Tentative Order shall be addressed to:

Regional Water Quality Control Board  
1515 Clay Street, 14th Floor  
Oakland, California 94612  
Attn.: Christine Boschen

Or

FAX: (510) 622-2460  
e-mail: [ceb@rb2.swrcb.ca.gov](mailto:ceb@rb2.swrcb.ca.gov)

**V. Public Hearing**

The Regional Board will consider the Tentative Order, and any proposed changes thereto based on public comments, at its July 21, 2004, meeting. The meeting will be held at:

**July 21, 2004  
9:00 A.M.**

**Elihu M. Harris Building  
First Floor Auditorium  
1515 Clay Street  
Oakland, CA 94612**

**VI. Additional Opportunities to Comment on NPDES Permit No. CAS0029912**

The purpose of this Permit amendment is to adopt invalidated administrative approvals to the Plan and any pending requests for amendments to the Plan in a manner that comports with applicable regulations. No other parts of the Permit, including the Plan, are being reopened and reconsidered. However, this permit is up for reissuance in 2004. There will be opportunities in the following months (dates and times to be announced) for the public to comment on the substance of the permit, in preparation for the permit reissuance. For more information, and to be placed on a notification list for this process, please contact Christine Boschen at (510) 622-2346, e-mail: [ceb@rb2.swrcb.ca.gov](mailto:ceb@rb2.swrcb.ca.gov).