

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).