

STATE WATER RESOURCES CONTROL BOARD  
**ORDER WQ 2016-XXXX-EXEC**  
**AMENDING**

WATER QUALITY ORDER 2013-0001-DWQ

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT NO. CAS000004  
WASTE DISCHARGE REQUIREMENTS  
FOR  
STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER  
SYSTEMS (MS4)

The California State Water Resources Control Board (hereafter State Water Board) finds:

1. On December 8, 1999, the United States Environmental Protection Agency (U.S. EPA) promulgated Phase II storm water regulations under authority of the Clean Water Act section 402(p)(6). The Phase II storm water regulations require the State Water Board to issue National Pollutant Discharge Elimination System (NPDES) storm water permits to operators of Small Municipal Separate Storm Sewer Systems (MS4s).
2. An MS4 is a conveyance or system of conveyances that is: (1) owned by a state, city, town, village, or other public entity that discharges to waters of the United States; (2) designed or used to collect or convey storm water (including storm drains, pipes, ditches, etc.); (3) not a combined sewage and storm water system; and (4) not part of a Publicly Owned Treatment Works or sewage treatment plant.
3. Title 40 of the Code of Federal Regulations (40 C.F.R.) section 122.26(b)(16) defines Small MS4s as those systems not defined as “large” or “medium” MS4s under section 122.26(b)(4) or (b)(7) or designated under 40 CFR section 122.26(a)(1)(v). The term Small MS4s includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares (40 C.F.R. § 122.26(b)(16)(iii)). These latter subsets of Small MS4s are referred to herein as Non-traditional Small MS4s. Non-traditional Small MS4s discharge pollutants that are typically associated with urban runoff.
4. The State Water Board adopted the initial Small MS4 General Permit on April 30, 2003 ([2003 Small MS4 Statewide General Permit](#)). The 2003 Small MS4 Statewide General Permit was a statewide permit that sets requirements for multiple permittees. In accordance with 40 C.F.R. section 122.32, all Small MS4s within an “urbanized area” were designated within the 2003 Small MS4 Statewide General Permit as Regulated Small MS4s. Additionally, the State Water Board, in accordance with 40 C.F.R. section 122.32, developed a process that designated Small MS4s outside of “urbanized areas” as Regulated Small MS4s within the 2003 Small MS4 Statewide General Permit. The 2003 Small MS4 Statewide General Permit did not designate non-traditional MS4s, and instead State and Regional Water Boards were granted authority to designate non-traditional MS4s after April 30, 2003.

5. The 2003 Small MS4 Statewide General Permit required the Regulated Small MS4s to apply for coverage to discharge storm water under either the 2003 Small MS4 Statewide General Permit, or an individual or alternative general Small MS4 permit, by August 8, 2003. The Regulated Small MS4 could also apply for regulatory coverage under an existing large or medium MS4 permit (hereinafter referred to as a Phase I Permit).
6. Sonoma County and Sonoma County Water Agency have jurisdictions that span the North Coast Regional Water Quality Control Board (North Coast Water Board) and the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board).
7. Sonoma County and Sonoma County Water Agency applied for coverage to discharge storm water under the North Coast Water Board Phase I Permit that was adopted on June 26, 2003 ([Order R1-2003-0062](#)). Sonoma County and Sonoma County Water Agency were subject to the storm water discharge requirements of the Phase 1 permit for the portions of their jurisdictions within the North Coast region. By administrative error, Sonoma County and Sonoma County Water Agency's 2003 Small MS4 Statewide General Permit coverage within the North Coast region had not been administratively rescinded and removed from Attachment 1 of the permit. On October 1, 2009, the North Coast Water Board reissued the Phase I Permit ([Order R1-2009-0050](#)) that continues to permit storm water discharges in portions of Sonoma County and the Sonoma County Water Agency within the North Coast region.
8. Sonoma County and the Sonoma County Water Agency enrolled under the 2003 Small MS4 Statewide General Permit for storm water discharged within the portions of their jurisdictions within the San Francisco Bay region and were assigned waste discharge identifications numbers (WDID) 2494076M01 and 2494076M02, respectively.
9. The State Water Board revised the 2003 Small MS4 Statewide General Permit and issued a new Phase II MS4 permit<sup>1</sup> on February 5, 2013 ([2013 Small MS4 Statewide General Permit](#)). New areas within Sonoma County that had not been included in the North Coast Water Board's 2009 Phase I Permit satisfied the small MS4 designation criteria in the 2013 Small MS4 Statewide General Permit. Therefore, Sonoma County submitted an application for coverage under the 2013 Small MS4 Statewide General Permit to discharge storm water for the portions of their jurisdiction not covered under the North Coast Water Board's Phase I Permit.
10. Sonoma County and the Sonoma County Water Agency submitted separate applications for coverage under the 2013 Small MS4 Statewide General Permit to discharge storm water for the portions of their jurisdictions within the San Francisco Bay region. Sonoma County and the Sonoma County Water Agency each are subject to the waste discharge requirements of the 2013 Small MS4 Statewide General Permit, and are assigned WDID 249M2000242 and 249M2000217. A processing error identified Sonoma County and the Sonoma County Water Agency in Attachment A of the 2013 Small MS4 Statewide General Permit as a single line item having joint coverage under the 2013 Small MS4 Statewide General Permit in both the North Coast and San Francisco Bay regions, implying that the two municipalities are a single permittee for discharges of storm water in both regions.

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<sup>1</sup> State Water Board Order 2013-0001-DWQ

11. State Water Board staff identified the following seven Small MS4 permittees in Attachment A of the 2013 Small MS4 Statewide General Permit that had their names truncated due to a formatting error:
  - Sonoma County
  - Sonoma County Water Agency
  - Tamalpais-Homestead Valley Census Designated Place (CDP)
  - San Francisco Public Utilities Commission
  - Port of San Francisco
  - City of Paso Robles
  - Madera Ranchos CDP.
  
12. On October 8, 2015, the North Coast Water Board adopted its Phase1 Permit, [Order R1-2015-0030](#) (2015 North Coast Phase I Permit). The 2015 North Coast Phase I Permit grants coverage for storm water discharges for all portions of Sonoma County jurisdiction within the North Coast region, including the portion currently permitted under the 2013 Small MS4 Statewide General Permit. The 2015 North Coast Phase I Permit also grants coverage for storm water discharges for the Sonoma County Water Agency jurisdiction within the North Coast region, and for the cities of Ukiah, Cloverdale, Cotati, Healdsburg, Rohnert Park, and Sebastopol, the town of Windsor, and the Census Designated Places (CDP) of Forestville CDP, Monte Rio CDP, Guerneville CDS, and Occidental CDP that are currently Regulated Small MS4s permitted under the 2013 Small MS4 Statewide General Permit. In accordance with Section G of the 2013 Small MS4 Statewide General Permit, upon issuance of an alternative permit to Regulated Small MS4 permittees by a regional water board, the 2013 Small MS4 Statewide General Permit no longer applies to those permittees.
  
13. This Executive Order amends Attachment A of the 2013 Small MS4 Statewide General Permit to: (1) administratively rescind permit coverage for Sonoma County and Sonoma County Water Agency for the jurisdictional portions in the North Coast region as discussed in Finding 7 of this Order, (2) list Sonoma County and the Sonoma County Water Agency separately as individual permittees as discussed in Finding 10 of this Order, (3) correct the truncation errors identified in Finding 11 of this Order, and (4) administratively rescind designation of all Regulated Small MS4s permitted for storm water discharges under the North Coast Water Board 2015 Phase I Permit. All permittees were notified of these proposed changes.
  
14. The 2013 Small MS4 Statewide General Permit states that the State Water Board Executive Director is authorized to amend Attachment A consistent with the designation criteria in the 2013 Small MS4 Statewide General Permit. The amendments in this Order are consistent with the designation criteria of the 2013 Small MS4 Statewide General Permit.

# DRAFT

March 22, 2016  
Revised March 25, 2016

15. The State Water Board has circulated this proposed Executive Order and the proposed amendments to Attachment A of the 2013 Small MS4 Statewide General Permit for a 30-day public comment period. Comments were due by noon on April 22, 2016. The Executive Officer has considered all public comments received.

**IT IS HEREBY ORDERED THAT:**

Order 2013-001-DWQ is hereby amended as shown in Attachment A of this Order. The amended 2013 Small MS4 Statewide General Permit is effective upon the date of the Executive Director's approval.

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Date

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Thomas Howard  
Executive Director