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Member Agencies: To: Marin General Services Authority Board and Paul Berlant, Executive Director, MGSA
Belvedere From: Terri Fashing, MCSTOPPP Manager
Date: May 30, 2012
RE: *Status of Revised Draft Phase II Stormwater Permit*

Corte Madera

Status of CA Phase II Stormwater Permit

County of Marin

In 2003, Marin's municipalities were required by State mandate to seek coverage under the California State Water Resources Control Board (State Water Board) Phase II stormwater general permit.¹ Marin is covered by the current Phase II permit until a revised permit is adopted and becomes effective in early 2013.

Fairfax

Larkspur

The State Water Board released a revised public draft of the Phase II Municipal Stormwater General Permit (draft permit) on May 17, 2012. Comments on the draft permit are due to the State Water Board at noon on July 23, 2012.

Mill Valley

MCSTOPPP staff will submit comments on the draft permit on behalf of all of MCSTOPPP's member agencies. A public hearing is scheduled for August 8 in Sacramento. We expect the State Water Board to adopt the permit in October 2012, and the permit will become effective 100 days after adoption (~February 2013). The draft permit and all of the accompanying permit documents are available on the State Water Board website:

Novato

Ross

San Anselmo

http://www.swrcb.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml.

San Rafael

Sausalito

Beginning in Fiscal Year 2013-2014, the re-issued permit requirements could increase local and countywide costs (costs will not increase in FY 12-13).

Tiburon

MCSTOPPP will work with local stormwater coordinators this June to assess the fiscal and staffing impacts of the revised draft permit. The only alternatives to implementing the requirements once they are adopted are to apply for an individual permit or to join a Phase I Permit within six months of the effective date of the re-issued Phase II permit. MCSTOPPP staff have determined that implementation of the revised draft Phase II permit would likely be the least expensive approach for Marin's municipalities. If upon closer scrutiny it is determined that the Bay Area Phase I Municipal Regional Permit offers a more cost-effective alternative, municipalities may consider authorizing MCSTOPPP to negotiate with the Regional Water Board to obtain coverage under the MRP.

¹ The permit regulates stormwater that enters our storm drain systems and waterways. Marin's municipalities have implemented countywide and local stormwater programs since 1993.

When compared to the June 2011 draft permit, the cost to implement the revised draft is reduced and is more comparable to existing permit requirements. The State Water Board received extensive comments on the cost of the 1st draft permit and on October 6, 2011, the California Senate Select Committee on Job Creation and Retention held a hearing on the permit's economic impacts. During the hearing the State Water Board's Executive Director agreed to direct staff to work with stakeholders to reduce permit implementation costs and to ensure that the new requirements are directly beneficial to water quality. MCSTOPPP staff have actively participated in stakeholder meetings since November 2011. Below is a list of some of the more significant changes that were made to reduce costs:

1. Deleted annual cost analysis requirement
2. Deleted Industrial/Commercial Inspection Program
3. Deleted mandatory construction inspection frequency
4. Deleted Trash Reduction Program (*however the State Water Board is developing a Trash Policy that will be used to craft future Phase II permit requirements*)
5. Modified post-construction standard requirements
6. Modified Public Outreach section
7. Eliminated redundancy with tracking requirements of other State Water Board permits
8. Extended compliance deadlines
9. Reduced the cost of new dry weather outfall monitoring requirements
10. Water quality monitoring costs for the County Novato, and San Rafael have decreased, however, the Regional Board will most likely require all municipalities in Marin to contribute to pesticide monitoring in East Marin creeks.

2012 Draft Permit Timeline for Outreach and Review:

June 6	MCSTOPPP Stormwater Coordinator meeting – review draft permit & its fiscal/staffing impacts
June 11	MCSTOPPP Citizen Advisory Committee meeting – review draft permit
June 15	State Water Board workshop - Sacramento
June 20	State Water Board workshop – Santa Rosa
June 21	MCSTOPPP draft permit presentation to MPWA
June 26	MCSTOPPP Stormwater Coordinator meeting – review MCSTOPPP comments and fiscal/staffing impacts
July 6	Municipalities will receive MCSTOPPP draft comment letter
July 6	MCSTOPPP Presentation to North Bay Watershed Association Board
July 12	Due date for edits to MCSTOPPP comment letter
July 23	Comments due to the state on the draft permit
August 8	State Water Board Public Hearing on draft permit – Sacramento (no Board action will be taken)
Oct 2012	Tentative: State Water Board will adopt final permit
Feb 2013	Tentative: Permit will become effective