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SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

27 March 2017

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Stanislaus County
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California Water Code Section 13267 Order for Delta Water Quality Monitoring

There are numerous small municipal storm water dischargers within and adjacent to the Sacramento River and San Joaquin River Delta. Storm water runoff from these urban landscapes may include pesticides, nutrients (from fertilizers), salts, mercury, metals, and pathogens. A surface water monitoring program is needed to assess the impacts of this runoff. Central Valley Water Board staff have identified that your municipal separate storm system may cause or contribute to these impacts on water quality within the Delta. Therefore, this Order requires your agency to participate in the Delta Regional Monitoring Program (Delta RMP). Participation in the Delta RMP will provide the Central Valley Water Board with the necessary monitoring program reports to assess the above impacts. Participation by numerous entities in a region-wide monitoring program is more effective than individual surface water monitoring programs to address impacts at the scale of the Delta.

Delta Regional Monitoring Program

The Sacramento-San Joaquin Delta is an important water supply for municipal, industrial and agricultural use for much of the State and is a critical ecosystem for fish and wildlife, including many rare and endangered species. Understanding the current conditions within the Delta (water quality and beneficial uses) and the potential impacts to those conditions is important in order to preserve and enhance the Delta and to inform regulatory and management decisions to protect Delta water quality.

The Delta RMP is a stakeholder driven coordinated approach to the understanding of contaminant distribution in the Delta to better inform management and policy decisions. The Delta RMP is led by a Steering Committee consisting of representatives from publicly owned treatment works, large and small municipal storm water permittees, irrigated agriculture, coordinated monitoring groups, water supply, federal regulators, resource agencies, and staff from the Central Valley Water Board and State Water Board. Annually, the Steering Committee establishes monitoring priorities, a detailed work plan, and budget.

Currently the Delta RMP is monitoring constituents that are commonly found in storm water runoff including pathogens, mercury, pesticides and their associated toxicity to aquatic organisms. Monitoring occurs at multiple locations throughout the Delta. Additionally, the Delta RMP is designing a nutrient monitoring program. More information on the Delta RMP and its monitoring efforts can be found at:

http://www.waterboards.ca.gov/centralvalley/water_issues/delta_water_quality/delta_regional_monitoring/index.shtml

CALIFORNIA WATER CODE SECTION 13267 REQUEST FOR TECHNICAL REPORTS

Section 13267 of the California Water Code states, in part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging...or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging... waste that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

Section 13268 of the California Water Code states, in part:

(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267...or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

The Lower San Joaquin River, including the Stockton Deep Water Ship Channel, has total maximum daily load (TMDL) control programs to address identified water quality impairments for organic enrichment, low dissolved oxygen, and the organophosphate pesticides - diazinon and chlorpyrifos. Pollutants in storm water runoff from Stanislaus County may cause or contribute to these and other water quality impairments in the Delta. Therefore it is essential that Stanislaus County participate in the Delta RMP to assess the impacts of storm water runoff.

29. Protection of Delta water quality is a high priority for the State. Delta water quality is impacted from many sources including storm water; therefore it is important to assess overall Delta water quality to inform management and regulatory decisions.
30. The Delta is impaired for pollutants typically found in storm water (e.g., pathogens, mercury, pesticides, and nutrients).
31. The overall cost for a coordinated comprehensive monitoring program is much less than the cost for multiple agencies to develop and implement individual monitoring programs.
32. Adequate participation in the Delta RMP will relieve the permittee of water quality monitoring that is required through its storm water discharge permit.

Pursuant to California Water Code section 13267, Stanislaus County shall participate in the Delta RMP. By 28 April 2017 your agency shall notify the Board of your intent to participate and provide your schedule for full participation, not to exceed 150 days from the date of this Order. Participation in the Delta RMP consists of annual financial contributions to the Delta RMP to enable the Delta RMP to conduct the monitoring and submit the necessary monitoring program reports. Table 1, developed in coordination with small municipal storm water agency Steering Committee representatives, will be used to determine your initial minimum annual funding level based on population. The Delta RMP Steering Committee may consider minor modifications to the population range and annual fee structure at its 3 May 2017 or subsequent meeting.

On 1 July 2013 the *National Pollutant Discharge Elimination System General Permit for Waste Discharge Requirements for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems*, Order No. 2013-0001-DWQ (General Permit) became effective. The General Permit contains monitoring requirements for waterbodies subject to a TMDL, waterbodies on the Clean Water Action section 303(d) list, and/or receiving water monitoring and special studies. Many municipalities subject to these monitoring requirements have not initiated the monitoring pending State Water Resources Control Board revisions to Attachment G of the General Permit. Adequate participation in the Delta RMP will be considered to satisfy portions of the General Permit's water quality monitoring requirements once the State Water Resources Control Board adopts amendments to the General Permit.

I intend to inform the Central Valley Water Board and the Delta RMP Steering Committee on the progress of your agency's and other small municipal storm water agencies' participation in the Delta RMP. You may request to express your agency's concerns about this 13267 Order to the Central Valley Water Board during their regularly scheduled meetings (meeting schedules are available at: http://www.waterboards.ca.gov/centralvalley/board_info/meetings/).

Failure to comply with this Order could result in an enforcement action under Section 13268 of the California Water Code. Please be advised that failure to comply with this Order to submit a proposal for participation may result in further enforcement action, including civil liabilities of up to \$1,000 per day for late or inadequate reports.

Questions regarding this Order may be directed to Elizabeth Lee at (916) 464-4787 or elizabeth.lee@waterboards.ca.gov. For more information about the Delta RMP, please contact Selina Cole at (916) 464-4683 or selina.cole@waterboards.ca.gov.



Pamela C. Creedon
Executive Officer

cc: Electronic copy only -
Delta RMP Steering Committee
Eugene Bromley, U.S. Environmental Protection Agency, Region IX, San Francisco
Diana Messina, State Water Resources Control Board, Sacramento
Bill Hereth, State Water Resources Control Board, Sacramento

Nichole Morgan, Central Valley Water Board, Rancho Cordova

Table 1
Small Municipal Storm Water Agency Annual Participation Funding Guidelines

Population Range	Annual Funding Guideline
7,999 or less	\$2,500
8,000 – 19,999	\$5,000
20,000 – 39,999	\$10,000
40,000 – 59,999	\$15,000
60,000 or more	\$20,000