



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

DEC 22 2010

Kim A. Schwab
Engineering Geologist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Re: Tentative MS4 Permit for the Port of Stockton (Permit No. CAS0084077)

Dear Ms. Schwab:

The following are EPA Region 9's comments on the tentative NPDES permit (permit No. CAS0084077) for the municipal separate storm sewer system (MS4) serving the Port of Stockton, which was public noticed by the Central Valley Regional Board (CVRB) on November 22, 2010.

In a letter to the CVRB dated November 17, 2010, Region 9 provided comments to the CVRB on a pre-notice version of this permit. In our November 17 letter, we expressed concern that the permit lacked the type of quantitative requirements for low impact development (LID) which we have been recommending for California MS4 permits, and which have commonly been incorporated in reissued MS4 permits in California in recent years. We cited as examples the Santa Ana Regional Board's MS4 permit for North Orange County, and the CVRB's own MS4 permit for eastern Contra Costa County. We also noted the results of our MS4 audits over the last 10 years which have repeatedly shown the need for such requirements to ensure an effective and enforceable permit program. However, the public notice version of the Port of Stockton permit retained the same LID provisions as the earlier version.

We recognize that the Port of Stockton is near sea level and that shallow groundwater, or groundwater contamination may restrict the use of certain LID techniques in some areas. However, the issue of technical infeasibility for LID can be addressed through the inclusion of requirements for alternative or in-lieu programs in the permit. The two MS4 permits noted above include provisions along these lines which could be included in the Port of Stockton permit. As such, we reiterate our previous recommendation that the Port of Stockton MS4 permit include clear, measurable LID requirements similar to other recently-issued MS4 permits in California.

-2-

We appreciate the opportunity to provide comments on the tentative permit. If you would like to discuss these comments, please contact Eugene Bromley of the NPDES Permits Office at (415) 972-3510.

Sincerely,


for David Smith, Manager
NPDES Permits Office (WTR-5)