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November 8, 1997

Dr. G. Robert Hale, Chairman  
Stormwater Task Force  
Alameda Cty Urban Runoff  
951 Turner Court, Rm 300  
Hayward, CA 94545

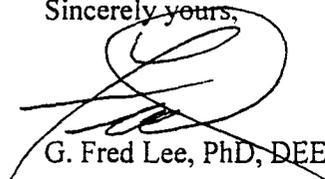
Dear Bob :

In my previous correspondence I suggested that the State Board should develop a proposed temporary waiver approach from urban area and highway stormwater runoff having to meet water quality standards in the receiving waters during wet-weather flow conditions. Please find enclosed a preliminary draft of a proposed "Act" that would enable the Water Resources Control Board and the regional boards to grant temporary waivers from meeting water quality standards for NPDES-permitted stormwater runoff from urban areas and highways. This draft write-up is patterned after the State of Maine Act to Create Wet-weather Quality Standards for combined sewer overflows. You may recall that the US EPA in 1996 as part of its Interim Draft Advance Notice of Proposed Rulemaking on the water quality standards regulation at 40 CFR 131 (ANPRM) suggested that the State of Maine Act which provides for wet-weather water quality standards where a temporary variance from meeting standards/objectives is allowed, is a possible approach to the problems of using US EPA water quality criteria as goals for urban area and highway stormwater runoff. The Task Force may wish to consider using my draft as a starting point for developing a temporary waiver approach that could be adopted by the State Board as part of the implementation of the California Toxics Rule.

As you will see, I am suggesting that the State Board should work with the permittees and others in developing the guidance that could serve as the basis for granting a temporary waiver under the conditions where the permittee has demonstrated to a reasonable degree that the exceedance of the water quality standards/objectives does not constitute a real water quality use impairment of the receiving waters for the stormwater runoff, i.e. is an administrative exceedance of the standards.

Please contact me if you have questions about this draft guidance. If you or others have comments on revisions, additions, etc. please bring them to my attention. Thanks for your assistance and let me know if I can be of help in this matter.

Sincerely yours,



G. Fred Lee, PhD, DEE

GFL:jlc  
Enclosure