



SAN MATEO COUNTYWIDE  
STORMWATER POLLUTION PREVENTION PROGRAM

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8/1 and 8/15 Meetings  
ASBS Special Protections  
Deadline: 8/15/06 5pm

August 15, 2006

Ms. Song Her  
Clerk to the Board  
Executive Office  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



**Subject: Comments on Working Draft – Staff Proposal Special Protections – Areas of Special Biological Significance Storm Water and Nonpoint Source Discharges June 14, 2006**

Dear Ms. Her:

The San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP) appreciates this opportunity to comment on the Special Protections intended to address storm water and nonpoint source discharges to Areas of Special Biological Significance (ASBS). STOPPP consists of the twenty cities in San Mateo County and San Mateo County; each of these municipalities owns and operates individual storm drain systems covered by one areawide municipal stormwater permit (NPDES Permit No. CAS0029921). STOPPP was created by the City/County Association of Governments of San Mateo County to assist with the implementation of NPDES permit requirements that are conducted for the mutual benefit of all of STOPPP's member agencies.

The following comments and suggested changes to the Special Protections are offered for your consideration.

**1. Allow Water Boards Flexibility in How Permit Language Is Crafted To Meet the Three Basic Requirements in the Special Protections**

**Proposed Special Protections.** On page 2, the Special Protections lists the following three basic requirements that must be met to allow discharges to ASBS.

- “1. Cessation of non-storm water runoff.
2. Maintenance of natural water quality within ASBS, including during precipitation events, by limiting wastes in storm water runoff and other activities that would otherwise cause a degradation of water quality.
3. Monitoring water quality and marine aquatic life in ASBS to ensure the protection of beneficial uses over time.”

The Special Protections then provide considerable detail about how these special requirements would be met.

**Comment.** Given the wide range of different types of ASBS areas around the state and the diversity of local circumstances, STOPPP believes that it is important to allow Water Boards flexibility in how the three basic requirements are met. For example, there may be circumstances where the very prescriptive monitoring requirements listed on pages 5 through 9 are appropriate, and there may be circumstances where the monitoring costs are better spent implementing measures to protect beneficial uses. The individual Water Boards are in the best position to address how the Special Protections should be applied in local situations considering what is practical and reasonable.

**Proposed Change.** The fourth paragraph on page 2 should be modified to make it clear that the Water Boards have flexibility on determining how the three basic requirements listed on page 2 are met.

“Discharges into ASBS are authorized only under the following special terms and conditions: Water Boards may implement requirements different from those listed in the remaining portions of these Special Protections provided the three basic requirements listed above are met.”

## **2. Clarify Where Specialized Protections Apply as Regards Storm Water Management Plans (SWMP)/Storm Water Pollution Prevention Plans (SWPPP)**

**Proposed Special Protections.** On page 10 there are several references to what SWMP/SWPPP's must contain, such as the following:

1. A map of surface drainage of storm water runoff;
2. A description of measures for eliminating non-storm water discharges;
3. Minimum inspection frequencies for construction sites, industrial facilities, commercial facilities, and storm drains;
4. Maintenance of storm drains to remove trash and debris;
5. BMPs that are currently in use and additional BMPs that will be implemented, and an implementation schedule not to exceed one year for these additional BMPs “to ensure natural water quality conditions in the receiving water;” and
6. A description of how the permittee will work with individual property owners, with direct stormwater discharges to the ASBS, to prevent pollution.

**Comment.** To avoid possible confusion about where these specialized protections will apply, STOPPP suggests the addition of clarifying wording. In addition, it makes sense to provide flexibility in how the Special Protection requirements are incorporated into the municipal stormwater requirements. In order to achieve these objectives the following wording should be added to the last sentence in the first paragraph on page 10 as shown as underlined text as follows:

**Proposed Change.** “The Regional Water Board will require special conditions to be included and addressed in the SWMP/SWPPP, NPDES permit, or other enforceable method as described below for all municipal stormwater outfalls that discharge directly to an ASBS.”

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Further, at the beginning of the fourth paragraph on page 10 the following clarifying wording would be helpful:

"For MS4s that discharge directly to an ASBS, the SWMP, NPDES permit, or other enforceable method must address the minimum inspection frequencies for construction sites, industrial facilities, and commercial facilities, if any, that are located in watersheds that drain to an MS4 that discharges directly to an ASBS." Again, the suggested additional wording is underlined.

### **3. Identify Alternative Methods for Addressing Requirements That Go Beyond Federal Clean Water Act**

**Proposed Special Protections.** The bottom of page 10 states in part the following: "The MS4 SWMP must describe how the permittee will work with individual property owners, with direct storm water discharges to the ASBS, to prevent pollution."

**Comment.** The purpose of MS4 (municipal separate storm sewer system) permits is to regulate the discharge of stormwater from municipal storm drain outfalls. It is inappropriate to require that discharges that drain directly to the ASBS without flowing through an MS4 be regulated under the MS4 permit.

**Proposed Change.** If the State Water Board chooses to use its authority under the California Water Code to require special protections beyond those contained in the federal Clean Water Act, there are other regulatory options, such as waste discharge requirements, that could be used to implement these specialized protections. Modify the last sentence on page 10 as follows:

**"Small storm water discharges from individual properties: The MS4-SWMP Water Boards must describe how ~~the permittee~~ they will work with individual property owners, with direct storm water discharges to the ASBS, to prevent pollution."**

We appreciate your consideration of these comments. If you have any questions, please contact me at 415 508-2134.

Sincerely,



Matt Fabry  
STOPPP Program Coordinator