



City of Riverbank

6707 Third Street • Riverbank, CA 95367-2396
Phone: (209) 869-7101 • Fax: (209) 869-7100

September 7, 2011



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-200

Subject: Comments on Draft Phase II Permit

Dear Board Members:

The City of Riverbank respectfully requests that the State Water Resources Control Board consider the following section comments when reviewing the proposed Draft Phase II Permit. The City would also like to bring to the board's attention that many cities in California are facing incredible budget shortfalls and the City of Riverbank simply does not have the financial resources or staff available to implement a vast majority of the additional requirements of the proposed Permit. Phase II communities are also severely limited in the ability to raise revenues due to judiciary constraints, such as Proposition 218, which require voter approval on local taxes, assessments, and fees. Due to these requirements, the City can have no reasonable expectation the State will agree to reimburse us for imposed programs that are unfunded state mandates the cost which the city is not able to carry. Finally, the City of Riverbank is concerned that if the Permit is adopted in its current form the City of Riverbank will be out of compliance by the first year.

38.1

Section E.4.b.iii: Do not require the Permittee's legal counsel to certify the Permittee has adequate legal authority to comply with all Order requirements. The City of Riverbank contracts out for counsel review and is charged an hourly rate. Requiring counsel to perform this task will ensure that counsel reviews the entire stormwater program and could be cost prohibitive and consume the majority of staff time answering council questions that could be otherwise spent on implementing the stormwater program. The City of Riverbank believes the Permit should allow the Permittee's Stormwater Program Administrator to certify the Permittee has adequate legal authority to comply with all Order requirements.

38.2

Section E.4.d: The Permittee should not be required to secure the resources necessary to meet all requirements of this Order. The City of Riverbank will not

38.3 → have adequate resources (funding and staffing) necessary to comply with the Permit. Because of this the City believes the Permittee should be required to only submit an annual stormwater budget including a summary detail of all budget items.

38.4 → Section E.5.b.ii.b: The Permittee should not be required to implement surveys to gauge the level of awareness and behavior change in target audiences and effectiveness of education tasks. The City of Riverbank has a population of 22,875 and has found that the use of surveys does not provide useful information. The City believes that face-to-face conversations with residents would be more beneficial than spending time conducting surveys.

38.5 → Section E.5.b.ii.c: The Permittee should not be required to use a Community-Based Social Marketing strategies or equivalent. The City of Riverbank believes that the Permittee should be allowed to create a Public Outreach and Education Program based on its own unique community goals. This approach would be much more effective in educating the public on effective stormwater measures.

38.6 → Section E.5.b.ii.l: The City of Riverbank believes it is important to teach children about stormwater, the No Child Left Behind program implemented by the State of California unfortunately limits the available classroom time to include stormwater education programs. Please provide guidelines or ideas on how City's can gain access to classrooms to introduce these programs.

38.7 → Section E.5.b.ii.m: The Permittee should not be required to reduce discharges from charity car washes, mobile cleaning and pressure washing operations, and landscape irrigation. The City of Riverbank is concerned about receiving negative feedback from the political community in its attempt to regulate charity organizations. Instead the City of Riverbank would like to include these events into its Public Outreach and Education Programs.

38.8 → Section E.5.b.iii: Permittees should not be required to report on the public education strategy and general program as specifically as required in this section. Instead, Permittees should be allowed to report on the activities completed in individual Public Outreach and Education Programs.

38.9 → Section E.5.c: The City of Riverbank suggests that this entire section should be removed. The City does not have the financial resources or staff to comply with this requirement. In addition, these requirements should be covered under the Industrial Permit. The City of Riverbank currently responds to reports of illicit discharge violations from industrial and commercial facilities, but expecting the City of Riverbank to implement a Community-Based Social Market program for industrial and commercial facilities is not within acceptable limits.

Section E.5.c.i: This requirement should be covered under the Industrial Permit. Permittees should not be required to develop and implement a comprehensive industrial/commercial outreach and education program.

Section E.5.c.ii.a: Permittees should not be required to develop a watershed-based inventory of high priority industrial and commercial facilities. Identifying 20 percent of the Permittee's urbanized boundary is arbitrary. Instead Permittees should respond to reports of illicit discharge violations and educate industrial and commercial facilities on a case-by-case basis.

Section E.5.c.ii.b: This requirement should be covered under the Industrial Permit. Permittees should not be required to develop and implement an industrial/commercial outreach program. Instead Permittees should respond to reports of illicit discharge violations and educate industrial and commercial facilities on a case-by-case basis.

Section E.5.c.ii.c: Permittees should not be required to implement a Community-Based Social Marketing program to address the Permittee's highest priority water quality problems. The City of Riverbank does not have a history of having water quality problems from industrial and commercial facilities. The City of Riverbank believes we would have a more productive stormwater program if it was allowed to focus more on public outreach by communicating and informing the target audience about the importance of stormwater protection.

Section E.5.c.ii.d: This requirement should be covered under the Industrial Permit. The Permittee should not be required to identify the frequency at which outreach shall be conducted. Instead Permittees should respond to reports of illicit discharge violations and educate industrial and commercial facilities on a case-by-case basis.

Section E.5.c.ii.e: This requirement should be covered under the Industrial Permit. The Permittee should not be required to conduct outreach to industrial/commercial facilities. Instead Permittees should respond to reports of illicit discharge violations and educate industrial and commercial facilities on a case-by-case basis.

Section E.5.c.iii: This requirement should be covered under the Industrial Permit. The Permittee should not be required to report program progress and mechanisms used for outreach and education. Instead Permittees should respond to reports of illicit discharge violations and educate industrial and commercial facilities on a case-by-case basis.

38.10

→ Section E.6: The City of Riverbank is confident that the Public Involvement and Participation Program is the most important element of the storm water program. The City of Riverbank will actively continue to encourage volunteerism, public comment and input on policy, and activism in the community.

38.11 → Section E.7.d: The Permittee should not be required to use the Center for Watershed Protection's guide on Illicit Discharge Detection and Elimination or equivalent, to develop and implement an IDDE program to detect, investigate, and eliminate illicit discharges, including illegal dumping into its MS4. The Center for Watershed Protection's guide on Illicit Discharge Detection and Elimination in itself is 176 pages, not including references and Technical Appendices. The City of Riverbank considers the requirements in this section will require an extraordinary amount of staff time and funds to implement, and will not assist the City of Riverbank in improving the existing stormwater program. Instead Permittees should be required to develop and implement a spill response plan and respond to reports of illicit discharge violations and educate violators on a case-by-case basis.

38.12 → Section E.7.a.ii.a: The storm drain map should not be required to include drainage areas contributing to the outfalls. This is an expensive and staff intensive requirement. The City of Riverbank has a current stormdrain map identifying outfalls and considers this to be sufficient. It is also unclear as to how the drainage area is defined. Please be more specific in what is being requested.

38.13 → Section E.7.a.ii.c: The City of Riverbank believes that priority areas should not be required to be identified. Permittees should respond to reports of illicit discharge violations and educate violators on a case-by-case basis.

38.14 → Section E.7.a.ii.d: The City of Riverbank believes that field screening stations should not be required to be identified. This requirement is expensive and staff intensive and should be removed from the permit.

38.15 → Section E.7.b.i: The Permittee should not be required to develop a list of priority areas that are likely to have illicit discharges. The City of Riverbank believes that the requirements in this section are too prescriptive, require extraordinary amounts of staff time to implement, are too costly, and will not assist the City of Riverbank in improving the existing stormwater program. The City of Riverbank believes the Permittees should be required to develop and implement a spill response plan and respond to reports of illicit discharge violations and educate violators on a case-by-case basis.

38.16 → Section E.7.b.ii: The Permittee should not be required to identify 20 percent of the urbanized boundary as priority. Identifying 20 percent of the Permittee's urbanized boundary is arbitrary and wasteful. Instead Permittees should respond to reports of illicit discharge violations and educate violators on a case-by-case basis.

38.17 → Section E.7.b.iii: The Permittee should not be required to submit the basis for selecting each priority area and creating a list of all priority areas identified in the

system. Instead Permittees should respond to reports of illicit discharge violations and educate violators on a case-by-case basis.

38.18

→ Section E.7.c.i: The Permittee should not be required to develop and implement a dry weather field screening and analytical monitoring program. The City of Riverbank is concerned that the requirements in this section are too prescriptive, require extraordinary amounts of staff time to implement, are too costly, and will not assist the City of Riverbank in improving the existing stormwater program. The City of Riverbank believes Permittees should be required to develop and implement a spill response plan and respond to reports of illicit discharge violations and educate violators on a case-by-case basis.

38.19

→ Section E.7.c.ii: The Permittee should not be required to conduct field observations, field screening monitoring, and analytical monitoring at selected stations. The City of Riverbank is concerned that the requirements in this section are too prescriptive, require extraordinary amounts of staff time to implement, too costly, and will not assist the City of Riverbank in improving the existing stormwater program. Instead Permittees should be required to develop and implement a spill response plan and respond to reports of illicit discharge violations and educate on a case-by-case basis.

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→ Section E.8.b.ii.c: The City of Riverbank believes the Permittee should only be required to verify if the construction site operator has submitted a NOI consistent with the Construction General permit.

38.21

→ Section E.8.e.iii: The City of Riverbank believes that Permittees should not be required to track training attended by contractors and surveys be done to demonstrate the awareness and potential behavioral changes in the attendees. This task is too time consuming and will take away from the time needed to run an effective stormwater program.

38.22

→ Section E.9.i: The City of Riverbank requests a definition for the term flood management facility.

38.23

→ Section E.11.a: This requirement should be covered under the Industrial Permit. Permittees should respond to reports of illicit discharge violations and educate industrial and commercial facilities on a case-by-case basis.

38.24

→ Section E.11.a.ii.c: Permittees should not be required to determine if the facilities are required to be covered under a NPDES permit. This should be covered under the Industrial Permit. If the Permit includes this requirement instructions on how to verify coverage should be included in the Permit.

38.25

→ Section E.11.b: This requirement should be covered under the Industrial Permit and should be removed. Permittees should respond to reports of illicit discharge

violations and educate industrial and commercial facilities on a case-by-case basis.

38.26 → Section E.11.c: This requirement should be covered under the Industrial Permit and should be removed from the Phase II Permit. Permittees should respond to reports of illicit discharge violations and educate industrial and commercial facilities on a case-by-case basis.

38.27 → Section E.14: This requirement should be removed from the Phase II Permit. The City of Riverbank believes that focusing more on public outreach and communication will help the city implement a more effective stormwater program.

38.28 → Section E.14.a.ii.d.2: This requirement should be removed from the Phase II Permit. Requiring science-based estimates of pollutant load removal for BMPs is a staff intensive and expensive requirement. Heavy metals have not been identified in the City of Riverbank as a challenge for our stormwater program.

38.29 → Section E.14.a.ii.e: This requirement should be removed from the Phase II Permit. Requiring water quality monitoring data is a staff intensive and expensive requirement. Time spent on public outreach would better serve the City of Riverbank's stormwater program.

38.30 → Section E.14.b.ii.a: Post Construction BMPs should not be required to be inventoried and mapped until installed.

Sincerely,



J.D. Hightower
Development Services Director