



September 8, 2011



Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
DWQ-Stormwater Unit  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento California 95814

Dear Ms. Townsend:

Comment Letter – Draft Phase II Small MS4 General Permit

California State Parks (CSP) is pleased to offer comments on the Draft Phase II MS4 National Pollutant Discharge Elimination System (NPDES) Permit. Michael Stephens, CSP Stormwater Program Manager, of our staff, has spent many hours with State Water Resources Control Board (SWRCB) staff working out myriad water quality issues and we believe that the program has much to recommend it. However, implementation problems abound, as reflected by the comments made by the California Stormwater Quality Association (CASQA). In general, CSP agrees with the comments from CASQA. We endeavor here to add information more specific to CSP.

We have some unique challenges, in part caused by the nature of our land holdings. Our holdings are spread across the State and are located in many disparate areas. For instance, while we do not have a large number of parks in major cities, an increasing number of our parks are closer to urban and suburban areas than they used to be. Some of our holdings, however, are in remote and inaccessible areas. This precludes a cookie-cutter approach. In addition, CSP does not have existing in-house staff with the technical expertise necessary to complete a number of the program requirements, although that is something we hope to build over time.

We also note that Phase I implementation of this Permit allowed far more time to implement the requirements. We have found, based on painful experience, that this type of implementation when applied to a non-existing program results in huge start-up costs but without any real effect in water quality. We cite the Empire Mine experience as an example. While we realize that there should be no undue delay in achieving water quality, we are also mindful of the challenges that minimal resources brought to bear on this program. Implementation should be as cost effective as possible.

Thus, we recommend several solutions that would enable CSP to more efficiently implement this program.

- CSP requests phased-in approach over multiple permit terms to develop a comprehensive stormwater program and achieve required compliance.
- Allow CSP to meet timelines from the date the permit is issued.
- Establish program requirements that are achievable and will be more likely to result in improved water quality. Stretching CSP resources beyond an attainable objective is more likely to result in the inability to comply with the permit.
- The SWRCB should give guidance on establishing cooperating agreements with parties that have regulatory conditions.
- Focus on programs that have a direct connection with water quality improvements. This permittee-developed approach will result in higher water quality.
- Encourage Maximum Extent Practicable approach to provide flexibility yet structure.
- Encourage the permittee to allocate stormwater resources that result in compliance.
- Encourage phased-in approach of retrofit requirements such that Phase II permittees learn from the successes and challenges of Phase 1.
- Prioritize programs to address priority water quality concerns relative to the specific park unit.
- CSP would like to be included as a stakeholder with the SWRCB, to help establish standards for non-traditional MS4 facilities such as recreational roads and trails for future permits.
- Another concern is the accomplishment of receiving water monitoring at permitted State Park facilities. This undertaking is not attainable within this permit term without statewide coordination, assistance, and a clearinghouse for funding a comprehensive statewide program for all dischargers who wish to participate. Substantial adjustments of the compliance schedule are also necessary.
- These comments do not thoroughly explore the benefits derived from the provisions of this permit so we encourage the SWRCB to engage with experienced stakeholders, such as CASQA, in these discussions. In particular, the proposed monitoring program appears to skip several levels of CASQA's Program Effectiveness Assessment scheme and focuses a tremendous amount of resources on receiving water monitoring without a clear link to stormwater management decision making.

The following offers specific changes.

Attachment C – List of New Permittees Comment:

CSP has reviewed the Revised New Non-Traditional Small MS4 Permittees-Attachment C; dated July 8, 2011. Our review suggests discrepancies exist related to specific state park facilities that will be covered under the General Permit. The July 8, 2011 Attachment C (list of covered facilities) version has 91 state park facilities identified for coverage. A state park analysis of Attachment C indicates that 97 specific state park facilities (units) will likely be identified for permit coverage. A list of these specific park units is presented in an attached Excel spreadsheet (file: MS4PARKSLISTJuly2011



(revxx)) with specific errors in the revised Attachment C noted on the spreadsheet. We can work with SWRCB staff on refining the identified park units requiring coverage. It is also probable that during the initial permit implementation period it will become apparent that some park units were misidentified as requiring coverage. CSP will request a waiver for these.

Attachment N – Permit Schedule Comment:

Many of the proposed permit compliance requirements have completion dates associated with them that are technically, administratively and logistically infeasible for CSP to comply with. Failure to meet these compliance dates would reflect negatively on both CSP and the SWRCB because of the considerable advanced planning effort between the two entities and the likely procurement of substantial program funding. In addition, this could result in 3<sup>rd</sup> party litigation. To avoid this situation, CSP has identified the unattainable deadlines and offers the necessary changes in Table 1. Modification of Attachment N would be a straightforward way to achieve this objective. CSP requests that the following changes to the Draft MS4 Permit Schedule (Attachment N) be incorporated into the Final Schedule.

1. E.7a: 2018 (Year 6)
2. E.9b: 2018 (Year 6)
3. E.9d: 2019 Year 7)

TABLE 1 – PROPOSED SCHEDULE CHANGES

| Section in Permit  | Item   | Issue   | Proposed Deadline for New Non-Traditional |
|--------------------|--|---|---|
| E.5                | Public education development                         | Insufficient time to both develop and implement.  | Year 5                                    |
| E.7<br>E.9<br>E.11 | MS4 mapping  | <p>Unlike most MS4s, CSP has remote facilities located throughout the State, so outfall mapping cannot be completed in the same timeframe as the other MS4s. Because of logistical and contractual limitations, a limited number of crews must travel from park to park instead of employing a parallel and concurrent effort at all parks. For this reason alone, the schedule for outfall mapping needs adjusting.</p> <p>There are substantial inefficiencies in the permit that are also caused by the disperse nature of state park facilities. Various field assessments must be accomplished on separate visits because of the compressed and overlapping compliance schedule for these individual tasks. Because parks are located throughout California, it is very inefficient to re-mobilization survey teams to accomplish individual tasks. These individual efforts cannot be completed per the existing schedule.</p> <p>Instead, outfall and drainage area mapping should be performed along with all other site assessment requirements.</p> <p>Performing these tasks together will result in substantial time and money savings.</p> | Year 6                                    |
| E.7<br>E.9         | Various site surveying and site assessment deadlines | See above comment.  | See above proposal.                       |
| E.9                | Develop SWPPPs                                       | Based on the definition of "hot spots," CSP may need to develop SWPPPs. Such an effort will require the entire permit term and part of the next. CSP can work with the SWRCB to prioritize parks with hot spots.  | Year 7                                    |

| Section in Permit | Item   | Issue  | Proposed Deadline for New Non-Traditional   |
|-------------------|--|--|---|
| E.13              | Receiving water monitoring plans; receiving water monitoring results | First, CSP may have to develop a monitoring plan that addresses monitoring locations at most of its facilities. Further, the outfall and drainage area information will not be available until Year 5 so receiving water monitoring deadlines should be addressed in the following permit cycle. | Remove requirement E.13.b and address monitoring in the following permit cycle (Year 8 and beyond for the monitoring plans, and results should be 3 to 5 years after monitoring plans are developed).<br><br>See Comment #5 in Table 2 for alternative approaches that may save time and perhaps allow implementation within the current permit term. |

Table 2 presents specific comments on permit provisions.

TABLE 2 – SPECIFIC COMMENTS ON PERMIT PROVISIONS

|   |      |  |  |
|---|------|--|--|
| 1 | E.12 | MS4 post-construction requirements vary substantially among Phase I MS4s. The requirement to follow Phase I MS4 standards for post-construction will result in a highly fractured and inefficient BMP implementation program. This also makes standardized training difficult. Unfortunately, such complications will likely cause confusion and ultimately result in an increase of inadequate or inappropriate post-construction BMPs. Instead, a single set of BMP requirements is preferred to allow for consistent employee training, BMP selection, BMP design, and BMP maintenance. | Allow non-traditional MS4s that span more than one Regional Board jurisdiction to follow the requirements of Section E.12 rather than following the various Phase I MS4 jurisdictions. |
| 2 | E.12 | The requirement to perform the rapid assessment for streams with CSP is a huge effort that may not be appropriate for CSP because its parks are not as likely to be developed to the extent as other Phase II MS4s.  | Exclude the SVRAs/Parks/Beaches/Historical/Fairgrounds/Cultural Areas category of Non-Traditional MS4s from this requirement.  |
| 3 | E.12 | The exclusions do not include projects that are necessary to meet American with Disabilities Act (ADA) requirements.   | Add projects that are necessary to meet ADA requirements to the exceptions in Section E.12.  |



|   |      |  |   |
|---|------|--|---|
| 4 | E.13 | Since the subwatersheds categories in Section E.12 include open space/forest, it appears that CSP is required to monitor at least two reaches at all state park facilities. It is unclear if every subwatershed will require monitoring. This is a substantial effort that is disconnected from CSP permit compliance activities due to the predominantly rural nature of CSP. It is therefore unlikely that the information can be used in any meaningful and objective program effectiveness assessment.   | The exclusion of new permittees from E.12b  |
| 5 | E.13 | The monitoring required by this permit will require CSP to seek partnerships to accomplish the work. The limitation of third party data specifically eliminates the possibility of CSP working directly with watershed or monitoring groups as second-party data collectors. Further, many areas lack citizen groups that have the ability to contract with the State. They also lack monitoring experience. There appears to be a need across both Phase I and Phase II permittees for a statewide clearinghouse to fund and direct receiving water monitoring. | <ol style="list-style-type: none"> <li>1. Explicitly allow payment to and advanced coordination with SWAMP to accomplish required monitoring.</li> <li>2. Add or re-allocate SWAMP staff to provide a clearinghouse for funding of monitoring projects throughout the State.</li> <li>3. Allow time for SWAMP staff to develop, contract, and coordinate with local monitoring groups and adjust compliance schedules accordingly.</li> </ol> |

CSP appreciates the opportunity to comment and looks forward to working with you.

Sincerely,



Anthony Perez, Deputy Director  
Park Operations  
California State Parks



Daphne Greene, Deputy Director  
Off-Highway Motor Vehicle Recreation Division  
California State Parks

| <b>Water Board Region No.</b> | <b>Park Unit Name</b>                 | <b>Urbanized</b> | <b>ASBS</b> | <b>Added to Attachment C</b> | <b>Removed from Attachment C</b> |
|-------------------------------|---------------------------------------|------------------|-------------|------------------------------|----------------------------------|
| 1                             | Caspar Headlands SB                   |                  | x           | x                            |                                  |
| 1                             | Caspar Headlands SR                   |                  | x           | x                            |                                  |
| 1                             | Del Norte Coast Redwoods SP           |                  | x           | x                            |                                  |
| 1                             | Humboldt Lagoons SP                   |                  | x           | x                            |                                  |
| 1                             | Jug Handle SR                         |                  | x           | x                            |                                  |
| 1                             | Mendocino Headlands SP                |                  | x           | x                            |                                  |
| 1                             | Mill Creek Property                   |                  | x           | x                            |                                  |
| 1                             | Patrick's Point SP                    |                  | x           | x                            |                                  |
| 1                             | Pelican SB                            |                  | x           | x                            |                                  |
| 1                             | Point Cabrillo Light Station Property |                  | x           | x                            |                                  |
| 1                             | Prairie Creek Redwoods SP             |                  | x           | x                            |                                  |
| 1                             | Sinkyone Wilderness SP                |                  | x           | x                            |                                  |
| 1                             | Tolowa Dunes SP                       |                  | x           | x                            |                                  |
| 1                             | Trinidad SB                           |                  | x           | x                            |                                  |
| 1                             | Z-No such Park                        |                  |             |                              | Gerstle Cove                     |
| 1                             | Z-No such Park                        |                  |             |                              | Jughandle Cove                   |
| 1                             | Z-No such Park                        |                  |             |                              | Kings Range                      |
| 1                             | Z-No such Park                        |                  |             |                              | Trinidad Head                    |
| 2                             | Candlestick Point SRA                 | x                |             |                              |                                  |
| 2                             | China Camp SP                         | x                |             |                              |                                  |
| 2                             | Eastshore State Seashore              | x                |             |                              |                                  |
| 2                             | Half Moon Bay SB                      | x                |             |                              |                                  |
| 2                             | Jack London SHP                       | x                |             |                              |                                  |
| 2                             | John Marsh Home                       | x                |             |                              |                                  |
| 2                             | Lighthouse Field SB                   | x                |             |                              |                                  |
| 2                             | Manresa SB                            | x                |             |                              |                                  |
| 2                             | Montara SB                            | x                | x           |                              |                                  |
| 2                             | Mount Diablo SP                       | x                |             |                              |                                  |
| 2                             | Natural Bridges SB                    | x                |             |                              |                                  |
| 2                             | New Brighton SB                       | x                |             |                              |                                  |
| 2                             | Olompali State Historic Park          | x                |             |                              |                                  |
| 2                             | Point Montara Light Station           | x                |             |                              |                                  |
| 2                             | Samuel P. Taylor SP                   | x                |             |                              |                                  |
| 2                             | Santa Cruz Mission SHP                | x                |             |                              |                                  |
| 2                             | Seacliff SB                           | x                |             |                              |                                  |

|   |                                  |   |   |            |
|---|----------------------------------|---|---|------------|
| 2 | Sunset SB                        | x |   |            |
| 2 | The Forest of Nisene Marks SP    | x |   |            |
| 2 | Twin Lakes SB                    | x |   |            |
| 2 | Wilder Ranch SP                  | x |   |            |
| 3 | Ano Nuevo SP                     |   | x |            |
| 3 | Ano Nuevo SR                     |   | x |            |
| 3 | Asilomar SB                      | x |   |            |
| 3 | Carmel River SB                  |   | x |            |
| 3 | Carpinteria SB                   | x |   |            |
| 3 | El Presidio de Santa Barbara SHP | x |   |            |
| 3 | Emma Wood SB                     | x |   |            |
| 3 | Fort Ord Dunes SP                | x |   |            |
| 3 | Julia Pfeiffer Burns SP          |   | x |            |
| 3 | La Purisima Mission SHP          | x |   |            |
| 3 | Marina SB                        | x |   |            |
| 3 | Monterey SB                      | x |   |            |
| 3 | Monterey SHP                     | x |   |            |
| 3 | Oceano Dunes SVRA                | x |   |            |
| 3 | Oxnard SB                        | x |   |            |
| 3 | Pismo SB                         | x |   |            |
| 3 | Point Lobos SR                   |   | x |            |
| 3 | Z-No Such Park                   |   |   | Carmel Bay |
| 4 | Dockweiler SB                    | x |   |            |
| 4 | Kenneth Hahn SRA                 | x |   |            |
| 4 | Los Angeles SHP                  | x |   |            |
| 4 | Los Encinos SHP                  | x |   |            |
| 4 | Malibu Creek SP                  | x |   |            |
| 4 | Malibu Lagoon SB                 | x |   |            |
| 4 | Pio Pico SHP                     | x |   |            |
| 4 | Placerita Canyon SP              | x |   |            |
| 4 | Point Dume SB                    | x | x |            |
| 4 | Point Mugu SP                    | x | x |            |
| 4 | Rio de Los Angeles SRA           | x |   |            |
| 4 | Robert H. Meyer Memorial SB      | x | x |            |
| 4 | Santa Monica SB                  | x |   |            |
| 4 | Santa Susana Pass SHP            | x |   |            |
| 4 | Topanga SP                       | x |   |            |



|                                   |   |
|-----------------------------------|---|
| 4 Verdugo Mountains               | x |
| 4 Watts Towers of Simon Rodia SHP | x |
| 4 Will Rogers SHP                 | x |
| 4 Z-No such Park                  |   |
| 5 Bidwell Mansion SHP             | x |
| 5 Folsom Lake SRA                 | x |
| 5 Folsom Powerhouse SHP           | x |
| 5 Governors Mansion SHP           | x |
| 5 Leland Stanford Mansion SHP     | x |
| 5 Old Sacramento SHP              | x |
| 5 State Capital Museum            | x |
| 5 State Indian Museum (SHP)       | x |
| 5 Sutter's Fort SHP               | x |
| 6 Antelope Valley Indian Museum   | x |
| 8 Bolsa Chica SB                  | x |
| 8 California Citrus SHP           | x |
| 8 Chino Hills SP                  | x |
| 8 Crystal Cove SP                 | x |
| 8 Doheny SB                       | x |
| 8 Huntington SB                   | x |
| 8 San Clemente SB                 | x |
| 8 Z-No such Park                  |   |
| 8 Z-No such Park                  |   |
| 9 Border Field SP                 | x |
| 9 Cardiff SB                      | x |
| 9 Carlsbad SB                     | x |
| 9 Moonlight SB                    | x |
| 9 Old Town San Diego SHP          | x |
| 9 San Elijo SB                    | x |
| 9 Silver Strand SB                | x |
| 9 South Carlsbad SB               | x |
| 9 Tijuana Estuary NP              | x |
| 9 Torrey Pines SB                 | x |
|                                   |   |

x

Laguna to Latigo Point(s)

UC Irvine  
Irvine Coast