



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

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JOHN J. PRESLEIGH
DIRECTOR OF PUBLIC WORKS



December 17, 2012
via electronic mail

JEANINE TOWNSEND, CLERK OF THE BOARD
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

SUBJECT: COMMENT LETTER – REVISED DRAFT PHASE II SMALL MS4 PERMIT

Dear Ms. Townsend and Members of the Board:

The County of Santa Cruz Department of Public Works appreciates the opportunity to comment on the subject project of the third draft Phase II Small Municipal Separate System General Permit (Draft Phase II Permit). We are limiting our comments in this letter to Attachment J, the Central Coast Specific Post-Construction Requirements of the State's General Permit. Other comments regarding the remainder of the Draft Phase II Permit are included with the Statewide Stormwater Coalition comments letter that Public Works is a signatory on. We support the process of basing hydromodification control measures on watershed processes. However, we have several concerns with the proposed Attachment J Post-Construction Requirements.

Inadequate Linkage To Watershed Analysis

In theory, the Central Coast Post-Construction Requirements were based upon a thorough and scientific assessment of watershed processes conducted by a team of scientists. The watershed processes assessed by the scientific team were in turn based upon natural, undeveloped conditions observed throughout the Central Coast region. Our concern is that the resulting post-construction requirements and applicability criteria are not clearly linked nor do they seem to benefit from the initial scientifically-based watershed analysis.

Requirements Unproven and Potentially Infeasible In Many Urban Areas

The requirements are unique, complex and unproven. There is no way to ascertain their effectiveness or feasibility of implementation. Preliminary engineering analysis indicates that these new runoff retention requirements cannot be met in many urban areas of the region where soils do not naturally infiltrate without using a disproportionate percent of lot area. The volume of runoff retention would be infeasible for many projects.

Attachment J Significantly Complicates Correction Process and Nullifies Due Process

If the Central Coast Post-Construction Requirements are included in the Statewide Phase II Permit as Attachment J, any necessary improvements to the Region 3 requirements would then need to be approved at the State level by re-opening the permit, making it additionally difficult to make any revisions. Additionally, incorporating the Central Coast Post-Construction Requirements into the Statewide Phase II Permit nullifies the Region 3 petitions that have been filed with the State.”


Significant Impacts To Infill and Smart Growth Projects

Developers will likely abandon efforts to create infill and smart growth projects in existing urbanized areas where it appears that retention measures must cover at least 10 percent of the project’s Equivalent Impervious Surface Area, in favor of new development projects in rural areas outside of designated MS4s urbanized areas where these requirements do not apply. The loss of agricultural lands and open space, and resulting sprawl development in perhaps otherwise relatively intact watersheds could easily negate any hoped-for water quality benefit.”

Public Works requests that the State Board direct the Central Coast Water Board to rescind the Region 3 Post-Construction Requirements (Resolution No. R3-2012-0025) and apply the Statewide E.12 Post Construction Standards of the Phase II Permit to Central Coast permittees. Short of this, we would request that Attachment J be removed from the Phase II Permit so that necessary revisions can be made at the Regional Board level without having to re-open and amend the State Permit.

We appreciate your consideration of the above comments. If you have any questions, please call Rachel Fatoohi, Stormwater Management Section Program Manager, at (831) 454-2160.

Yours truly,


JOHN J. PRESLEIGH
Director of Public Works

RJF:rw