



## CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

December 17, 2012



Ms. Jeanine Townsend  
Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 85814  
[Commentletters@waterboards.ca.gov](mailto:Commentletters@waterboards.ca.gov)

**Subject: City of Paso Robles Comments on the 3<sup>rd</sup> Draft Phase II Small MS4 General Permit.**

Dear Ms. Townsend and Members of the Board:

Thank you for the opportunity to comment on the November 16, 2012 Draft Phase II Municipal Permit. The City appreciates the revisions made to the Draft Permit however the City still has concerns over the modifications made to this draft.

### Comments

#### 1. E.1. Renewal Traditional Small MS4 Permittees.

**Issue:** E.1.b. states that a Regional Water Board Executive Officer (EO) can require that a Renewal Traditional Small MS4 Permittee (Permittee) continue implementing the current BMPs and reporting requirements in lieu of implementation of a particular subsection. The Permittee would be required to submit an updated SWMP.

The City believes that the Permittee should be the party to request the continued implementation of a current SWMP subsection, not the EO. Additionally, requiring the Permittee to update the SWMP with additional BMPs to bring the Permittee's program into compliance the draft permit does not make sense.

**Recommendation:** The permit language should be modified to allow the Permittee to initiate the continued implementation of a current SWMP subsection, not the EO and remove the requirement to update the subsection with additional BMPs.

## **2. E.6.b. Certification**

*Issue:* E.6.b. requires the Permittee to certify within the first year of the effective date of the permit that the Permittee has and will maintain full legal authority to implement and enforce each of the requirements contained in the order. The requirement to do this within the first year conflicts with E.6.a Legal Authority that states the Permittee shall review and revise ordinances and other regulatory mechanisms to obtain adequate legal authority within the second year. Additionally, E.6.b.(ii)(e) was added stating that the permittee will implement enforcement actions consistent with the Enforcement Response Plan developed during the third year pursuant to Section e.6.c.

*Recommendation:* Revise the certification date in E.6.b.(i) to be consistent with due dates for E.6.a., Legal Authority and E.6.b.(ii)(e), development of the Enforcement Response Plan. The Permittee should not be required to certify within the first year that it will maintain full legal authority to implement and enforce requirements that are not required until subsequent years.

## **3. E.9.b(ii)(c) Illicit Discharge Source/Facility Inventory**

*Issue:* The Permit requires Permittees to determine if facilities are required to be covered under the Statewide Industrial General Permit (IGP). Regional Boards are the proper agency to make this determination, not the Permittee.

*Recommendation:* This section should be revised to read that the Permittee should notify the facility that they should contact the Regional Board to determine if coverage under the IGP is required.

## **4. E.9.b(ii)(e) Illicit Discharge Source/Facility Inventory**

*Issue:* This section was added requiring the Permittee to develop and implement procedures to proactively identify illicit discharges originating from the inventoried facilities in section E.9.a(ii)(c). The procedures shall include field observations, field screening, and inspections. As written, this is an inspection program which was removed in the second draft due to it being too costly for the Permittees to implement and it is above and beyond the requirements of the Federal Clean Water Act.

*Recommendation:* Section (e) should be removed.

## **5. E.14.a Program Effectiveness Assessment and Improvement Plan**

*Issue:* Section E.14.a.(ii)(a)(9) has been added requiring the Permittee to include the identification of long-term effectiveness assessment, to be implemented beyond the permit term in the Program Effectiveness Assessment and Improvement Plan.

*Recommendation:* This section should be deleted. Permittees should not be required to impose requirements beyond the term of the order.

Thank you again for the opportunity to comment. If you have any questions, please contact me at 805-227-1654 or [pgwathmey@prcity.com](mailto:pgwathmey@prcity.com)

Sincerely,

A handwritten signature in black ink that reads "Patti Gwathmey". The signature is written in a cursive style with a large, prominent 'P' and 'G'.

Patti Gwathmey  
Industrial Waste Manager

cc:

Matt Thompson, PE  
Wastewater Resources Manager