



You fail to recognize Sea-Level Rise as part of the pollutant process and the potential result in flooding, which would result in widespread contamination.

You fail to address that non-profit corporations, not government agencies, are tasked with equivalent responsibilities, but no legal responsibility of accuracy or of legally elected representation from the voters.

You fail to recognize the budget process in municipalities and the party responsible for allocations of operations and maintenance and the party responsible for accurate financial reporting.

You fail to specifically state that you want information, scientific or otherwise, based on the area involved, not on any report available.

You state:

E.8. PUBLIC INVOLVEMENT AND PARTICIPATION PROGRAM

(i) Task Description –Within the second year of the effective date of the permit, the Permittee shall involve the public in the planning and implementation of activities related to the development and implementation of the program. The public participation and involvement program shall encourage volunteerism, public comment and input on policy, and activism in the community. The Permittee shall also be involved in their Integrated Regional Water Management Plan (IRWMP) or other watershed-level planning effort.

(ii) Implementation Level –At a minimum, the Permittee shall:

(a) Develop a public involvement and participation strategy that establishes who is responsible for specific tasks and goals and a budget for meeting the tasks and goals.

(b) Consider development of a citizen advisory group (either a stand-alone group or utilize an existing group or process). The advisory group may consist of a balanced representation of all affected parties, including residents, business owners, and environmental organizations in the MS4 service area and/or affected watershed. The Permittee may invite the citizen advisory group to participate in the development and implementation of all parts of the community's storm water program.

(c) Create opportunities for citizens to participate in the implementation of BMPs through sponsoring activities (e.g., stream/beach/lake clean-ups, storm drain stenciling, volunteer monitoring, and educational activities).

(d) Ensure the public can easily find information about the Permittee's storm water program.

(e) Actively engage in the Permittee's IRWMP or other watershed-level planning effort.

(iii) Reporting –By the second year Annual Report and annually thereafter, complete and submit a description of the public involvement program and summary of the MS4s efforts related facilitating public involvement, including efforts to engage citizen advisory groups, increase citizen participation, and involvement with the IRWMP or other watershed-level planning effort.

Comment

You do not present a realistic view of Watershed Planning. Why stipulate “the second year.” Planning is planning and should originate on or even before the first day of the first year.

Will the Watershed Planning be part of the General Plan and its Elements and have legal authority? CEQA is part of that planning process.

You need to question if there is any real legal authority in the Watershed Planning you present.

Who is the Lead in the Watershed Planning? Is it an agency that has oversight of the Permittee, or is it a wider group that included municipal Departments of Public Health? Will it include Departments of Parks and Recreation? Will it include the Planning Departments of the municipalities? Will it include the Sanitation Departments of the municipalities? Will it include the Building and Safety and/or Bureau of Contract Administration or other permit/enforcement agency?

Is there a proprietary or enterprise agency that would have authority that would be part of the Watershed Planning?

Who analyzes sediment management? Is sediment management even considered in a Watershed Plan?

IRWMP Integrated Regional Water Management Plan is basically for two grant applications-Proposition 50 and Proposition 84. It is not a public process nor does it have the protections against Conflicts of Interest.

IRWMP Integrated Regional Water Management Plan is not a Planning document for land use, development and any pollutant loads.

There is no such legal requirement.

So, without any legal authority or enforcement action, Watershed Planning is an exercise of futility if not incorporated into Municipal General Plans and Metropolitan Planning Organizations MPO Plans.

Who has the legal authority to enforce BMP Best Management Practices including individual site inspection?

Without legislative action resulting in Brown Act implementation, no public needs be included. Selected public, or shells including unelected non-profit corporations, will be the “public” voice. Meetings can be held in buildings without public access. Membership need not be disclosed nor are Conflict of Interest Codes created and Forms 700 Economic Interests are not filed.

Who appoints the Advisory Group? Are politicians appointed selected representatives who may just be representatives of big money instead of a poorer polluted community?

What elected official does the public hold accountable in this process?

You state:

E.9.a. Outfall Mapping

(c) Priority areas

- 1) Areas with older infrastructure that is more likely to have illicit connections and a history of sewer overflows or cross-connections
- 2) Industrial, commercial, or mixed use areas;
- 3) Areas with a history of past illicit discharges;
- 4) Areas with a history of illegal dumping;
- 5) Areas with onsite sewage disposal systems;
- 6) Areas upstream of sensitive water bodies; and
- 7) Areas that drain to outfalls greater than 36 inches that directly discharge to the ocean.

Comment

Missing is the new approach to replace redevelopment via the use of affordable housing development disguised as “infrastructure” without the land use designations that reflect development. In other words, the “Public Facilities” land use designation might include private development. The use is camouflaged.

You need to consider onsite use of rain water or storm water as possible pollutant sources into receiving waters.

Illegal dumping can cover poorer communities. Illegal dumping (consistent and numerous) is also used as a harassment technique to discourage a newcomer to stay in the neighborhood.

You state:

E.11.a. Inventory of Permittee-Owned and Operated Facilities

(ii) Implementation Level - The inventory shall include the following facilities, if applicable:

Airports

Animal control facilities
Chemical storage facilities
Composting facilities
Equipment storage and maintenance facilities (including landscaperelated operations)
Fuel farms
Hazardous waste disposal facilities
Hazardous waste handling and transfer facilities
Incinerators
Landfills
Materials storage yards
Pesticide storage facilities
Public buildings, including schools, libraries, police stations, fire stations, Permittee (municipal) buildings, restrooms, and similar buildings
Public parking lots
Public golf courses
Public swimming pools
Public parks
Public works yards
Public marinas
Recycling facilities
Salt or de-icing storage facilities
Solid waste handling and transfer facilities
Transportation hubs (e.g. bus transfer stations)
Vehicle storage and maintenance yards
Vehicle fueling facilities
Other (as directed by appropriate Regional Water Board)

Comment

You fail to identify other regulating agencies that may have more authority or federal regulations that trump this process

You state:

E.11.g. Maintenance of Storm Drain System

(ii) Implementation Level –The Permittee shall begin maintenance of storm drain systems according to the procedures and priorities developed according to this Section. At a minimum the Permittee shall:

(a) Inspect storm drain systems –Based on the priorities assigned above, develop and implement a strategy to inspect storm drain systems within the Permittee's jurisdiction. At a minimum, inspect all high priority catch basins and systems annually.

(b) Clean storm drains –Develop and implement a schedule to clean high priority catch basins and other systems. Cleaning frequencies shall be based on priority areas, with higher priority areas receiving more frequent maintenance.

(c) Labeling catch basins –Ensure that each catch basin in high foot traffic areas includes a legible storm water awareness message (e.g., a label, stencil, marker, or pre-cast message such as “drains to the creek”or “only rain in the drain”). Catch basins with illegible or missing labels shall be recorded and re-labeled within one month of inspection.

(d) Maintain surface drainage structures –High priority facilities, such as those with recurrent illegal dumping, shall be reviewed and maintained annually as needed. Non-priority facilities shall be reviewed as needed. Removal of trash and debris from high priority areas shall occur annually prior to the rainy season.

(e) Dispose of waste materials –Develop and implement a procedure to dewater and dispose of materials extracted from catch basins. This procedure shall ensure that water removed during the catch basin cleaning process and waste material will not reenter the MS4.

Comment

Storm drain systems can involve the permittee and a Phase I permittee. How are the two systems distinguished as to the responsible party?

Where is your stance on the responsibility of Caltrans as to the pollutants from highways designated as their responsibility?

You state:

E.11.i. Incorporation of Water Quality and Habitat Enhancement Features in New Flood Management Facilities

(ii) Implementation Level –The Permittee shall develop and implement a process to incorporate water quality and habitat enhancement features in the design of all new and rehabilitated flood management projects that are associated with the MS4 or that discharge to the MS4.

Comment

Habitat enhancement would have to include State and Federal agencies such as Fish and Game and Fish and Wildlife Service or, at least, a direction into real watershed planning and conservation management. Be specific as to the level of commitment to habitat enhancement as a dog park could be considered a habitat enhancement in this context.

You state:

E.12.d.2 Low Impact Development Standards

(ii) Implementation Level - The Permittee shall adopt and implement requirements and standards to ensure design and construction of development projects achieve LID objectives for runoff reduction, storm water treatment, and baseline hydromodification management. The Permittee shall require each Regulated Project to provide a map or diagram dividing the entire project site into discrete Drainage Management Areas (DMAs), and to account for the drainage from each DMA. The Permittees shall (1) implement source controls and site design measures to the extent technically feasible to reduce the amount of runoff and (2) any remaining runoff from impervious DMAs must be directed to one or more facilities designed to infiltrate, evapotranspire, and/or biotreat runoff.

(1) Source Control Requirements –The following standard permanent and/or operational source control BMPs shall be adopted and implemented to address the following pollutant sources, as applicable:

- (a) Accidental and illicit discharges to on-site storm drain inlets.
- (b) Interior floor drains and elevator shaft sump pumps
- (c) Interior parking garages
- (d) Indoor and structural pest control
- (e) Landscape/outdoor pesticide use
- (f) Pools, spas, ponds, decorative fountains, and other water features
- (g) Restaurants, grocery stores, and other food service operations
- (h) Refuse areas
- (i) Industrial processes
- (j) Outdoor storage of equipment or materials
- (k) Vehicle and equipment cleaning
- (l) Vehicle and equipment repair and maintenance
- (m) Fuel dispensing areas
- (n) Loading docks
- (o) Fire sprinkler test water
- (p) Drain or wash water from boiler drain lines, condensate drain lines, rooftop equipment, drainage sumps, and other sources

Comment

You have just negated the CEQA process as to projects being replaced with ministerial actions that do not take into effect local conditions on the environment. Where are the technical documents that CEQA provides to determine an effect on the environment? Are the soils and geology analyzed and adaptable to a BMP?

Have you addressed fracking?

Have you addressed any oil seepage?

Have you addressed hillside development?

Will the BMP interfere with Public Safety as in a Safe School Route?

Will the property owner be tasked with addressing public infrastructure failures or flaws on his dime?

What agency will be responsible for determining that a BMP is the correct one and sign off on a building permit?

You are crossing over into territory that is reserved for the functions of a municipality with agencies designated for the task of execution, inspection and enforcement.

You are causing a Public Health and Safety problem by this ministerial action.

You state:

E.12.f. Implementation Strategy for Watershed Process – Based Storm Water Management

(i) Task Description – Watershed Management Zones (WMZs)¹⁶ established and delineated by the State Water Board will include the following watershed processes.

Again, the Watershed Management process is terribly flawed. You fail to recognize the coordination needed to address Watershed Management including many State and Federal agencies. You fail to even address weather agencies and their predictions, as an aspect of planning and management.

You go on to state:

The Regional Boards may also, following evaluation of watershed processes, approve in-lieu programs allowing applicants to financially participate in projects that protect or enhance watershed processes as an alternative to on-site compliance.

Comment

Are the Regional Boards fully qualified for this type of analysis without outside consultation and many opportunities for the public to comment. Regional Boards are appointed positions, without the resume qualifications, for this type of decision.

You have just set up Mitigation Banking and a ministerial open door for development to flourish, without consideration of the General Plan, Its Elements and Infrastructure. You have negated the State process as part of the PUBLIC HEALTH AND SAFETY procedures.

You have negated our Constitutional right to vote for our representatives to make decisions applicable to our districts.

This is blind power given to the Regional Boards. This is pure manipulation.

You are setting up Wetlands Mitigation Banking as a ministerial watershed process, when it has been used as a CEQA solution.

You state:

E.13.a. Regional Monitoring

Comment

Who's in charge?

You state:

E.14.a. Program Effectiveness Assessment and improvement Plan

Comment

Is one permittee really effective in a regional area or is the cumulative effect?

If one permittee "improves" and the other not, are "beneficial uses" maintained under the intent of the Clean Water Act?

You state:

E.14.b. Municipal Watershed Pollutant Load Quantification

(i) Task Description – The Permittee shall quantify annual subwatershed pollutant loads.

Comment

Subwatershed pollutant loads are a level of planning that most permittees are not equipped to address. Most elected representatives we have seen approach watershed issues can only focus on their district and are clueless as to what a watershed, and certainly not a subwatershed is.

So, what elected official is duly elected as to be responsible for this?:

You state:

F.5.b.2.Public Education and Outreach

Comment

Whose budget will be paying for this? Or are we to expect rate increases? This is not well thought out as to being effective when most elected representatives cannot even explain what an MS4 permit is and what regulations are involved.

The direction of this permitting process, at this time, should be identifying and mapping pollutants and factors, for each individual parcel, and not to expect compliance when there is no structure set up in the State law to incorporate the Watershed Management Planning process as part of the General Plan process.

We do not feel that your intent is to protect the Public Health and Safety.

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