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ENVIRONMENTAL MANAGERS WORK GROUP

July 19, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street 24th Floor
Sacramento, California 95814

RE: Comment Letter – 2nd Draft Phase II Small MS4 General Permit

As the Chair of the Environmental Managers Work Group and on behalf of the ten campus University of California system, I am submitting comments on the 2012 Draft Phase II Small MS4 General Permit (Draft Permit). The attached document highlights suggestions from the UC system on to clarify specific terms or requirements on areas of the Draft Permit in order to meet the intent of the referenced Permit Sections.

UC appreciates the opportunity to provide these comments and assist with the Board's mission to protect and improve water quality in California.

Thank you for your consideration,

Julie A. Hampel
Environmental Managers Work Group, Chair
University of California

SWRCB Ph II MS4 General Permit

UCEM Comments

#	Section	Page	GP Language	UCEM Concern	Suggested Language (Text in ***bold italics*** = new language)	For Permit Writers
1	F.5.c. Public Involvement and Participation Program	84	Ensure that high foot traffic storm drain inlets include a labeled or stenciled stormwater awareness message such as "drains to creek" or "only rain in the drain".	Most hardscape on UC campuses are considered to be high foot traffic areas. Some high foot traffic areas on campus have storm drains every 10 feet. Labeling each stormdrain in these areas does not enhance public awareness and would be very costly and time consuming. According to the EPA, "Municipalities should prioritize drains for marking because marking all drains within a municipality would be prohibitively expensive."	F.5.c.(ii) Implementation Level (a) The Permittee shall, at a minimum, ensure that storm drain inlets in high foot traffic areas include ***a label, stencil, or other effective method of communicating a*** stormwater awareness message such as "drains to creek" or only rain in the drain". ***Permittee is required to label, stencil, or otherwise mark up to 10% of storm drain inlets in a 500 square foot area or 500 linear feet.***	• Please define storm drain inlet so it is clear what should and should not be labeled.
2	F.5.d. Illicit Discharge Detection and Elimination Program	84	The Permittee shall maintain an up-to-date and accurate outfall map.	It needs to be clear exactly what is meant by the term "outfall" so MS4s are consistently interpreting and implementing this requirement. Some outfalls are not safely accessible.	***"Outfall": is a point of discharge of any size from a traditional drainage system that conveys storm water to receiving waters*** ***"Discharge": to throw, drain, release, dump, spill, empty, emit, or pour any matter into traditional or natural drainage system, or to cause or allow matter to flow, run, or seep into traditional or natural drainage system.*** ***"Traditional Drainage system": any part of a man-made physical system that collects, conveys, stores, or controls the flow of storm water or receiving waters. Drainage systems include, storm water conveyance and containment facilities, including pipelines, catch basins, retention and detention facilities, storm water treatment facilities, and other drainage structures.*** ***"Natural drainage system": the physical beds and boundaries of drainage channels, including those natural drainage systems that have been altered by human actions.*** ***"Receiving waters": a Water of the US***	• Please define outfall (see suggested language to the left). • Please include language specifying only outfalls that can be safely accessed should be inspected or monitored.
3	F.5.d.1. Field Sampling to Detect Illicit Discharges	85	While conducting the outfall inventory under Section B.4.a. (Controlling Incidental Runoff), the Permittee shall sample any outfalls that are flowing.	UC staff have oversight of the buildings and control over most activities on campus and therefore would have information about an illicit discharge, eliminating the need to sample to determine its origins.	While conducting the outfall inventory under Section B.4.a., the Permittee shall ***investigate the nature and source of the discharge if*** any outfalls are flowing. ***For unknown discharges, sample test strips will be used to test the discharge and determine its origin.***	• Please include the applicable language from section B.4.a. in this section of the Non-Traditional requirements.

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4	F.5.d.2. Illicit Discharge Detection and Elimination Source Investigations and Corrective Actions	86	At a minimum, the Permittee shall conduct an investigation(s) to identify and locate the source of any prohibited non-storm water discharge within 72 hours of becoming aware of the prohibited non-storm water discharge.	Please provide some allowance for investigations that require more than 72 hours to identify and locate the source of the non-storm water discharge.	(ii) Implementation Level - At a minimum, the Permittee shall conduct an investigation(s) to identify and locate the source of any prohibited non-storm water discharge within 72 hours of becoming aware of the prohibited non-storm water discharge. ***For investigations that require more than 72 hours, the Permittee shall identify the actions being taken to identify and locate the source of the non-storm water discharge.***	
5	F.5.g. Post Construction Stormwater Management Program	94	Text and Footnote: Permittees located within a Phase I MS4 permit boundary with a Regional Water Board approved Hydromodification Plan shall implement the Hydromodification Plan requirements for region-wide hydromodification consistency.	Some non-traditionals do not fall under the legal authority of a Phase I municipality. The Constitution of the State of California, for example, charges the Regents of the University of California with the duty to administer the University as a public trust (Section 9 of Article IX).	F.5.g. Hydromodification Measures [29]Permittees located within a Phase I MS4 permit boundary with a Regional Water Board approved Hydromodification Plan shall implement ***substantive requirements of*** the Hydromodification Plan for region-wide hydromodification consistency.	• Please add language to clearly state that the Ph II MS4 will only be required to adopt the same hydromodification plan as the Phase I; they will not be regulated by the Phase I.

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6	F.5.g. Post Construction Stormwater Management Program	94 - 104	Entire Section. Adding an option for campus-wide post-construction stormwater management. Also, adding offramps from Joint Effort language.	The site design measures, as currently written, do not account for projects that have been designed and funded prior to adoption of these regulations. Recommend changing the section to require measures to be incorporated into design standards within 6 months of adoption of the permit and implemented for applicable projects approved after that point. Furthermore, these site design measures should be consistent with the project sizes specified in the Phase I Permit as follows: new development projects that create 10,000 square feet or more of impervious surfaces; hillside development projects that create 5,000 square feet or more of impervious surface which is located in an area with known erosive soil conditions, where the development will grade on any natural slope that is twenty-five percent or greater; or development projects located within, directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10 percent or more of its naturally occurring condition. “Directly adjacent to” means situated within 200 feet of the ESA. “Discharging directly to” means outflow from a drainage conveyance system that collects runoff from the subject development or redevelopment site and terminates at or in receiving waters within the ESA.	F.5.g.1. Site Design Measures (i) Task Description The Permittee shall implement site design measures for all projects that create and/or replace (no net increase in impervious footprint) ***10,000*** square feet or more of impervious surface... ***Permittee may implement required site design measures for any such project at any comparable project or projects that reduce equivalent amounts of runoff, owned by the Permittee and located within the Phase II MS4 Non-traditional boundary.*** (ii) Implementation Level Within the first *6 months* of the effective [sic] of the permit, the Permittee shall *incorporate* the following site design measures *into design standards. These standards shall be implemented* for all *applicable projects approved after that time* that create and/or replace *10,000* square feet or more of impervious surface... ***Permittee may implement required site design measures for any such project at any comparable project or projects that reduce equivalent amounts of runoff, owned by the Permittee and located within the Phase II MS4 Non-traditional boundary.*** F.5.g.2. Low Impact Development Runoff Standards (i) Task Description F.5.g.2. Low Impact Development Runoff Standards (i) Task Description – ***Within the third year of the effective date of the permit, the Permittee shall implement low impact development standards to effectively reduce runoff from projects that create and/or replace 10,000 square feet or more of impervious surface, or at any comparable project that achieves LID objectives, owned by the Permittee and located within the Phase II MS4 Non-traditional boundary.*** ***(Footnote: Permittees located within a Phase I MS4 permit boundary shall implement the Phase I MS4 low impact development runoff standards or equivalent.)***	• Please add the same requirements as the Phase I to be consistent within watersheds.
7	F.5.g. Post Construction Stormwater Management Program	94 - 104	Implementation timeframes throughout this Section.	The post construction treatment measures, as currently written, do not account for projects that have been designed and funded prior to adoption of these regulations. Recommend changing the section to require measures to be incorporated into design standards within 6 months of adoption of the permit and implemented for applicable projects approved after that point. Most UC projects already include some components of LID or post-construction stormwater features. But it will be very costly if projects that have already been funded for design are required to redesign to comply with these specific post-construction stormwater requirements.	F.5.g. Post-Construction Treatment Measures All Permittees shall implement post-construction treatment measures for new and redevelopment projects and comply with the following Sections below... ***Where Project Planning Guide funding is applicable, Permittees shall implement post-construction treatment measures for new projects approved after the effective date of this Permit.***	• Please specify that post-construction measures apply to projects where the project funding has not yet been finalized.