



Environmental Utilities Department
2005 Hilltop Circle
Roseville, California 95747

July 23, 2012



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

RE: COMMENT LETTER – 2nd DRAFT PHASE II SMALL MS4 GENERAL PERMIT

Dear Ms. Townsend and Members of the Board:

Thank you for the opportunity to submit comments on the State Water Resources Control Board's ("Board") 2nd draft Phase II Small MS4 General Permit ("2nd draft Permit") to regulate small municipal separate storm sewer systems ("MS4s").

This letter supplements the City of Roseville's comment letter provided by Mayor Pauline Roccucci dated July 23, 2012 and provides specific comments on the 2nd draft Permit. The City joins into the specific comments provided by the California Stormwater Quality Association and adds additional comments; included in Attachment A.

The City requests the Board consider the attached comments and suggested revisions. If you have any questions, please feel free to contact me at (916) 774-5552.

Sincerely,

A handwritten signature in black ink that reads "Kelye McKinney".

Kelye McKinney, PE
Engineering Manager
City of Roseville

ATTACHMENTS

A: Specific Comments

cc: Roseville City Council
Ray Kerridge, Roseville City Manager

Program Management			
Comment #	Permit Element/ Issue/ Concern	Location in Draft Permit	Comment/Recommendation
1	Legal Authority – NPDES Permit Referrals	6.c.(ii) d [page 22]	<p>This section requires Permittees to refer Industrial General Permit and Construction General Permit non-filers to the appropriate Regional Board. Please include the State web address utilized to submit non-filer information.</p> <p>This section also requires the Permittee to follow a prescriptive progressive enforcement process in relationship to the violations at construction projects or industrial facility locations and to report very specific information to the Regional Boards regarding these sites. Permittees will not inspect industrial facilities. Permittees will only interface with industrial facilities on a complaint basis for illicit discharges and not routine inspection. This process will be very resource intensive for the Permittee and somewhat redundant with already existing State programs.</p> <p><i>Recommendation</i> Provide state web address to submit possible non-filer information Clarify that the Permittees' role with respect to the IGP is to follow a progressive enforcement policy when illicit discharges occur from an IGP facility, but the provisions of the IGP should be enforced by the State.</p>

Education and Outreach			
Comment #	Permit Element/ Issue/ Concern	Location in Draft Permit	Comment/Recommendation
2	Car Washes – Modification	E.7.a(ii)(k) [page 26]	<p>This item requires the Permittee to reduce discharges from specified sources. This does not belong in the Education and Outreach section. This is more related to IDDE.</p> <p>Charity car washes, mobile cleaning and pressure washing operations and irrigation activities are not always known to the Permittee. This makes it very difficult for a Permittee to measure a reduction.</p> <p><i>Recommendation</i> Delete item (k) since the follow on items (l) and (m) speak to those discharge types from and educational standpoint.</p>

Post Construction			
Comment #	Permit Element/ Issue/ Concern	Location in Draft Permit	Comment/Recommendation
3	Low Impact Development Standards – Storm Water Treatment Measures and Baseline Hydromodification Management Measures	E.12.d.2(ii)(3) [page 52]	In this item it states “Runoff from remaining impervious DMAs must be....” Please explain remaining from what? Do you really mean remaining runoff from impervious DMAs? There is a grammatical error in the first sentence. Delete the word “in” between the words “specified” and “below”.
4	LID Standards – Allowed Variations for Special Site Conditions	E.12.d.2.ii.3.h .b [page 53]	There is no allowance given to sites that have low soil permeability. <i>Recommendation</i> Add an additional condition (d) Locations with low permeability in soil that limits infiltration.
5	Implementation Strategy for Watershed Process – Based Storm Water Management	E.12.f [pages 57 and 58]	<i>The first section is confusing. Unlike other “Task Description” this starts out with a statement of fact and not a task element.</i> <i>At the top of page 58, it should be clarified that the Permittee must only do that work if the State requires modified criteria. If the State does not, then no additional work is required in this element.</i> <i>Recommendations</i> <i>Move the full paragraph under (g) as the first section under Task Description. This would also correct the issue of the usage of the word “below” in referencing items (a) to (g).</i> <i>Please clarify that if the State does not respond on this item to the Permittee in writing by the end of the 2nd year, that the permit automatically assumes a finding that E.12.d and E.12.e are sufficiently protective of the watershed processes.</i>

Post Construction			
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6	Post Construction BMP Condition Assessment	E.12.h.(ii) [page 62]	<p>This section references post construction “structural” BMP’s to be maintained, but permit says only bioretention can be used. Does bioretention fall under “structural” BMP or is this just referring to the proprietary structural vaults and filters currently installed.</p> <p><i>Recommendation</i> Clarify what is meant by “structural” BMPs. Consider adding to the glossary.</p>
7	Planning and Building Document Updates – mandate to amend Zoning Ordinance	E.12.j.9(i) [page 63]	<p>Why mandate a local Zoning Ordinance Amendment?</p> <p><i>Recommendation</i> Amending the Zoning Ordinance should not be a mandate but a recommendation. Develop a menu of strategies that can be augmented by local communities so it can be tailored. Communities can vary their approach to clean water using techniques that balance these post construction requirements with other requirements and community standards. Another option is to prepare a model ordinance with a menu of options to achieve improved water quality.</p>
8	Planning and Building Document Updates - mandates dictating local land use	E.12.j(ii)a.(ii) [page 64]	<p>The Permittee shall review and modify planning and building requirement language so that it includes, at a <u>minimum</u>: reduced parking ratios, parking within setbacks, flexible setbacks etc.</p> <p><i>Recommendation</i> These provisions should be recommended not mandated. These issues are too complex for one size fits all approach.</p>

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9	Planning and Building Document Updates - mandate to amend existing Specific Plans	E.12.j(ii)b. [page 64]	<p>It is reasonable to require Permittees to amend General Plans to include stormwater policies. However, mandating changes to existing specific plans is not feasible in many instances for projects with development agreements. Can't unilaterally amend Specific Plans.</p> <p><i>Recommendation</i> This shouldn't be a mandate but a recommendation to allow for flexibility and the ability to meet individual jurisdiction's circumstances.</p>

Post Construction			
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10	Planning and Building Document Updates – Implement requirements by modifying codes to <i>correct gaps and remove impediments</i>	E.12.j.(ii).a.ii. 1. and 2. [page 64]	<p>Has the benefit of these measures to close gaps and remove impediments been quantified and what is the return on the cost of these measures? If a water quality value has been determined, consider an approach that offers these items as possible measures “or others that have equal or better water quality benefit/value”. Some of these have a significant effect on the way a community looks and may create other issues (e.g. other driveway material that more easily erodes or warps, MS4 liability).</p> <p>State’s Proposal to Correct gaps –</p> <ul style="list-style-type: none"> • Utilize groundwater recharge zones • Easements for storm management-related landscaping features • Alternatives to curb, gutter and subgrade enclosed pipe runoff conveyance • Shared drainage among properties and shared public private drainage handling and treatment (legal liabilities for sharing?) • Flexible building setbacks (Ordinances have adopted the existing standards) • Landscaping that promotes infiltration in lieu of elevated landscaped beds, compaction specs, or required materials (Doesn’t this depend on local soils?) <p>State’s Proposal to Eliminate Impediments –</p> <ul style="list-style-type: none"> • Reduce parking ratios to take advantage of shared parking and mixed use (Have mechanism in place to allow reductions but don’t mandate reductions) • Allow parking in building (landscape) setbacks (Why?) • Reduce parking requirements for assisted living, low income housing, or other housing units with low demand (No) • Allow pervious alternatives to driveway paving materials like asphalt, cement, etc. • Promote narrower rights of ways (Improvement Standards) and use of LID in ROW (Already done on a case by case basis in new areas)

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10 contd.			<p><i>Recommendation</i> These should be recommendations not mandates that allow local communities to find solutions that take into account the geography, soils, topography, location on the watercourse, etc. The mandate should be the water quality standard, the method to achieve the standard should be variable</p>

Program Effectiveness Assessment			
Comment #	Permit Element/ Issue/ Concern	Location in Draft Permit	Comment/Recommendation
11	Program Effectiveness Assessment Improvement Plan – Modification	E.14.a(ii)(a) [page 71]	<p>Programmatic BMPs should be the focus for Effectiveness Assessment as opposed to individual BMPs.</p> <p><i>Recommendation</i> Modify Program Effectiveness Assessment and Improvement Plan elements item 5 as follows: (5) Assessment of pollutant source reductions achieved by individual programmatic BMPs</p>