



PLACER COUNTY DEPARTMENT OF PUBLIC WORKS

Public Comment
Draft Phase II Small MS4 General Permit
Deadline: 7/23/12 by 12 noon

Ken Grehm, Director
Peter Kraatz, Deputy Director

July 20, 2012

Jeanine Townsend
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814



SUBJECT: COMMENT LETTER – PHASE II SMALL MS4 GENERAL PERMIT, 2ND DRAFT
ISSUED MAY 18, 2012

Dear Jeanine:

We would like to first express our appreciation for the opportunity to comment on the 2nd draft of the Phase II permit. We recognize and appreciate the challenges the Board and Board staff have made in crafting a balanced permit that will ultimately result in improved water quality. The County supports the continued improvement of water quality across our region and our state. To that end, however, we must have a reasonable permit that can be implemented with a reasonable amount of resources while still providing a benefit to water quality. Though improved considerably from the first draft, this version of the permit still has significant and unsustainable financial and resource impacts upon the County. We hope the Board will consider our comments as constructive and that there is a willingness to consider further modifications that will result in a balanced and implementable permit.

As a permittee having an NPDES Phase I permit in the Lake Tahoe Basin and two Phase II permits, one for the Truckee region and one for Western Placer County, Placer County's staffing and funding are already stretched to the limit. Recently implemented, and additional pending, water quality monitoring requirements relating to Lake Tahoe and Truckee River TMDLs are further impacting our ability to maintain compliance with our municipal NPDES permits, as there are significant new costs associated with implementing these requirements.

The specificity of this permit and its prescriptive nature complicate its application as a "one-size-fits-all" general permit. Provisions of the permit are written for the typical municipal urban environment; such conditions may not be appropriate for more rural areas, such as those in Placer County. Only 15% of our western county NPDES permit area, established in 2003, is classified as urban area. For our Truckee region permit area, only 0.05% is urban. We do not believe it is the intent of EPA that the requirements of this permit be applied within rural and small communities (the Truckee River Basin for Placer County has a population of 3,400). However, the draft permit language is unclear and confusing as to its intent to apply these new requirements to permit areas or urban areas.

Another area of concern relates to Provision D of the draft permit. As written, Provision D is contrary to the historical interpretation established by State Water Board policy and will create an inability for a regulated entity to comply. In wet weather, multiple constituents in stormwater runoff

from urban areas may exceed receiving water quality standards, thereby creating the potential for stormwater discharges to cause or contribute to exceedances of standards in the receiving water itself.

Previously, municipal stormwater permittees have presumed that permit language, like that expressed in Provision D, in conjunction with Board Policy (WQ 99-05) established an iterative management approach as a basis for compliance. However, on July 13, 2011, the Ninth Circuit Court of Appeals in NRDC vs. County of Los Angeles / Los Angeles County Flood Control District found the defendants had caused or contributed to an exceedance of a water quality standard and therefore violated the Receiving Water Limitations, irrespective of the application of the iterative process. More recently, the City of Stockton was engaged in a good faith iterative process per the terms of its permit, but was nonetheless challenged by a third-party on the basis of the Receiving Water Limitations language.

If Provision D is not changed, all discharges to receiving waters will likely need to meet water quality standards to avoid being in violation of the permit. Local government certainly recognizes the importance of attaining water quality standards. At the same time, however, no one reasonably expects any Phase II, or indeed Phase I, entity to immediately realize this goal at the moment of permit adoption. This reality is reflected by the hundreds of TMDLs across the State that specifically recognize that current water quality standards cannot be readily attained and can only be addressed by regulation that supports implementation of an adaptive program over an extended period of time.

Placer County recognizes the need to continue to make significant progress toward attainment of water quality standards. However, we also believe that no regulatory benefit accrues from the State establishing permit provisions, such as Provision D, that result in the potential of immediate non-compliance for Permittees. For these reasons, Placer County requests revision of Provision D to incorporate the California Stormwater Quality Association (CASQA) Receiving Water Limitations language (see Attachment 1). We strongly support this language because it will enable regulated entities to focus and prioritize their resources on critical water quality issues and achieve environmental outcomes that are meaningful to the communities we serve. Importantly, it will also help ensure that good faith compliance is not the subject of significant legal liability and lawsuits.

Placer County's water quality program is not funded by a stormwater utility or any other voter-approved fees; it is currently funded through a combination of General Funds and restricted-use Road Funds. Very few stormwater utilities or other fee mechanisms have been successfully implemented in California since passage of Proposition 218. Additionally, voter approval of Proposition 26 in 2010 may further limit the ability of the County to charge user fees in support of the County's stormwater program. Grant funding has not generally been available to support storm water quality program implementation, unless to fund specific capital improvement project design and construction which are not typically included in Phase II programs. Even if grant sources were available, such funding is not a reliable "dedicated" source of funding to sustain long term programs. Coupled with the current economic conditions and budget shortfalls impacting most jurisdictions, stormwater programs are not likely to receive additional funding to implement expanding programmatic requirements under this new permit.

We would like the SWRCB to address the question of how these permit requirements are based on sound science to improve water quality. Many of the requirements included in the draft MS4 permit

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require data collection, management, maintenance, analysis and reporting which will do nothing to directly improve water quality conditions. Proposed monitoring requirements will generate data that will not likely be aggregated and evaluated, with results not applied in any meaningful way to improving water quality.

Placer County recognizes and supports the comments on this draft permit provided by both the California Stormwater Quality Association (CASQA) and the Statewide Stormwater Coalition (SSC). We further offer additional comments on specific draft permit sections, as provided in Attachment 2.

Thank you for your consideration. We look forward to working with State Water Board staff to refine the draft permit. Should you have any specific questions or comments regarding this letter, please contact our Program Manager, Bob Costa, at 530-745-7524.

Sincerely,



Ken Grehm, Director
Placer County
Dept of Public Works



California Stormwater Quality Association®

Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation

February 21, 2012

Mr. Charles Hoppin, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Receiving Water Limitation Provision to Stormwater NPDES Permits

Dear Mr. Hoppin:

As a follow up to our December 16, 2011 letter to you and a subsequent January 25, 2012 conference call with Vice-Chair Ms. Spivy-Weber and Chief Deputy Director Jonathan Bishop, the California Stormwater Quality Association (CASQA) has developed draft language for the receiving water limitation provision found in stormwater municipal NPDES permits issued in California. This provision, poses significant challenges to our members given the recent 9th Circuit Court of Appeals decision that calls into question the relevance of the iterative process as the basis for addressing the water quality issues presented by wet weather urban runoff. As we have expressed to you and other Board Members on various occasions, CASQA believes that the existing receiving water limitations provisions found in most municipal permits needs to be modified to create a basis for compliance that provides sufficient rigor in the iterative process to ensure diligent progress in complying with water quality standards but also allows the municipality to operate in good faith with the iterative process without fear of unwarranted third party action. To that end, we have drafted the attached language in an effort to capture that intent. We ask that the Board give careful consideration to this language, and adopt it as 'model' language for use statewide.

Thank you for your consideration and we look forward to working with you and your staff on this important matter.

Yours Truly,

Richard Boon, Chair
California Stormwater Quality Association

cc: Frances Spivy-Weber, Vice-Chair – State Water Board
Tam Doduc, Board Member – State Water Board
Tom Howard, Executive Director – State Water Board
Jonathan Bishop, Chief Deputy Director – State Water Board
Alexis Strauss, Director – Water Division, EPA Region IX

Placer County Comment Letter
Attachment 1

CASQA Proposal for Receiving Water Limitation Provision

D. RECEIVING WATER LIMITATIONS

1. Except as provided in Parts D.3, D.4, and D.5 below, discharges from the MS4 for which a Permittee is responsible shall not cause or contribute to an exceedance of any applicable water quality standard.
2. Except as provided in Parts D.3, D.4 and D.5, discharges from the MS4 of storm water, or non-storm water, for which a Permittee is responsible, shall not cause a condition of nuisance.
3. In instances where discharges from the MS4 for which the permittee is responsible (1) causes or contributes to an exceedance of any applicable water quality standard or causes a condition of nuisance in the receiving water; (2) the receiving water is not subject to an approved TMDL that is in effect for the constituent(s) involved; and (3) the constituent(s) associated with the discharge is otherwise not specifically addressed by a provision of this Order, the Permittee shall comply with the following iterative procedure:
 - a. Submit a report to the State or Regional Water Board (as applicable) that:
 - i. Summarizes and evaluates water quality data associated with the pollutant of concern in the context of applicable water quality objectives including the magnitude and frequency of the exceedances.
 - ii. Includes a work plan to identify the sources of the constituents of concern (including those not associated with the MS4 to help inform Regional or State Water Board efforts to address such sources).
 - iii. Describes the strategy and schedule for implementing best management practices (BMPs) and other controls (including those that are currently being implemented) that will address the Permittee's sources of constituents that are causing or contributing to the exceedances of an applicable water quality standard or causing a condition of nuisance, and are reflective of the severity of the exceedances. The strategy shall demonstrate that the selection of BMPs will address the Permittee's sources of constituents and include a mechanism for tracking BMP implementation. The strategy shall provide for future refinement pending the results of the source identification work plan noted in D.3. ii above.
 - iv. Outlines, if necessary, additional monitoring to evaluate improvement in water quality and, if appropriate, special studies that will be undertaken to support future management decisions.
 - v. Includes a methodology (ies) that will assess the effectiveness of the BMPs to address the exceedances.
 - vi. This report may be submitted in conjunction with the Annual Report unless the State or Regional Water Board directs an earlier submittal.

Placer County Comment Letter
Attachment 1

- b. Submit any modifications to the report required by the State or Regional Water Board within 60 days of notification. The report is deemed approved within 60 days of its submission if no response is received from the State or Regional Water Board.
 - c. Implement the actions specified in the report in accordance with the acceptance or approval, including the implementation schedule and any modifications to this Order.
 - d. As long as the Permittee has complied with the procedure set forth above and is implementing the actions, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the State Water Board or the Regional Water Board to develop additional BMPs.
4. For Receiving Water Limitations associated with waterbody-pollutant combinations addressed in an adopted TMDL that is in effect and that has been incorporated in this Order, the Permittees shall achieve compliance as outlined in Part XX (Total Maximum Daily Load Provisions) of this Order. For Receiving Water Limitations associated with waterbody-pollutant combinations on the CWA 303(d) list, which are not otherwise addressed by Part XX or other applicable pollutant-specific provision of this Order, the Permittees shall achieve compliance as outlined in Part D.3 of this Order.
5. If a Permittee is found to have discharges from its MS4 causing or contributing to an exceedance of an applicable water quality standard or causing a condition of nuisance in the receiving water, the Permittee shall be deemed in compliance with Parts D.1 and D.2 above, unless it fails to implement the requirements provided in Parts D.3 and D.4 or as otherwise covered by a provision of this order specifically addressing the constituent in question, as applicable.

Placer County Comments
 May 18, 2012 Draft Statewide MS4 Permit
 Attachment 2

Comment #	Permit Element/ Issue/ Concern	Location in Draft	Comment
1	Table of Contents	Page 3	Incorrect attachment references (C-F)
2	Findings, #5	Page 5	Allows for future incorporation of state Trash Policy. Is this a necessary/appropriate finding?
3	Findings, #29	Page 9	"...Permittee shall implement its <i>(then?)</i> existing program..."
4	Findings, #38	Page 11	States "receiving water limitations apply" to all; doesn't this conflict with the MEP standard?
5	Findings, #39	Page 11	Why must Regional Boards review Attachment G requirements following permit adoption? Why is this necessary, and what changes would be expected?
6	Findings, #51	Page 13	States that the Water Board "has considered" the costs of complying with this order. Such consideration, however, fails to consider the ability of the permittees to implement the requirements of the order.
7	Application Requirements, A.1.b.3	Page 13	Requires permit boundaries based on 2010 Census urbanized areas and Attachment A designated places. Our permit area already exceeds those limits; will the Regional Board be willing to reduce the permit area? It is not feasible to implement all the requirements in the non-urban areas (85% of our permit area as defined with the original permit). Suggest you limit county permit requirements to urban areas.
8	Discharge Prohibitions, 3	Pages 15-16	States the "following non-stormwater discharges are not prohibited provided any pollutant discharges are identified and appropriate control measures...are implemented...". Isn't a non-stormwater discharge, by definition, a pollutant? Isn't the intent of listing these exceptions to recognize insignificant non-stormwater (pollutant) discharges? Doesn't this provision, as worded, essentially make these regulated discharges? Please clarify the definition.
9	Discharge Prohibitions, 4	Page 16	This provision is very confusing. Incidental runoff from landscaped areas is included as an exception in B.3, yet this provision requires that it be controlled. The last sentence of this provision, however, suggests that such runoff is "not considered incidental". This should be clarified or rewritten.

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Comment #	Permit Element/ Issue/ Concern	Location in Draft	Comment
10	Discharge Prohibitions, 4	Page 16	Requires "Parties responsible for controlling incidental runoff" to take specified actions; are these "parties" intended to be the violators (owners/operators) or the regulators (permittees)? Please clarify.
11	Renewal Traditional, E.1.b	Page 18	What is the process for determining equivalency, and what is the appeal process? Please clarify.
12	Legal Authority, E.6.a (ii)(e)	Page 20	There is no subsection (e)
13	Legal Authority, E.6.a (ii)(f)	Page 20	Appears to require that all existing industrial and commercial facilities must implement BMPs; is that intended? Wasn't this industrial and commercial retrofitting requirement removed? Please remove statement.
14	Enforcement Measures, E.6.c.(ii)(d)(2)(e)(8), and (f)	Page 23	Information regarding violation resolution and recidivism are unnecessary, as this section refers to reporting of non-filers. Please remove statement.
15	Enforcement Measures, E.6.c.(iii)	Page 23	Reference to "complete and have available" in this (and several other) sections suggests that no submittal is required with the annual reporting; is this correct? If correct, then why is it presented under the "Reporting" heading? Please clarify the intention.
16	Education and Outreach, E.7	Page 24	Why has the Community-Based Social Marketing requirement been deferred to the Regional Board's discretion? When and how will such decisions be made? This is an unreasonable requirement. Please remove requirement.
17	Education and Outreach, E.7.a, Reporting	Page 24	Agreements for collaborative efforts may take considerable time and effort. It may not be possible to secure necessary commitments for submittal with the first Annual Report. When are Annual Reports due? Please clarify.
18	Education and Outreach, E.7.a	Page 24	Subsection numbering is incorrect (see Task Description). Please correct.
19	Education and Outreach, E.7.a(iii), Reporting	Page 26	Requires annual reporting of "the study and results to date". What study? Also requires summary of changes in public awareness and knowledge annually. How is this to be assessed annually, if two surveys are required within the five year permit term? Please correct requirement to reflect permit requirements.

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Comment #	Permit Element/ Issue/ Concern	Location in Draft	Comment
20	IDDE Training, E.7.b.1(ii)(e)	Page 26	Training of new staff within six months of employment is an unreasonable expectation in a large and diverse organization. Annual training of staff should be sufficient. Please change requirement.
21	Construction Outreach, E.7.b.2.a)(ii)(a-c)	Page 27	Requires all plan reviewers, permitting staff, and inspectors to be certified as QSPs/QSDs; this is an unrealistic expectation that places an unnecessary burden and expense on municipalities. Why is the standard lower for third-party individuals (that they are "trained", but not certified)? Many of the staff performing these tasks may not meet the prerequisite requirements for QSP and QSD certification. Please remove requirement.
22	Pollution Prevention, E.7.b.3(i)	Page 29	Requires that all new hires receive training within one year, but training is required on a biennial basis. Supplemental training for new staff is unreasonable. Please change the requirement.
23	Pollution Prevention, E.7.b.3(ii)(a) and (b)	Page 29	Refers to annual training; preceding section requires biennial training. An "annual assessment of trained staff's knowledge" is required; this is inconsistent with biennial training. Please make consistent with other language.
24	Pollution Prevention, E.7.b.3(ii)(c)	Page 29	Refers to "standard operating procedures described above"; these don't appear in this section. Please correct.
25	Public Involvement, E.8.(ii)(e)	Page 30	What is meant by "actively engage in the Permittee's IRWMP"? Please clarify.
26	Illicit Discharge, E.9.a.(ii)(a)	Page 30	Mapping and assessment of outfalls in a large rural area is a difficult task, demanding substantial resources. Permitted areas within Placer County include over 340,000 acres and over 700 miles of streams. Information required by this permit is not currently available. Completing this task by the second permit year is unlikely. Mapping and assessment of outfalls should be limited to urban area. Please make correction to this requirement and extend the analysis to the end of the permit term.

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Comment #	Permit Element/ Issue/ Concern	Location in Draft	Comment
27	Illicit Discharge, E.9.b., Facility Inventory	Page 31	Completing an inventory of commercial and industrial facilities, which includes all of the permit-required information is a substantial task, especially in a rural area. Information required by this permit is not currently available. Completing this task by the second permit year is unlikely. Please modify requirement to include only urban areas and have completed by 3rd permit year.
28	Field Sampling, E.9.c.	Pages 32-33	Outfall sampling is required for any outfall with flows more than 72 hours after the last rain. In rural areas, there are many outfalls with flows relating to agricultural/landscaping irrigation, spring flows, snow melt etc. Sampling all locations meeting the permit criteria is impractical, if not infeasible. Please modify requirement to recognize that certain flows may be acceptable and do not need to be sampled.
29	Field Sampling, E.9.c.(ii)	Pages 32-33	Are the listed indicator parameters and action levels discernable without lab analysis? If such analysis is required, then this is an unreasonable requirement. Please modify to visible only parameters or easily sampled such as through a test strip.
30	Spill Response Plan, E.9.e.(iii)	Page 35	Requirements for a Spill Response Plan are repeated in this section. Please remove redundancy.
31	Construction Inventory, E.10.a	Page 35	Requires inventory of all ground-disturbing activities, though local regulations may exclude certain activities; does this mean that ordinances will have to be amended to capture all such activity? Please clarify requirement.
32	Construction Inventory, E.10.a	Pages 35-36	Extensive information is required as part of this inventory. For activities with limited or no threat to water quality, this seems unnecessary and unreasonable. Please change requirement.
33	Plan Review and Approval, E.10.b	Page 36	Requires erosion and sediment control plans for all grading and building permits. This is excessive and unnecessary for activities with limited to no threat to water quality. Please change requirement.

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Comment #	Permit Element/ Issue/ Concern	Location in Draft	Comment
34	Inspection and Enforcement, E.10.c.(iii)	Page 37	Extensive enforcement efforts, tracking and reporting are required. Since these requirements apply to all land disturbing activities, this is an excessive burden for municipalities. It should be limited to those activities that pose greater water quality threat. Please change requirement
35	Permittee Facilities Inventory, E.11.a(i)	Page 38	Does the phrase "within their jurisdiction" refer to the permit area, urban area, or entire jurisdictional area? Please clarify.
36	Permittee Facilities Inventory, E.11.b.	Page 39	States "... submit a map of the urban area..."; is this limited to that area, or the permit area? To what level must the permittee define the "drainage system corresponding to each of the facilities? Please clarify.
37	Facility Assessment, E.11.c.(i)	Page 39	Reference to CWP's guide on <i>Urban Subwatershed and Site Reconnaissance</i> : "Urban" should read "Unified" Please correct.
38	Storm Drain System, E.11.f.	Page 42	Requires mapping and assessment of all stormwater conveyance facilities. Permitted areas within Placer County include over 340,000 acres; urbanized areas nearly 40,500 acres. The information required by this permit does not exist, and will take extensive effort and resources, not currently available. Completing this task by the second permit year is unlikely. Please limit this requirement to urban area not permit area.
39	Storm Drain System, E.11.f.(ii)(b)	Page 42	Why is it necessary to assign a high maintenance priority for catch basins that receive citizen complaints? What relevance does that have to protecting water quality? Please remove prioritization requirement.
40	Operations and Maintenance, E.11.h.(ii)(d)	Page 44	Requires an annual evaluation of all BMPs implemented during O&M activities. What is intended here? BMP is a very broadly defined term; it is impractical to evaluate <u>all</u> BMPs applied to <u>all</u> O&M activities. Please clarify.
41	Operations and Maintenance, E.11.h.(iii)(d)	Page 44	Requires annual reporting on "high priority...facilities maintained". What does this mean? This seems to be out of place in this section. Please remove statement or clarify relevance to this section.

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Comment #	Permit Element/ Issue/ Concern	Location in Draft	Comment
42	Flood Management Facilities, E.11.i	Page 45	If a permittee does not own or operate any flood management facilities, development of an implementation process should not be required. Please modify to make this statement clear.
43	Landscape Design and Maintenance, E.11.j.(ii)(b)(1)	Page 45	Implementing educational activities for "distributors" is not practical. Please delete this requirement.
44	Landscape Design and Maintenance, E.11.j.(ii)(b)(2)h	Page 46	Prohibiting application of pesticides, herbicides and fertilizers as indicated in this provision is impractical. This should be handled at the state level and not by the local jurisdiction. Please remove requirement.
45	Landscape Design and Maintenance, E.11.j.(iii)	Page 46	Requires measures to reduce use of pesticides, herbicides, and fertilizers; what if current practices are already minimizing such use? As written, this provision assumes existing inefficiencies. Also, this section should refer to "application rates", rather than "application". Total application may continue to grow as new facilities are constructed.
46	Post Construction, E.12.a, Reporting	Page 47	Requires "an inventory of projects subject to post-construction measures"; does this refer only to development which occurs after permit adoption? Placer County has been requiring post-construction BMPs for more than 25 years, but no inventory currently exists on anything prior to 2007. It would be infeasible to create an inventory retroactively. Please clarify
47	Site Design Measures, E.12.c.(ii)	Page 48	Requires site design measures to reduce site runoff "to the maximum extent technically feasible". This is an unreasonably high standard to apply in such situations. Please change to MEP.
48	Low Impact Development, E.12.d.1	Page 49	This applies to public and private projects that "fall under the planning and building authority of the Permittee". That concept is clear regarding private projects, but not public projects. How does this apply to public projects, and how "planning and building authority" is defined, needs further clarification. How are public projects defined? Please clarify.

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Comment #	Permit Element/ Issue/ Concern	Location in Draft	Comment
49	Low Impact Development, E.12.d.1(a)(vi)	Page 49	"Residential housing subdivisions", as used here, includes Parcel Maps creating 1-4 lots. Shouldn't this be limited to major subdivisions creating 5, or more, lots? Please change to include only major subdivisions.
50	Low Impact Development, E.12.d.1(d)	Page 49	Appears to make LID applicable to all applicable public projects, without mention of the previously stated qualification which read: "that fall under the planning and building authority of a Permittee". Please clarify.
51	Low Impact Development, E.12.d.1(e)	Page 50	What does "...shall follow USEPA guidance regarding green infrastructure to the maximum extent practicable" mean? What guidance is available, and how does the MEP standard apply? Please clarify.
52	LID Standards, E.12.d.2.(ii)(2)	Page 52	Requires reduction in runoff, "to the extent technically feasible". This is an unreasonably high standard. Please change to MEP.
53	LID Standards, E.12.d.2.(ii)(3)(a)	Page 53	Special Site Conditions should include areas of bedrock, clay soils or hardpan, not conducive to infiltration. Please add these areas.
54	LID Standards, E.12.d.2.(ii)(3)(c)	Page 53	Why does this section include a specific date (May 15, 2014) for adoption of performance criteria for filters and biofilters? Please clarify what specific date is necessary or change to "permit year"
55	LID Standards, E.12.d.2.(iii) , Reporting	Page 54	The amount of information to be collected, managed, and reported is unreasonable and unnecessary. Please modify to include the amount of information necessary for water quality performance.
56	Watershed Process, E.12.f	Page 57	Allows the State and Regional Boards to require new, and potentially extensive, requirements relating to watershed processes. Since these are unknown, and the impacts cannot be evaluated, these provisions should not be included in this permit. Please delete this requirement.
57	Post Construction O&M, E.12.g.(ii)(2)	Page 59	Municipalities are not involved in real property transactions, so would not be able to insure inclusion of maintenance responsibility language in sales/lease agreements and deeds. Please remove this requirement

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58	Post Construction O&M, E.12.g.(ii)(d)	Page 59	Define "Regional Project" and "regional controls", as used in this section.
59	Post Construction O&M, E.12.g.(iii), Reporting	Page 60	Where are maintenance inspection requirements described? Who is responsible for inspections? Please clarify.
60	Post Construction O&M, E.12.g.(iii)(b)	Page 60	Why is this list necessary? Why does the Regional Board need this information?
61	Post Construction O&M, E.12.g.(iii)(2)	Page 61	"Permittee"s O&M Program" should read "Permittee's O&M Verification Program". Please correct.
62	BMP Condition Assessment, E.12.h	Page 62	Requires an inventory and maintenance assessment of post-construction BMPs; does this refer only to those installed after permit adoption? Placer County has been requiring post-construction BMPs for more than 25 years, but no inventory currently exists prior to 2007. It would be infeasible to create an inventory retroactively, and to inspect all constructed in the past. Please modify to only include current post construction bmps.
63	BMP Condition Assessment, E.12.h(ii)	Page 62	Self certification for BMP effectiveness will be difficult to implement and enforce. Owners may not be qualified to evaluate effectiveness. Compliance will be difficult to enforce, and will require extensive resources. Please clarify need for this level of enforcement and how private land owners can determine BMP effectiveness.
64	Planning and Building Documents, E.12.j	Page 64	Evaluation and modification of codes and standards will likely be a very complicated, difficult, and time consuming process involving multiple departments and external agencies, such as fire protection. Public involvement and governing body approvals are also necessary. It is unlikely that this can occur within the first permit year. Some of the specified "minimum" requirements may not be acceptable. Providing flexibility is good, providing it doesn't result in compromises to health and safety. Please provide longer time frame for completion of this task.
65	WQ Monitoring, E.13	Pages 65-70	How does the State intend to use the data collected through these monitoring efforts? Will this data be compiled, analyzed, and made available to the public? In what form, and when? Please clarify.

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66	WQ Monitoring, E.13(iii)	Page 65	Why is consultation with the Regional Board necessary? Regional Boards know which water bodies are impaired, and could direct monitoring at any time. A specific requirement for such consultation in this permit is unnecessary, and seems to suggest an expectation that additional monitoring can/will be required. Please remove requirement.
67	Receiving Water Monitoring, E.13.b.1(ii)c)	Page 67	Requires correlations to flow records "if they exist". Table 3 appears to require flow measurements, so wouldn't such records always exist? Please clarify.
68	Receiving Water Monitoring, E.13.b.1(ii)d)	Page 68	Requires establishment of a monitoring fund; does the State have the authority to require municipalities to establish such a fund?
69	Program Effectiveness, E.14.a	Pages 71-73	Requirements of this section are unreasonable. Efforts required to implement this element will be extensive, with no direct benefit to improving or protecting water quality. Please remove section.
70	Pollutant Load Quantification, E.14.b.(i)	Pages 73-74	Requires an annual pollutant load quantification on a subwatershed basis. What is the need for this information? This is a great deal of effort, with limited value. Subwatershed is defined as an HUC 12 watershed; Placer County has approximately 40 such watersheds within our Phase 2 permit boundaries. Is this for urban areas only, or for permit areas? It isn't likely that annual load estimations would show significant changes, and the effort required to model loads is significant. Pollutant load quantification may be appropriate where TMDLs have been established, but does not serve any meaningful purpose as a general permit requirement. Please remove requirement or limit to one or two watersheds.
71	Pollutant Load Quantification, E.14.b.(i)	Page 74	Allows Regional Boards to identify other pollutants of concern that must also be quantified on an annual basis. Such deferred permit requirements create an unknown, and possibly significant, burden for permittees. Please remove requirement.

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72	Program Modifications, E.14.c.(i)	Page 75	Requires the permittee to consult with the Regional Board regarding BMP modifications. The expectations, and possible outcomes, of this requirement are not clear. How often is this consultation to occur? The uncertainties of possible Regional Board desired BMP changes during the permit term make it impossible to understand permit impacts and to effectively plan for resource needs. Please clarify the requirement.
73	TMDL Compliance, E.15	Pages 75-76	Established TMDLs with assigned Waste Load Allocations are already enforceable through Regional Boards; why is it necessary to include this provision in the General permit? Please modify requirement.
74	TMDL Compliance, E.15.c.	Page 76	Requires Regional Board review of TMDL specific requirements shown in Attachment G within six months of permit adoption. For what purpose? Does this suggest that the Regional Board is being given direction/authority to revise or expand existing TMDL requirements? Why is this provision necessary? Please clarify.
75	TMDL Compliance, E.15.d.	Page 76	Why is reporting of TMDL implementation required with this permit? Existing TMDLs already have reporting requirements; this is a redundant and unnecessary requirement. Please remove requirement.
76	Annual Reporting, E.16.b.	Page 77	Refers to "Provisions E"; where is this found? Please clarify.
77	Annual Reporting, E.16.c.	Page 77	Requires that only a single annual report be submitted for regional efforts. Does this suggest that if there is a regional monitoring effort, or regional outreach/education effort, or any other coordination with other permittees, that only one report is to be prepared? This is not a practical or reasonable expectation. Please modify requirement.
78	Attachment A, Traditional MS4s		Placer County is listed as having TMDL monitoring requirements for Region 5; this is incorrect. There are no adopted TMDLs applicable to unincorporated Placer County within Region 5. Please remove this requirement.
79	Attachment F, CBSM	Page 1	Misabeled as Attachment F (Should be E). However, should be removed from permit; see comments above.
80	Attachment K, Acronyms		Should be updated to reflect the content of this permit.

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81	Attachment L, Glossary	Page 2	The definition of Design Storm begins with "For Purposes of these Special Protections...". What does this mean? Please clarify.
82	Attachment L, Glossary	Page 4	Correct formatting needed
83	General		There are numerous references in the reporting requirements to "complete and have available" certain reports, etc. What does this mean? Are these to be submitted with the Annual Report, or kept for inspection if requested? Please clarify.
84	General		Some portions of the draft permit refer to "permit area", some to "jurisdictional area", and some to "urban/urbanized area". For Placer County our urbanized area is approximately 12% of our permit area, and our permit area is approximately 38% of our jurisdictional area. Clarification of the intent is needed in the permit language.
85	General		The permit has been drafted with a "one-size-fits-all" approach. While the majority of Phase 2 permit areas are substantially urbanized areas, some permits, such as those covering Placer County, include substantial rural areas. Many of the expectations of this prescriptive permit are not practical or reasonable for application in rural areas. One basic example is a requirement to map the storm drain system. For Placer County, our system includes thousands of culverts and miles of roadside ditches, spread throughout 340,000 acres of permit area. Inventory, mapping and inspection will take years of effort. The permit requirements should be structured to allow for varying levels of implementation based on such differing conditions.

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86	General		<p>This permit is overly prescriptive and includes numerous requirements relating to data collection, management, and reporting that will have no direct effect on preserving or improving water quality. The resources needed to fully implement the permit are generally not available in smaller municipalities, especially in the current economic climate. Staffing and budget reductions continue as they have over the past several years. It is imperative that permittees' limited resources be directed to efforts that have the greatest, and most direct, benefit to water quality, rather than actions that generate only data and reports. Unless permit requirements are reasonable and achievable, compliance will be impossible, and the Water Board faced with a very difficult enforcement scenario.</p>
87	General		<p>There are many elements of this permit that exceed the minimum standards established by the Federal Clean Water Act. All provisions that do so should be removed from this permit.</p>
88	General		<p>There are permit provisions that appear to overlap other State/Federal requirements, i.e., Water Efficient Landscape Ordinance. Requirements imposed through other State or Federal requirements should be removed from this permit to avoid duplication of efforts and possible conflicts in implementation. In many instances these requirements are implemented by different departments/agencies within the municipality, further increasing opportunities for redundant efforts or forcing unnecessary efforts to coordinate. Please remove redundant enforcement requirements.</p>
89	General, Attachments		<p>A number of attachments have a "confidential draft" note at the top that must be removed.</p>
90	Lack of cohesiveness	Entire document	<p>Although the document seems formatted consistently, the content is very difficult to follow. It doesn't flow well from one section to the next and there is no connectivity or cohesiveness between sections, almost as though each section was written by a different author. The SWRCB should consider having this document reviewed and rewritten to address this.</p>

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91	Recidivism Reduction, E.6.c.ii.f	Page 23	Difficult to impose this requirement. Suggest changing the term, "recidivism," as this term is most frequently used in conjunction with criminal behavior and substance abuse (often synonymous with "relapse" - more commonly used in medicine and in the disease model of addiction). It has a negative connotation that doesn't seem appropriate in a stormwater compliance sense. Not sure how the County can pick on violators, or if we are supposed to single out by contractor, project owner, property owner, or all of the above?
92	Construction Outreach and Education, E.7.b.2.a)(ii)(a)	Page 27	Vague/ambiguous language. Rewrite and clarify which inspectors must be certified.
93	Construction Outreach and Education, E.7.b.2.a.(iii)d.	Page 28	"demonstrate...potential behavioral changes" -County engineers and technicians are to survey and document behavioral changes in staff? This should be deleted from the requirements. If it stays in, make it optional.
94	Enforceable Construction Site Stormwater Runoff Control Ordinance, E.10.	Pages 35-37	Requires various County offices to coordinate revisions to the existing Stormwater Quality Ordinance; this will take many working hours across departments. Please add more time for completion in permit.
95	Construction Site Inventory, E.10.a.(ii)(d)	Page 36	"Project threat to water quality" - subjective - how do you quantify? - suggest deleting this inventory item
96	Construction Site Inventory, E.10.a.(ii)(e)	Page 36	"Current construction phase, <u>as described in this Section</u> ;" - where is current construction phase described in the Section? Please clarify.
97	Construction Plan Review and Approval Procedures, E.10.b.(ii)(a)	Page 36	Prior to issuing ANY Grading or BUILDING permit? Residential building permits? Specify when this applies, as it can't mean every Bldg Permit. What about remodels? Decks? Patios? Etc? Requirement to prepare Erosion and Sediment Control Plan should only apply to larger projects (maybe 5,000 SF added impervious?) Please modify requirement.

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98	Construction Plan Review and Approval Procedures, E.10.b.(ii)(b)	Page 36	Is the Erosion and Sediment Control Plan really a SWPPP? It should just be a site plan showing erosion control BMPs - seems like too much detail at this stage for the construction plan review to include supporting soil loss calculations (is this already in the SMARTS system)? If so, why is the County charged with reviewing it? Please clarify requirement and do not have the local jurisdiction reviewing state requirements.
99	Construction Plan Review and Approval Procedures, E.10.b.(ii)c	Page 36	These permits are with other agencies - State and Federal - it is up to the applicant to get these permits. County can require evidence of these permits to be submitted to the County prior to grading activities. Adding this info to the Erosion and Sediment Control Plan seems late in the process. County should not be responsible for confirming whether applicant has complied with these permits. Please modify requirement.
100	Construction Plan Review and Approval Procedures, E.10.b.(ii)(d)	Page 36	Specifying how we conduct and document our review of each Erosion and Sediment Control Plan "using a checklist or similar process"; this requires more time and effort to create a checklist or form. Why not leave this up to each permittee? Please modify requirement.
101	Construction Plan Review and Approval Procedures, E.10.c.(i)	Page 37	What does "use legal authority" mean? Do we need to write something into the revised Ordinance to give us more enforcement power? Please clarify.
102	Construction Plan Review and Approval Procedures, E.10.c.(iii)	Page 37	Too many reporting requirements. Suggest deleting item (i).
103	Site Design Measures, E.12.c.(i)	Page 47	typo - the word "date" is missing after the word "effective" in the first sentence (same error occurs in first sentence of E.12.d.1.(i))

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104	Site Design Measures, E.12.c.(i)	Page 47	2,500 SF seems like much too low a threshold to require site design measures and it includes detached single family homes. Basically every residential Bldg Permit will be subject to this. Limit this requirement to urban area and project threat to water quality. Placer County has many rural homes within permit area where 2500 SF would not have any impact to a water body.
105	Site Design Measures, E.12.(c)(ii)	Page 48	"maximum extent technically feasible" is too high a standard for site design measure implementation. Change to "maximum extent practicable" otherwise, every single family residential projects will have to incorporate green roofs, porous pavement, vegetated swales, etc. because they are "technically feasible" - this would be very costly to each homeowner and very hard for County to require (perhaps it could be "encouraged" with some sort of future incentive program, but making it required will be very unpopular and difficult.) Please modify requirement.
106	Low Impact Development Runoff Standards, E.12.d.1.	Page 48	Suggest raising the impervious surface area to 10,000 SF (or alternatively 1/4 acre) for Regulated Projects, otherwise, far too many small projects are included.
107	Low Impact Development Runoff Standards, E.12.d.1.(ii)	Page 48	Resolve double negative - confusing - "regulated projects as they are defined below do not include the following specific exclusions." Just list the exclusions.
108	Low Impact Development Runoff Standards, E.12.d.1.(ii)(d)(1)(i)	Page 49	"If a project receives a vesting tentative map or <u>development agreement</u> ..."; suggest modifying language. Development Agreement to Placer County is an agreement between CEO's office and a developer for certain defined public benefits in exchange for a longer permit term or other project benefit - Does SWQCB staff mean "discretionary permit"? Please clarify.
109	Low Impact Development Runoff Standards, E.12.d.1.(ii)(e)	Page 50	It will be very difficult to implement LID on public new road and road widening projects in rural areas; the 5,000 SF impervious surface threshold is too low and should be raised so fewer "small" road projects are in the "regulated projects" category. Many of these roads do not have existing easements to accommodate LID features.

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110	Low Impact Development Standards, E.12.d.2(ii)(1)	Page 51	Source control requirements- first sentence is unclear. Does the "following" list contain "BMPs" or "pollutant sources"? It appears to mainly contain pollutant sources but some of these are unclear, too, like "interior parking garages?" Please clarify.
111	Low Impact Development Standards, E.12.d.2(ii)	Page 51	Drainage Management Areas appear to be the same as subwatershed areas commonly used in a drainage analysis that the County routinely reviews - this permit is very prescriptive and it seems like it could be scaled back to allow the Permittees to direct project applicants to prepare drainage reports in the manner we currently do according to our Stormwater Management Manual and related preliminary drainage analysis preparation documents we provide to applicants. Suggest rewrite such that municipalities which have sufficient drainage requirements in place continue to use them.
112	Low Impact Development Standards, E.12.d.2(ii)(2)	Page 52	Site Design Measures for Regulated Projects are the same as the list under E.12.c. for 2,500 SF impervious surface projects so suggest deleting E.12.c. to simplify and shorten permit, or consolidate into one list.
113	Low Impact Development Standards, E.12.d.2(ii)(3)	Page 52	For specified bioretention system design parameters, does this really belong in a Municipal Permit? Appears we are required to implement LID measures as specified - strict and little flexibility in complying with the permit. What if one of these parameters doesn't apply to the project, or can't be met? Are we then in violation of the Municipal permit? Please clarify.
114	Low Impact Development Standards, E.12.d.2(ii)(3)	Page 52	Typo - delete the word "in" from the first sentence, "the amount of runoff specified in below."

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115	Hydromodification Management, E.12.e	Pages 55-56	Permittee shall develop and implement Hydromodification management procedures ; Placer County is in the Sierra Nevada range (primarily). Can county lines be added to Figure 1? This section is unclear - what procedures are we to develop? Requirement that Regulated Hydromodification Projects evaluate the 2-year, 24-hour storm and design their site to not exceed this?
116	Watershed Process-Based Storm Water Management, E.12.f(i)	Page 57	typo - the word "date" is missing after the word "effective" in the first sentence of the second paragraph.
117	Watershed Process-Based Storm Water Management, E.12.f(ii)	Page 58	This requires a lot of work over multiple departments; major rewrites and modifications to existing codes, plans, regulations, specifications, standards, etc. to include LID and Hydromodification. Also requires BOS direction and approval. Please change permit to allow for more time on an update.
118	Watershed Process-Based Storm Water Management, E.12.f(iii)	Page 58	Reporting requirement to have a strategy available for implementing numeric criteria for protecting watershed processes affected by storm water in new and redevelopment projects is not feasible. Please clarify how to complete this task.
119	Operation & Maintenance of Post-Construction Storm Water Management Measures, E.12.g	Pages 58-61	Not sure the list of responsible maintenance conditions, deeds, statements, etc. are legally binding on project proponents. Database of installed treatment systems will take a huge effort, if including all built projects in the County. Please clarify that this is only for major project with threat to water quality and not for rural home sites.
120	Operation & Maintenance of Post-Construction Storm Water Management Measures, E.12.g	Pages 58-61	Public agencies should not be physically, financially, or legally responsible for any O&M on private property.
121	Post-Construction BMP Condition Assessment, E.12.h	Page 62	This seems so similar to E.12.g -why not group them so permittees would be assessing the condition of structural BMPs at the same time we are verifying O&M for projects?

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122	Public Education and Outreach, E.7.a(ii)(k)	Page 26	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. Sentence should read: "Develop (or coordinate with existing programs) and convey outreach messages specific to reducing discharges from charity car washes..."
123	Illicit Discharge Source/Facility Inventory – Clarification, E.9.b.(ii)(c)	Page 32	<p>This element requires "The Permittee shall determine if the facilities that are required to be covered under a NPDES storm water permit have done so." As simply interpreted this requires Permittees to actively contact all facilities within the inventory to make this determination. It is our understanding this is not the intent of this item. Rather if in the course of a municipal inspection or IDDE investigation staff are made aware that a facility should be but is not permitted then the Permittee is obligated to notify the Regional Board.</p> <p>Recommend changing statement to: Upon discovering any facilities requiring permit coverage but are not yet permitted during outfall inventories and/or IDDE investigations, the Permittee shall notify the appropriate Regional Water Board, and include copies of the notification in the online Annual Report.</p>