



Shasta County

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

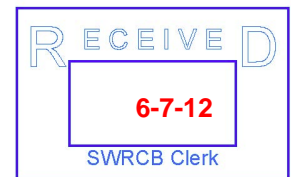
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June 4, 2012

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



Subject: Comment Letter – Revised Draft NPDES General Permit for Storm Water Discharges from Small MS4s and the Construction General Permit

Dear Ms. Townsend:

We appreciate the State Water Board's invitation to comment. We still have concerns on the post construction water balance requirements for rural roads. The draft changes in the "Revised Draft NPDES General Permit for Storm Water Discharges from Small MS4s" and in the "Construction General Permit" change whether many rural area road projects are permitted under the Construction General Permit or both permits, but the changes do not appear to address our concerns.

We asked our local Regional Water Quality Control Board for guidance on the latest post construction water balance requirements for projects on rural roads. Their response was that they did not know how to address post construction water balance on rural area roads. In the new revisions for rural road projects outside of a Regulated Small MS4, and therefore under just the Construction General Permit, the incoming post construction water balance requirements are unchanged.

For rural road projects in Regulated Small MS4 areas the draft changes are unclear. For example, Section E.12.d.1.e states "except that treatment of runoff of the 85th percentile that cannot be infiltrated onsite shall follow USEPA guidance regarding green infrastructure to the maximum extent practicable." This and other language is not repeated in the draft Construction General Permit changes. These incoming requirements could stop safety projects such as paving bike lanes, adding a turning lane, or paving shoulders.

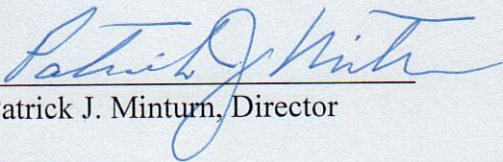
Shasta County has many miles of rural road with limited right of way on the shoulders. The surrounding areas are mostly native and the proposed requirements are the same as for construction in urban areas with a preponderance of hardscape and a developed storm drain system. Rural roads, especially roads that direct storm water runoff to adjacent vegetated areas or minor natural drainage

systems, are not in areas of accumulated effects as in urban areas. They generally do not have curbs, gutters or storm drain systems. The terrain is generally more extreme with more natural growth. Many of these areas are not paved. Critically, most have few financial resources available.

It seems that the new definition of “Regulated Small MS4” recognizes these differences, then ignores them, especially under the resulting Construction General Permit Requirements. The post construction water balance requirements in the new permits for rural area roads are confusing, hinder good road improvements, are inappropriately costly, and unresponsive to local agencies. They will result in inefficient use of the resources directed to stewarding water quality while decreasing road safety for the travelling public.

Our concerns remain.

Sincerely,

By 
Patrick J. Minturn, Director

PJM/NMM/tac
Email