

PUBLIC WORKS CALAVERAS COUNTY



Transit
Land Division
Roads and Bridges
Transportation Planning
Integrated Waste Management
Grading, Drainage and Erosion Control

Tom Garcia, P.E., Director

July 23, 2012



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

SUBJECT: Comment Letter - 2nd Draft of the Phase II, Small MS4 General Permit

Please accept this correspondence as comments from Calaveras County on the State's Second Draft of the Phase II, Small MS4 General Permit update. These comments are in support of the Regional Council of Rural Counties, Statewide Stormwater Coalition, and California Stormwater Quality Associations' comment letters to you. We agree with the more-detailed correspondence from the noted agencies and offer the following County-specific information in support of the comments made by the various commenting agencies.

General

We acknowledge the efforts by all involved in revising the initial draft permit language. However, we remain very disappointed that issues that we raised in our comment letter to you, dated September 8, 2011, have not been addressed. As such, a copy of our correspondence is attached. The issues noted therein remain outstanding.

Extensive Cost Liability

As mentioned in our previous correspondence, Calaveras County is a rural county with a dispersed population of approximately 45,000 residents. Our County population consists mainly of residents who commute to work in San Joaquin County and outlying areas or retirees. The median household income per the Census is \$54,971, slightly above the 80% of the State average used as a limiting factor for requiring permits. However, there is no source of funding available to implement the program other than the County's General Fund. Charging applicants for the full cost of implementing the program is not viable as there were only a total of 29 reported building permits for 2011¹. Additionally, since a serious lack of

¹ US Census Bureau



revenue is already requiring our Board of Supervisors to make deep cuts to essential services, funding the proposed storm water program by the General Fund is not feasible. Although the permitted areas are focused in the town centers of Arnold, Murphys, San Andreas, Valley Springs, and Copperopolis, these town centers have retained their rural characteristic. This is clearly evident when taking an inventory of all outfalls along the County-maintained road system. As the storm water conveyance system consists of numerous cross culverts and roadside ditches, taking the inventory is quite different than similar efforts in a small urban area that does not have rural characteristics. Urban areas tend to have defined storm drain systems along roadways with curbs, gutters, and sidewalks. Outfalls from these systems are usually well-defined. The proposed permit does not make a distinction between water conveyance systems in rural settings versus urban settings. As such, the cost to implement the permit in areas with rural settings is extremely high.

Calaveras County has very little industry. Per the U.S. Census, there are no manufacturing shipments reported. As such, issues of highly-contaminated discharges are not problematic in Calaveras County. The greatest source of potential storm water impairment historically came from construction activity of homes. As construction activity has virtually ceased, the source of funding from permits has nearly vanished. On a positive note, the potential for discharges has also decreased. As such, the cost of implementing the program is high with minimal anticipated benefits to stormwater quality.

Additional Undetermined Costs

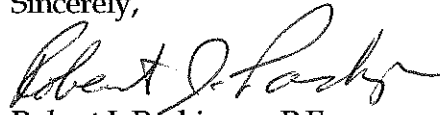
Various specific permit requirements are not cost efficient, impracticable, or infeasible. As mentioned in the previous correspondence, the cost to provide Community-based Social Marketing as may be required by Section E.7 is unknown. Compliance with this requirement will most likely force us to hire consultants or staff that can implement findings from social psychology to determine the effectiveness of our public outreach. Being burdened with additional, albeit still unknown costs, is unreasonable in this current economy.

As Calaveras County is a rural county, our road system consists primarily of relatively narrow, winding, two-lane roads with limited right of way. Any road improvement on this system is an expensive undertaking. As the roadways have natural swales alongside natural open ground, storm water runoff currently has an opportunity to infiltrate without the need for capturing the storm water runoff. Requiring treatment of runoff will add a tremendous cost to projects that have limited funding.

Requiring General Plan and associated document updates by the fourth year of Permit Annual Report is infeasible. The County has currently been working on a General Plan update for a few years. Given the public involvement in the process and competing interests, it is not realistic to imagine that an update of planning documents can be completed in the required time frame.

We hope that the Regional Water Quality Control Board will consider the unique physical and financial aspects of rural counties and allow them to continue to practice storm water management as is required under the current permit.

Sincerely,



Robert J. Pachinger, P.E.

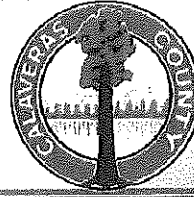
Senior Engineer

R.C.E. #52667

RJP/tw

Via Email

cc: Jeanne Boyce, CAO
Tom Garcia, Public Works Director
Brian Moss, Environmental Management Agency Administrator
Rebecca Willis, Planning Director
Jeff White, Building Official



September 8, 2011

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

SUBJECT: Comment Letter - Phase II, Small MS4 General Permit

Please accept this correspondence as comments from Calaveras County on the State's Phase II, Small MS4 General Permit update. These comments are in support of the California Stormwater Quality Associations' comment letter to you. We agree with the more-detailed correspondence from CASQA and offer the following County-specific information in support of the comments made by CASQA.

Lack of Program Flexibility

Calaveras County is currently permitted as a Small MS4. The population of the County is approximately 45,000 residents, which includes only 18,500 households. Expected growth to 2035 will increase population to approximately 68,000 people. This population is dispersed in the County's 1,020 square miles in a rural environment. The storm water conveyance system consists of miles of roadside ditches and numerous cross culverts. Flows discharge to natural drainage ways. Although Calaveras County may meet the thresholds for permitting, the proposed permit does not take into consideration storm water practices in rural areas. The current permit allows jurisdictions to comply with established goals with programs tailored to unique locations and demographics. We have been successful in applying the requirements of the current permit with, among various items, a reduced incidence of violations from grading activities and a robust program for inspection of various facilities to ensure compliance. The proposed permit will require performing extensive studies, managing activities permitted under other state NPDES permits, increased inspections, and maintaining extensive databases. Combined, these represent a tremendous burden to the County with only minimal anticipated benefits to storm water quality.

Extensive Cost Liability

The County is able to meet current permit requirements cost effectively. The County's current storm water program is managed by three personnel which includes one inspector, one staff, and one manager on a part-time basis. The current budget for the program is approximately \$40,000, from the County's General Fund. By contrast, the proposed permit will require the County to drastically increase the number of personnel involved in the storm



water program in order to implement the various elements, including inspection of industrial sites, database management, and similar expanded responsibilities. For example, we will be required to inventory and ensure implementation of BMPS for activities that have not previously been regulated such as charitable car wash areas, outside farmers markets, nurseries and greenhouses (Section E.11.a). Although we do not currently have personnel or funding available, the proposed permit specifically requires us to "secure the resources necessary to meet all requirements of this order" (Section E.4.d). The County simply does not have any secure sources of funding for the program. The current economic climate and the requirements of Prop 218 make it unrealistic that any additional funding will be available for some time to come. As noted in CASQA's correspondence, the requirements of the proposed permit are an unfunded mandate. For rural counties struggling to provide basic services, these permit requirements will not meet the intent of ensuring a cleaner environment, but may result in the failure of the efficient small programs currently in place. CASQA estimates a threefold increase in program costs. However, Calaveras County's costs for the program can easily increase tenfold. This cost is based on the additional personnel needed. This can add personnel cost in excess of \$150,000 per year. The County would also be required to hire consultants to perform the various studies necessary under the proposed permit at additional cost.

The County is able to meet current permit requirements with staff available. The proposed permit requires substantial ongoing monitoring and management of the program. However, development and implementation of the program will require additional people in order to perform various requirements such as mapping, training, inventory of various facilities, etc. Considering that we have over 3,500 culverts on approximately 740 miles of roadways, it will be a substantial effort to inventory all the outfalls, visually monitor all Permittee-owned open channels, detention basins, and other drainage structures for debris at least once per year and identify problem areas as required under Section E.9.g. Our road crews inspect many facilities on a yearly basis, and problem areas receive priority. With our current maintenance program, every facility in the County will have at least one review every few years. However, expecting that every facility be reviewed on an annual basis is currently not economically feasible.

Additional Undetermined Costs

Current public outreach have been shown to be effective. The cost to provide Community-based Social Marketing as required by Section E.5.b is unknown. In light of existing budget constraints, the County is not in a position to accept undetermined financial liability. Additionally, we consider the benefits of efforts, such as establishing pilot programs and passing an Efficient Landscape Ordinance to be uncertain at best. The permit areas in the County are noted for their historic character. Activities which could impair water quality in these areas are limited. Although we have some activities found in urbanized areas, the scale of those activities is very small. Note that, since such urban areas are surrounded by acres of natural vegetation, requiring an Efficient Landscape Ordinance would provide only very limited results.

Although the County is not currently widening roads, the proposed permit language may force the County to capture, infiltrate, and evapotranspire runoff from our road projects per Section E.12.b.3. Current roads are narrow with roadside drainage consisting of miles of drainage ditches. Storm water runoff currently has an opportunity to infiltrate without the need for capturing the storm water runoff. Meeting the proposed requirement will substantially increase the cost of projects. Since funding is limited, the result will be a reduction in our ability to increase the capacity of our roadways or abandonment of some maintenance projects if, for example we wish to add a paved shoulder to our roadway.

We hope that the Regional Water Quality Control Board will consider the unique physical and financial aspects of rural counties and allow them to continue to practice storm water management as is required under the current permit.

Sincerely,



Robert J. Pachinger, P.E.

Senior Engineer

R.C.E. #52667

RJP/tw

Via Email

cc: Jeanne Boyce, CAO
Tom Garcia, Public Works Director
Brian Moss, Environmental Management Agency Administrator
Rebecca Willis, Planning Director
Jeff White, Building Official
Scott Taylor, Chair CASQA