



City of Yreka

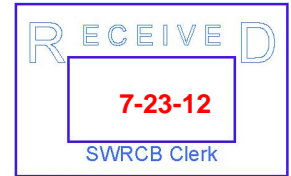
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Public Comment
Draft Phase II Small MS4 General Permit
Deadline: 7/23/12 by 12 noon



July 20, 2012

State Water Resources Control Board
c/o Jeannine Townsend, Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Members of the Board:

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

Thank you for the opportunity to comment on the proposed MS4 General Permit (“Permit”). The City of Yreka (“Yreka”) is located on a small tributary in the Shasta River watershed and has been designated in the Permit by the North Coast Regional Water Quality Board for inclusion in the Permit as a result of the Shasta River TMDL¹. The Shasta River is impaired by temperature and dissolved oxygen parameters.

Yreka joins and reiterates comments of the Statewide Stormwater Coalition, the City of Roseville, and the technical comments submitted by the California Stormwater Quality Association. We request that the State Board also consider the following comments:

The benefits to be derived by this designation are disproportionate to the costs of compliance. The area of the City of Yreka is roughly 1% of the lower Shasta River watershed². As currently estimated, costs associated with full Permit compliance may be as much as 4% of the City’s annual \$5 million General Fund budget³. These cost projections are likely to be seriously understated.

The Shasta River TMDL does not effectively segregate conditions in Yreka Creek from the whole watershed. Yreka Creek currently provides riparian shade and cold water habitat that is actively used by endangered salmon⁴ and steelhead. Yreka Creek enters the Shasta River at approximately River Mile 7.5, which is directly above some of the best aquatic habitat available in the 40-mile Shasta River system.

The Shasta River TMDL is not an appropriate measure for Yreka’s designation because it does not represent current conditions or consider a wide variety of recent improvements. The TMDL is due for a 5-year update in 2012 and this process will provide an opportunity to acknowledge the efforts already made by the City of Yreka⁵, numerous private restoration projects, and to incorporate updated water quality information. This type of iterative process was contemplated by the Regional Board when the TMDL was adopted, but it has not effectively been used yet to inform the TMDL. These efforts should be considered, and accurate information assessed, before imposing on small communities the new administrative bureaucracy proposed by the draft Phase II Small MS4 General Permit.

Since 2005, the City of Yreka has aggressively pursued projects benefitting Yreka Creek and the watershed as a whole. We are active participants with a local citizen advisory committee⁶. Since 2006, these partners have been engaged in more

¹ Amending the Water Quality Control Plan for the North Coast Region to include the Action Plan for the Shasta River Watershed Temperature and Dissolved Oxygen Total Maximum Daily Loads. Adopted by the Regional Water Board on June 29, 2006, in Resolution No. R1-2006-0052. Adopted by State Water Board Resolution No. 2006- 0093 on November 15, 2006. Approved by the State Office of Administrative Law on January 9, 2007. Approved by the United States Environmental Protection Agency on January 26, 2007.

² Approximately 10 square miles of 800 sq. mi. in the Shasta River Watershed. (Source: Shasta River TMDL Action Plan, Resolution R1-2006-0052)

³ Based on estimates of approximately \$200,000/year to operate Phase I NPDES programs. (Source: NPDES Stormwater Cost Survey, January 2005)

⁴ Shasta River Coho Salmon Radio Telemetry Investigation, 2007, prepared by Mary Olswang for the Department of Fish and Game

⁵ See Exhibit A –Voluntary Activities Contributing to TMDL compliance.

⁶ Yreka Creek Committee and Friends (Exhibit B). Project-specific partners include: California Fish and Game, Caltrans District 2, US Fish and Wildlife Service, National Marine Fisheries Service, US Forest Service, County of Siskiyou, and Shasta Valley Resource Conservation District.

than \$12 million dollars in directly beneficial watershed projects⁷. This voluntary collaboration is addressing priorities such as floodplain restoration, wider riparian buffers, stormwater detention, trash and sediment removal, and habitat enhancements. Compliance with the Draft Permit would divert the City's scarce staff and funding resources away from these beneficial community projects and our core municipal services (i.e., public safety and public works).

There are several existing mechanisms available to control pollutant contributions and protect water quality. Several of these, including the on-line implementation of the Construction General Permit, are relatively new and there has been insufficient time to evaluate resulting water quality improvements. Yreka is a small, low-income community which could qualify for Waiver⁸ under this Draft Permit and does not meet other designation criteria. The City has already implemented many activities that address the TMDL and many requirements of the Phase II MS4 General Permit⁹, yet it appears these actions are given no consideration in the decision to designate Yreka as a Small MS4 community. Yreka is the only city in Siskiyou County, and the only inland area in the North Coast Region, to be included. It seems that local action will never satisfy the unending spiral of increasing regulations, which only discourages our voluntary efforts.

The State Board should consider whether other reforms would encourage more voluntary watershed restoration projects and result in a more effective, less costly approach to water quality improvements than this new set of prescriptive requirements. Numerous roadblocks to beneficial projects exist within the existing regulatory framework. As an example, Yreka recently completed a floodplain restoration project at Greenhorn Creek. The on-line Stormwater Pollution Prevention Plan (SWPPP) Risk Assessment for the Construction General Permit classified the floodplain restoration project as Risk Level 2, even though the Regional Board staff agreed that Risk Level 1 was appropriate. The on-line form is too rigid to input the beneficial and unique attributes of a restoration project. Projects are all considered "development", even if a restoration project, and Regional Board staff has no override capability based on knowledge of local conditions.

The Board has authority to delay the effective period of this designation for Yreka, however the City of Yreka respectfully requests to be eliminated from the Phase II Small MS4 General Permit. This would ensure its voluntary program of beneficial watershed enhancements is not derailed by the need to create a new administrative bureaucracy for compliance with this General Permit. Yreka expects that any regulation adopted implies a responsibility on the part of the implementing agency to act in good faith. For the Board to proceed with the proposed regulations, without showing by its decision making that it has considered and weighed these points, would be an abuse of the Board's discretion.

We appreciate the efforts of the State Board staff to reduce the burden of these new regulations by reducing inspection frequencies, offering outreach alternatives, and reducing education related efforts. These proposed regulations still exceed the requirements of the Clean Water Act, and some are so specific that the unique character of individual communities is threatened. We are very concerned about what this Permit means to the future of our community.

Sincerely,
City of Yreka

By: 
Steven W. Baker, City Manager

Enclosure

Cc: Congressman Wally Herger, Senator Doug LaMalfa, Senator Ted Galnes, Assemblyman Jim Nellson
Matt St. John, Executive Director, North Coast RWQCB, City Council, City Attorney, Director of Public Works, Statewide Stormwater Coalition
Yreka Creek Committee, Siskiyou County Board of Supervisors, Shasta Valley Resource Conservation District

⁷ A \$5 million Stormwater Attenuation Project, completed in 2010, was funded by the State Board and incorporated three smaller associated projects funded by the Resources Agency and US Fish and Wildlife. Greenhorn Creek Floodplain Restoration was completed in February 2012. North Yreka Creek and North Oberlin Road projects total approximately \$2 million and are currently in design. Yreka is pending a final award on another \$5 million application, prepared by the Yreka Creek Committee and ranked 3rd in a statewide pool of 36 projects, for watershed restoration funded by DWR.

⁸ "Option 3 Small Disadvantaged Community – The Regulated Small MS4 certifies that it is a community with a population of 20,000 or less with an annual median household income (MHI) that is less than 80 percent of the statewide annual MHI. (Wat. Code, § 79505.5, subd.(a))". Source: *Draft Phase II Small MS4 General Permit, May 18, 2012, page 15.*

a) Yreka Demographics: 7,765 Population; 6,387 Acres (9.98 sq mi); Density = 778 residents/sq mi;

b) Yreka Median Household Income (MHI) = \$33,810, State MHI = \$57,708, 80% of State MHI = \$46,166 (Source: 2010 Census);

c) 68% of households are Low-Moderate income (Source: 2008 Income Survey), 12.9% Unemployment (Source: Preliminary June 2012, California EDD)

⁹ Summary of Shasta River TMDL requirements and Phase II General Permit Requirements (Exhibit C)

Exhibit A

Voluntary Activities Contributing to TMDL Compliance

YREKA Current Activities	Comments
Yreka Creek Master Plan- 1986, 2005, update in progress (US Forest Service Resource Advisory Committee, ~ \$15,000; US Fish and Wildlife & US Forest Service \$49,000)	Goals include multi-purpose greenway corridor and aquatic habitat improvements. Next update will incorporate floodway constraints & opportunities.
Master Plan of Drainage – 8/2005 (City, ~\$85,000)	Makes numerous recommendations to improve drainage infrastructure
Ecological Stormwater Mitigation Plan – 9/2008 (US Forest Service Resource Advisory Committee, ~ \$151,000)	Includes project recommendations, educational materials, and ordinance samples.
Stormwater Attenuation Project, completed 10/2010, (State Water Board, \$5 million) Plus Related Projects: 1. Oberlin Road Floodplain (DWR, \$300,000) 2. Yreka Creek Acquisition and Restoration (Resources Agency and US Fish and Wildlife, \$125,000)	Implemented numerous infrastructure and non-structural improvements including debris separators in downtown locations, floodplain corridor & riparian buffer widening (~14 acres), and added approximately 35 af of stormwater detention which helps reduce street runoff.
Hydrologic Analysis and Hazard Mitigation Options, WWTP Effluent Disposal Field, (City, ~\$50,000)	Identified 4 options to reconfigure disposal field for better soil filtration and incorporate trail placement.
Wastewater Treatment and Expansion Plan	Identifies needs and options for future community growth.
Greenhorn Creek Floodplain Restoration, completed 2/2011 (US Fish and Wildlife, Ducks Unlimited, FEMA ~ \$225,000)	Includes floodplain restoration plans for 1 mile above Reservoir. Phase 1 completed restoration on 1 st ¼ mile.
North Yreka Creek Trail and Floodplain Restoration, 2006 to current (Resources Agency and US Fish and Wildlife, \$1,500,000)	Includes floodplain restoration (~ 5 acres) near WWTP Treatment Ponds and Effluent Disposal Field. Design phase.
Flood Hazard Reduction Project, (pending DWR award, \$5 million)	Includes floodplain restoration, floodway corridor widening, and structural remediation (~ 16 acres). Funding Development phase.
Collection of Development Impact Fees (City, ongoing)	Used for special studies needed to assess & address growth impacts.
Staff Training	Permit training and operational housekeeping issues (BMPs) for all PW staff conducted by DFG, RWQCB, ACOE staff. Internal review and agency consultation to review potential impacts of specific projects, as needed.
Best Management Practices incorporated into construction projects and routine maintenance activities.	Includes dust abatement, open channel maintenance, material disposal, re-vegetation and erosion control, regular equipment maintenance, fueling practices, drainage structure maintenance, noxious weed elimination and native plant re-establishment.
Monthly and Stormwater Testing	Complies with Permit(s) and specific Project funding requirements.

Exhibit B
Siskiyou Gardens, Parks and Greenways Association
(a non-profit corporation)

Yreka Creek Committee & Friends

3/2012

INDIVIDUALS

Alan Eddy
Amy Andrus
Amy Hoss, Nature Conservancy
Audrey Flower, Rotary Club
Beth Cousineau
Bonnie Wood, Yreka HS
Brian Meek
Dave LaPlante, Natural Resource Geospatial
Dave Webb
David Franklin
David Simmen
Debbie Scott, Siskiyoutopia
Elizabeth Bradley
Jason Singleton
Jeff Levy
Jeff Stone
Jerry Mosier
Joe Blanchard
John Rowan
Kim Mattson
Env.Dir. Quartz Valley Indian Reservation

Less Kelley, Yreka Adventist Christian Sch
Larry Alexander, Northern Calif Resources Ctr.
Mark Reichert
Martha Amaro
Molly Aumack
Pete LaFortune
Rachel Schrader
Sam Cuenca
Santelle Minium
Steve Radford
Steve Renner
Tim Wilhite
Tom Hesseldenz, Tom Hesseldenz and Associates
Tiffany Paine
Twyla Miller
Victoria LaPlante

AGENCIES

City of Yreka 841-2386
Steve Baker, City Manager
Steve Neill, Public Works Director
Jeannette Hook, Public Works Administrative Assistant
Matt Bray, Public Works Maintenance Manager

CCC Kathy Santos

Americorps Rosa Albanese

California Dept of Fish & Game
Bill Chesney
Mark Pisano

Discovery HS Rick Meredith

Fish and Wildlife Service, Yreka
Jennifer Silveira

NOAA NMFS Fisheries Yreka 'Flick' (Don) Flickinger

Shasta Valley RCD
Adriane Garayalde, Executive Director
Kerry Mauro, SVRCD Board
Karen Mallory, Project Coordinator

Siskiyou Co Museum Mike Hendryx

Exhibit C

Summary of TMDL and Phase II MS4 Tasks and Activities

TMDL Task (as applied to Yreka)	YREKA Activity
<p>Yreka Wastewater Treatment Facility Actions:</p> <p>The Yreka WWTF shall comply with existing Regional Water Board Orders and Monitoring and Reporting Programs.</p>	<p>Timely monitoring and data submittal.</p> <p>Sanitary Sewer Overflows are addressed immediately and reported in accordance with Sanitary Sewer Management Plan. City has purchased a vacuum truck and uses it to prevent discharge to waterways if spills occur.</p> <p>WWTP operations are in compliance with its operating permits.</p>
<p>TMDL Action Plan:</p> <p>The cities of Yreka ... should identify possible pollutants, their sources, and volumes of polluted runoff from urban and suburban sources within their spheres of influence that may discharge, directly or indirectly, to waters of the Shasta River watershed.</p> <p>Cities and other landowners with suburban runoff should implement the applicable measures from the NPS Policy.</p> <p>Within two years of EPA approval of the TMDL (by Jan. 2009), cities and landowners with suburban runoff shall develop a plan to minimize, control, and preferably prevent discharges of fine sediment, nutrients and other oxygen consuming materials and elevated temperature waste discharge from affecting waters of the Shasta River and its tributaries.</p> <p>The plan shall be submitted to the Regional Water Board's Executive Officer for review, comment and approval.</p> <p>Within 5 years of EPA approval of the TMDL (by Jan. 2012), cities and landowners with suburban runoff shall begin implementing the plan.</p> <p>State Actions:</p> <p>The Regional Water Board will:</p> <ul style="list-style-type: none"> • Work cooperatively with responsible parties to implement their plan, including appropriate management measures and reasonable time schedules which minimize, control, and preferably prevent discharges of fine sediment, nutrients and other oxygen consuming materials and elevated temperature waste discharge from affecting waters of the Shasta River and its tributaries. 	<p>Sediment/trash capture devices are regularly cleaned and the quantity and type of materials removed is evaluated.</p> <p>City implements BMP's with all construction projects and housekeeping activities.</p> <p>Habitat and Watershed improvements are incorporated into Yreka Creek Master Plan for a multi-purpose greenway corridor.</p> <p>Implementation of collaborative multi-purpose stormwater management projects initiated in 2007.</p> <p>Two new detention basins help settle sediments in town before conveyance to Yreka Creek.</p> <p>In 2007 and 2008, Yreka attempted to obtain guidance from staff to create the required TMDL plan with little response.</p>

Exhibit C (continued)

Summary of TMDL and Phase II MS4 Tasks and Activities

NPDES MS4 Task Area	YREKA Activity & Comments
Program Management	<ul style="list-style-type: none">• Limited applicability in Yreka. Development activity is very limited and discharge potential from infill construction is minimal.
Education and Outreach	<ul style="list-style-type: none">• Regular newsletter outreach to community on stormwater topics (1-2 per year, since 2008)• Informational brochures available – Creek Maintenance, Low Impact Development ideas for on-site stormwater retention/treatment.• Free water audits available for water efficiency landscape review to reduce water use, runoff, and chemical application.• Staff are trained in issues for work near waterways.• Waterways are labeled as fish-bearing streams.
Public Involvement and Outreach	<ul style="list-style-type: none">• Citizen volunteers are actively engaged in project development, implementation, and advising the City regarding concerns.
Illicit Discharge Detection and Elimination	<ul style="list-style-type: none">• Limited application in Yreka which has only a small number of industrial and commercial properties.• Long standing ordinances do not allow direct connections to the storm drain system.• Limited potential for discharges from commercial & industrial facilities. Staff verifies operational stormwater filtration at remodels or upon complaint.
Construction Site Stormwater Runoff Control Program	<ul style="list-style-type: none">• Limited new construction occurring in Yreka. Infill development is very small, typically 1/4 to 1/2 acre. Larger sites are subject to Construction General Permit and Property Owner responsibility for compliance.• Inventory of facilities are available in Master Plan of Drainage and in Yreka Creek Master Plan.• Most drains in high-pedestrian areas are labeled. Street waste is disposed of to landfill. Maintenance is prioritized and BMP's are incorporated into projects and operational activities.• Yreka has moved towards aquatic friendly sprays and limiting chemical application at City facilities.• City Conditions of Approval require Developers to incorporate 10-year storm on-site detention, no net increase of runoff, and provide a long-term maintenance mechanism.

Exhibit C (continued)

NPDES MS4 Task Area

YREKA Activity & Comments

Water Quality Monitoring

- Stormwater monitoring program designed with RWCQB input. Required program expires in 12/2012. Area has experienced an average of 1 storm/year meeting testing parameters.
- City conducts monthly testing above and below WWTP facility.
- Shasta Valley RCD conducts additional monitoring outside City jurisdiction.

Program Effectiveness Assessment and Improvement

- City monitors monthly weather for existing adaptive management of stormwater monitoring.

TMDL Compliance

- City is working collaboratively to implement the 2005 Yreka Creek Master Plan, which has been previously provided to NCRWCB. The Master Plan has been adopted into the General Plan and incorporates wider floodway corridors, restored watershed processes, and aquatic/riparian habitat goals with non-motorized transportation and recreation throughout the urban area.
- RWQCB staff have provided input for numerous individual elements for the TMDL “plan”, but were unable to provide guidance when requested after adoption of the TMDL.

Annual Reporting

- No reports are currently required.