

**SUPPLEMENT<sup>1</sup> TO RESPONSE TO PUBLIC COMMENTS  
(DRAFT) WATER QUALITY CONTROL POLICY FOR STANDARDIZED COST  
REPORTING IN MUNICIPAL STORMWATER PERMITS**

**May 2024**



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<sup>1</sup> This supplement provides response to 8 comments inadvertently omitted from the [Sta Response to Public Comment](#) released on May 9, 2024.

## **Comment Letter 21: Tahoe Planning and Stormwater Programs Division, El Dorado County**

**Comment 21.1: Similar to the Trash Policy, this Draft Policy does not take into consideration rural vs. urban municipalities. There's so much variability across the state between Phase II Municipalities. Can there even be a standard for comparison? If the County is being compared to even our Placer County neighbor, who has six incorporated cities on their West Slope, we won't compare at all as we only have one incorporated city on our West Slope. The same will be true if we are compared to more urbanized counties and cities.**

**Response:** The Revised Draft Policy (section 5.3.6) recognizes variability and complexity associated with cost tracking and reporting by various permittees as well as inherent limitations of using a standard framework for estimating permit implementation costs. Please refer to the response to comment theme H1 in the Staff Response to Public Comment document for additional details.

**Comment 21.2: Unknown costs will be incurred by our County to create a system to track and report this information every year.**

**Response:** The level of investment of resources initially required to comply with the proposed cost reporting framework will likely depend on a permittee's existing cost tracking and reporting capability. During beta testing, the number of hours required for permittees to prepare and submit a cost report, using the proposed cost reporting framework, ranged from ten to several hundred hours with a median of 40 hours. However, the beta test of the proposed cost reporting framework suggests that the staff time required to track, and report permit implementation cost decreases in the subsequent reporting cycle after the first cost report.

**Comment 21.3: A primary driver within MS4 Permits is to embed and integrate permit requirements into daily municipal operations, culture, terminology, and expectations. We have been working really hard to do that for decades. Water quality is becoming the standard of industry with certification, accreditation and degree programs at statewide and national levels. Trying to isolate what staff is doing for water quality vs. standards of the time, the right thing to do, multi-benefit intents, for other County business, or for political proposes seems counterintuitive and somewhat backsliding. We do not want to see the direction of our program go back to being more siloed due to this new requirement.**

**Response:** Phase I MS4 permittees are required to report annual permit implementation costs per federal regulations. Based on the review of existing cost reporting methods, the revised draft policy proposes a standardized framework for categorizing costs related to permit implementation and reporting using a statewide data portal. The revised draft policy allows for using best professional judgement in estimating permit implementation costs when it is impractical to precisely track staff time or expenditures associated with an activity conducted as a part of daily municipal operations. While many activities are indirectly related to improvement of water quality, the goal of the proposed Policy is to understand the cost of implementing activities that are directly related to the permit requirements. Please refer to the response to comment theme G2 in the Staff Response to Public Comment document for further details.

**Comment 21.4: We recommend the Draft Policy be revised to start with minimal realistic reporting categories and then develop additional categories or sub-categories in later Municipal Phase I and Phase II Permits, if it becomes necessary.**

**Response:** Similar comments (comment theme E2) were addressed in the Staff Response to Public Comment document.

**Comment 21.5: We recommend the Draft Policy be revised to include language to ensure that cost reporting data will not be used to show effectiveness, deferred maintenance, or the Maximum Extent Practicable (MEP) standard.**

**Response:** Similar comments (comment theme L1) were addressed in the Staff Response to Public Comment document.

**Comment 21.6: We recommend the next version of the Draft Policy not be released until all Beta Testing has been completed and feedback from the Beta Testing has been thoroughly assessed and incorporated into the Draft Policy.**

**Response:** Beta testing was completed on November 15, 2023; about 6 months before releasing the Revised Draft Policy on May 9, 2024. Please refer to the response to comment theme A3 in the Staff Response to Public Comment document for additional details.

**Comment 21.6: We support CASQA's comment letter on the Draft Policy and recommend their comments be incorporated.**

**Response:** Comment noted. Please refer to the response to comment theme M2 in the Staff Response to Public Comment document.

**Comment Received by Email: Paul Bedore, Robertson-Bryan, Inc (Comment Letter 22)**

**Comment 22.1: The Port of Stockton's MS4 is small (~2100 acres), but for several years it has been regulated under the Central Valley Water Board's Regional MS4 NPDES Permit (R5-2016-0040) and previously under an individual Phase 1 MS4 NPDES permit. The Port is a non-traditional Phase 1 entity, similar to non-traditional Phase 2 agencies defined in the draft policy:**

***Non-Traditional Phase II Permittees – Phase II Permittees operated by Federal, State, or local entities other than counties cities, or towns. These can include schools, universities, parks, ports, transportation facilities, prisons, hospitals, and military bases.***

**It seems that the draft policy is equally inapplicable to non-traditional MS4s whether under they're regulated as a Phase 1 or Phase 2 MS4. The Central Valley Regional MS4 Permit does not prevent other non-traditional MS4s from being permitted under it, even if they are currently enrolled in the Phase 2 MS4 permit. Does it seem appropriate that the inapplicability clause of section 3.2 be extended to non-traditional Phase 1 MS4s?**

**Response:** Federal regulations require all entities regulated under a Phase I MS4 permit to report annual permit implementation costs. Consistent with such federal requirement, the proposed Policy requires all Phase I MS4 permittees, municipal or non-municipal, to adjust their cost tracking and reporting methodology. The response to comment theme F4 in the Staff Response to Public Comment document addresses an issue similar to this comment.