Comment 110

Public Comment
Phase II Small MS4 General Permit
Deadline: 9/8/11 by 12:00 noon

PLACER COUNTY
DEPARTMENT OF PUBLIC WORKS

Ken Grehm, Director
Peter Kraatz, Deputy Director

August 25, 2011

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

RECEIVED
9-7-11
SWRCB Clerk

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

Dear Jeanine,

First, we would like to express our appreciation for the Board extension of the initial review period by 30 days and for including a second review draft within the adoption process. Because the draft permit is substantially different, in both form and content, than the existing MS4 permit, the additional timeline allows us to more fully evaluate the impacts this permit may have upon the County. We recognize and appreciate the challenges the Board and Board staff have 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. As currently drafted, the permit will have significant financial and resource impacts upon the County. As such we hope the Board will consider our comments as constructive in assisting the Board in creating a balanced and implementable permit.

110.1

As a permitee having a NPDES Phase I permit in the Lake Tahoe Basin and two Phase II permits, one for Truckee and one for Western Placer County, our 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 NPDES permits, as there is significant new cost associated with implementing these requirements. This proposed draft MS4 permit expands upon the 6 Minimum Control Measures identified for Phase II stormwater programs within the Clean Water Act and adds significant new programs commensurate with many Phase I permits. We request that the Board more fully consider the implementer cost and resource implications of this permit upon both the directly regulated and sub-regulated entities before taking action on its adoption.

110.2

110.3

Our 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 last November 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.

110.4 → We request that the draft permit be re-evaluated and rewritten to create a more balanced and reasonable implementation schedule which "steps-up" requirements over multiple permit cycles. For example, during the next permit term, permitees might be required to start mapping outfalls. The following permit term could then require the mapping of the drainage areas. MS4's such as rural Placer County that has large land areas will need time to complete these tasks. Consideration should be given to MS4's which are not typical. The step-up over multiple permit terms gives the County time to educate the public, work toward securing additional funding, and adding staff where required. Additionally, municipal facility SWPPP guidelines have not yet been developed by SWRCB staff; this is another instance where the specific requirements of the permit, and their associated impacts, are currently unknown and will have significant impacts on completion of the permit requirements in the time specified.

110.5 → 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 require data collection, maintenance, analysis and reporting which will do nothing to directly improve water quality conditions. Permit Attachment B includes a matrix of permit requirements and indicates which program elements directly impact water quality, and which do not. We request the Board remove those program elements that will not directly benefit water quality improvement. This will help develop a permit that is balanced, implementable and will ultimately achieve water quality benefits.

110.6 → We feel the Industrial and Commercial Inspection Program, Section E11, is excessive and redundant to the Statewide Industrial and Commercial permit requirements. Currently, the County tracks and inspects Industrial and Commercial sites as part of its illicit discharge detection and elimination program. We have inventoried parcels based on zoning and have prioritized the sites based on potential impacts to water quality (proximity to water body, type of business, slope, etc). We inspect a number of high priority sites annually. If, during an inspection, we discover the facility does not have a State permit as required, we report the site to the Regional Water Quality Control Board, similar to our construction site inspection program. We rely on the State to manage and enforce their permits as intended, and for which they collect fees from permit holders. Our current approach is found to be effective without the need for extensive database tracking and details as identified in this draft permit. A simplified approach, such as in the Lake Tahoe Basin Phase I permit (Attachment 1), minimizes overlap with the State's responsibilities, is a cost effective approach, and demonstrates progress in achieving water quality goals.

110.7 → 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 the 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

Ken Grehm, Director
Dept of Public Works

Attachments

October 15 of each year), each Permittee shall inspect, at a minimum, each high priority construction site once per week.

Based on site inspection findings, each Permitee shall implement all follow-up actions necessary to comply with this Permit.

2. Commercial, Industrial, and Residential Component

Each Permittee shall develop and implement measures to reduce pollutants in runoff from commercial, industrial, and residential properties within its jurisdiction. The purpose of this Component is to identify potential pollutant sources on private property, prioritize existing or potential water quality threats associated with different land uses, and provide outreach, education, and enforcement measures to reduce and/or eliminate stormwater pollution from these sources.

a. Commercial and Industrial Site Inventory and Prioritization

Each Permittee shall develop and annually update an inventory of high priority commercial and industrial activities and sources. The commercial and industrial source inventory should consider the following business types:

(1) Automobile mechanical repair, maintenance, or cleaning;
(2) Automobile and other vehicle body repair or painting;
(3) Retail or wholesale fueling;
(4) Eating or drinking establishments;
(5) Mobile carpet, drape or furniture cleaning;
(6) Concrete mixing or cutting;
(7) Painting and coating;
(8) Mobile pool and spa cleaning;
(9) Snow removal activities

The use of a Geographical Information System (GIS) database is highly recommended, but not required.

b. Commercial and Industrial Site Inspection, Outreach, and Enforcement

Each Permittee shall implement a program to inspect high priority commercial and industrial sites as needed. Based upon site inspection findings, each Permittee shall implement all follow-up actions necessary to comply with this Permit. Outreach efforts shall include information regarding local ordinances or other regulatory measures and associated tiered enforcement mechanisms applicable to industrial site runoff.

Permittees shall also enforce their storm water ordinances and other regulatory mechanisms for all commercial and industrial activities as necessary to maintain compliance with this Permit.

c. Residential Property – Source Identification and Prioritization

Each Permittee shall identify high priority residential areas and activities for targeted outreach and education. At a minimum, these areas/activities should include:

(1) Automobile repair and maintenance;
(2) Off-pavement automobile parking;
(3) Home and garden care activities and product use (pesticides, herbicides, and fertilizers);
(4) Disposal of household hazardous waste (e.g., paints, cleaning products);
(5) Snow removal activities

d. Residential Property Outreach and Enforcement

Permittees shall develop and implement a program to target education and outreach efforts toward identified high priority activities. Such outreach program should include coordination with other Lake Tahoe Basin agencies involved with BMP implementation, including but not limited to the Tahoe Resource Conservation District and the Tahoe Regional Planning Agency Erosion Control Team.

Permittees shall also enforce their storm water ordinances and other regulatory mechanisms for all residential areas and activities as necessary to maintain compliance with this Permit.

3. Stormwater Facilities Inspection Component

Each Permittee shall develop and implement a comprehensive inspection program to assess stormwater collection, conveyance and treatment facilities condition and maintenance needs.

a. Each Permittee shall inspect its storm water collection, conveyance and treatment facilities at least once annually and maintain a database of inspection findings.

b. As part of its storm water collection, conveyance, and treatment facilities inspections, each Permittee shall evaluate and identify potential pollutant sources including but not limited to: private

COUNTY OF PLACER
COMMENTS ON DRAFT STATEWIDE MS4 PERMIT
SEPT 7, 2011
ATTACHMENT 2

	Comment #	Section	Page	Comment
				Fact Sheet
110.8	1	II, Permitting Approach	6	Paragraph two states that the proposed actions are "equivalent to the requirements that were included in a separate SWMP for each Permittee in the existing General Permit"; we disagree with that statement. The new permit requirements far exceed those included in the current permit.
110.9	2	III, Cost of Compliance	9	Paragraph two, why is a cost- benefit analysis not required? How have the discharger's costs been considered in the absence of such an analysis? There needs to be a limit to the cost of compliance.
110.10	3	IV, Role of Regional Water Boards	12	Paragraph two discusses coordination between the Permittees and Regional Water Boards for oversight of construction and industrial sites. Doesn't this really mean that permittees will be expected to implement oversight and enforcement actions on behalf of, and for permits issued by, the State?
110.11	4	VI, Application Requirements	15	Requires permittees to submit NOI and fee within 100 days of adoption - will this fee be a prorated amount based on the current annual permit fee?
110.12	5	XI, Secure Adequate Resources	19-20	Requires permittees to submit information regarding program budgets, costs, and staffing. How is this the State's business, and how is this directly beneficial to water quality?
110.13	6	XI, Public Education	20	Municipalities have no ability to direct the education curriculum at public schools; the State establishes educational requirements. This requirement should be directed to the non-traditional permittees (schools) only.
110.14	7	XI, Industrial / Commercial Inspection Program	28	These requirements seem redundant with the State's new Industrial General Permit. Is the State expecting MS4s to implement and enforce requirements of the Industrial General Permit, on the State's behalf?
110.15	8	XI, Post Construction Storm Water Management	33	What is the State's intention in requiring permittees to "verify sub watershed boundaries", how is that expected to be accomplished and documented?
110.16	9	XI, Water Quality Monitoring and Assessment Requirements	34	"State Water Board's Biological Indicators Project". What is this and where can we find information on it? What is the expected permittees' role with regard to the intended application of monitoring data in this context?
110.17	10	XI, Water Quality Monitoring and Assessment Requirements	40-41	The section addressing the "Lahontan Water Board TMDLs" is not completed; we are unable to comment on information that has not been provided in the draft document. Similarly, the State Water Board's "Effectiveness Assessment Guidance" is not available in final form, and therefore, unavailable for comment.
110.18	11	XI, Water Quality Monitoring and Assessment Requirements	42	While this section suggests that online annual reporting will reduce the permittees' administrative burden, a much greater burden will be the data collection, tracking, and management required of permittees. We recommend that a standardized reporting form be developed by the State Water Board, such as that established for the construction general permit reporting.
				General Comments
110.19	12	General		These Permit requirements should be practical and economically feasible. Language should be changed from “shall” statements to “should” or “make the best effort to” throughout the draft Permit.
110.20	13	General		There are many references in the permit to the permittees jurisdiction; is this actually the permitted portion of a jurisdiction, where the entire jurisdiction is not covered by the Phase II permit?
110.21	14	General		Will the Regional Boards have authority to alter the reporting dates of this permit? Currently the County's annual report for Truckee River Basin Phase II permit is due on January 15th, to better align with water quality monitoring required of the area permittees.
110.22	15	General		The 2010 Census data shows the total population for the County within the Truckee Basin is 3,467 which reflects a 13% increase from the 2000 population. The Regional Board's Phase II permit designation of this area in 2008 was based on a projected population increase of 50%, though the permit indicates designation can occur with a population growth of 25% in a 10 year period. Would this existing permit area meet designation criteria under the proposed general permit?
110.23	16	General		The permit needs to take into consideration areas where there are periods of snow for portions of the year, as annual/quarterly inspection requirements may not be achievable.

COUNTY OF PLACER
COMMENTS ON DRAFT STATEWIDE MS4 PERMIT
SEPT 7, 2011
ATTACHMENT 2

110.24 →	17	General		The State is asking for a large amount of detail and data - is there a commitment by the State to have the staff and resources to actually review, process and provide feedback for these regulatory submittals? If there is no specific feedback then how is this data considered relevant or valuable?
110.25 →		***MS4 Order***		
	18	A. Findings, #17	7	Please add the definition of "urbanized area" in the glossary as there is confusion to how this is applied within the MS4 permit
110.26 →	19	A. Findings, #40	11	"Post Construction standards cannot be developed without assessing watershed process and identifying metrics that are indicative of healthy watersheds". Is it the State's intention that such information be developed/evaluated before project-level post construction are implemented? Having each project evaluate watershed health to determine BMP requirements is an unreasonable expectation.
110.27 →	20	B. Discharge Prohibition, #3	15	Individual residential car washing, landscape irrigation, lawn watering, and irrigation waters have been removed from the list of non-prohibited discharges, and would now be regulated by the MS4s. It is impractical, if not impossible, to provide effective enforcement of actions related to these types of discharges. These should be placed back on list of exclusions.
110.28 →	21	B. Discharge Prohibition, #4	16	As stated in the previous comment, this is not practical to control and enforce. For rural county areas, with numerous water purveyors, it is not reasonable to expect that the MS4 will have the ability to provide effective enforcement. This provision should be removed from the permit.
110.29 →	22	E.4.a.ii.l	20	Please clarify the intent of this provision. The authority to enter into an agreement is vastly different than the authority to control the contribution of pollutants and flows.
110.30 →	23	E.4.c	21	Development of an Enforcement Response Plan is unnecessary and non-productive. Codes and ordinances within the MS4 define enforcement provisions and protocols; they should not have to be re-defined for purposes of creating another unused document with no direct water quality benefit.
110.31 →	24	E.4.d	24	Budget decisions for MS4s are made annually by governing boards. An agency's ability to fully comply with the order is subject to many internal and external influences and thus, it may not be possible to "ensure adequate resources" in any given budget cycle. Who will make the determination of adequacy? The State? How does your board envision enforcing a requirement that the "permittee shall secure the resources necessary to meet all requirements of this order"?
110.32 →	25	E.5.b.ii.a	26	The County urges the removal of all requirements related to CBSM. CBSM strategies are difficult and expensive to fully implement, given that they are based on the application of psychology-based concepts that are most appropriately implemented by professionals. It is estimated the Public Education and Outreach section alone will cost upwards of $600,000 in the first year and $450,000 in subsequent years to comply for a larger Phase II MS4. This requirement should be replaced with one that calls for incorporating the most readily achievable principles and goals of CBSM. While it might be possible to measure an increase in knowledge about stormwater, measuring behavioral changes is very hard, if not impossible. Many Phase I communities are finding it difficult (if not impossible) to demonstrate reductions in pollutant releases on a five year timeframe. Behavioral changes often take many years to take an effect. Recycling has taken well over 20 years to get to the point it is now.
110.33 →	26	E.5.b.ii.l	27	The California Education and Environmental initiative is a great program, but MS4s do not have any control in influencing the school curricula. Perhaps this requirement should be specifically directed at the non-traditional schools.
110.34 →	27	E.7.a	34	Placer County is mostly rural and has a very large permit coverage area. Mapping of the storm drain system will be a substantial task, not likely achievable within the stated timeframe. The permit should allow for differences between urban and rural conditions as it relates to implementation requirements.
110.35 →	28	E.7.b.ii	34	Does this mean that the areas listed in (a)-(g) are in addition to the 20% of the urbanized area? Or are they to be included within the 20% area? Basing illicit discharge priority on a minimum of 20% of the urbanized boundary is not a practicable application for a rural county. The 20% should relate to identified high priority areas (based on criteria), and should not be an arbitrary minimum based on permit area.
110.36 →	29	E.7.c.ii	35	The monitoring requirements specified in this section are excessive and unreasonable. Sampling and analysis should only be necessary when there is reasonable evidence of an illicit discharge. Analytical monitoring every year is unnecessary, expensive, and unproductive.
110.37 →	30	E.8.a.	38	The required MS4 construction site database would include the same information already included in the State's SMARTS database. This redundancy is non-productive, wastes resources, and provides no direct water quality benefits.

COUNTY OF PLACER
COMMENTS ON DRAFT STATEWIDE MS4 PERMIT
SEPT 7, 2011
ATTACHMENT 2

110.38	31	E.8.a.ii.d	40	Threat to water quality is based on factors in Table 2; where is this table?
	32	E.8. c.ii.b. 1	42	The County does not currently inspect a site prior to grading activity to insure that BMP materials and procedures are available. This is the responsibility of the SWPPP practitioner, contractor, and owner. It is the State's responsibility to enforce requirements of the CGP. We enforce local ordinances which require use of effective BMPs and require compliance with the State CGP. Enforcement of CGP requirements is a State responsibility.
110.39	33	E.8. c.ii.c. 2	43	SWPPP requirements including development, implementation, and enforcement are the State's responsibility under the CGP. Any requirements for the MS4 to enforce the State CGP permit, other than to notify the State of noncompliance, should be removed from this permit.
110.40	34	E.8.c.ii.c.4	43	Clarify the intent of the provision that MS4s shall include "assessment of the appropriateness of the planned BMPs and their effectiveness" for construction sites. We require that BMPs be sufficient to insure effectiveness, but this is the responsibility of the SWPPP preparer and implementer. The County is not in a position to direct the selection of BMPs by qualified individuals, nor are we in a position to determine effectiveness. This is also a function of the Construction General Permit (CGP) and should be a State responsibility.
110.41	35	E.8. c.ii.b. 5	42	The inspection of stabilization of a site is a CGP requirement which the contractor/property owner/SWPPP practitioner is certifying in SMARTS. This requirement should be removed from the permit as it is redundant and should remain the State's responsibility under the CGP.
110.42	36	E.8.c.iii	43	These reporting requirements relating to inspections and enforcement efforts are excessive and do not have any direct benefit to water quality.
110.43	37	E.8.d.ii	44	The permit should specify that there should be review by a QSD/QSP or by employees trained by the QSD/QSP and under their oversight (such as in the Construction General Permit).
110.44	38	E.8.d.iii.d	44	Does this suggest that surveys are optional? Assessing behavioral changes is very difficult to evaluate as related to staff training; increased awareness and knowledge are more easily assessed.
110.45	39	E9.a.ii	46	The minimum facilities inventory list provides for designation of "other" facilities by Regional Boards. This unknown can have substantial consequences if, for instance, a Regional Board decides to identify public roads/highways, roadside ditches, and similar infrastructure as municipal facilities under this permit provision. This should be clarified, rather than left to future interpretation.
110.46	40	E.9.d	48	Most County facilities are office buildings. These and other smaller facilities should not be required to have SWPPPs developed and implemented, as their threat to water quality is minimal. If the MS4 has multiple facilities within a single site or complex, is a single SWPPP required, or one for each of the individual facilities?
110.47	41	E.9.d	48	If a facility is already permitted through the State's IGP program, is it exempt from these permit requirements especially since the new IGP has similar stormwater SWPPP requirements?
110.48	42	E.9.d.ii	48	Requirements of a SWPPP, in this context, are not defined. A SWPPP template, form or checklist should be provided by the State. This could be provided as an attachment to the Order.
110.49	43	E.9.e.ii.a	48	Weekly inspections are not practical, nor warranted. Adherence to established Standard Operation Procedure (SOP) should be sufficient and provides reasonable protection for water quality. Regular training of municipal staff, and annual inspections, have been effective under the current permit.
110.50	44	E.9.g.ii.b	50	Cleaning all catch basins that are 1/3rd full is an arbitrary standard that has no particular relevance to protecting water quality. Many catch basins that are 1/3rd full may not be a problem. Similarly, cleaning catch basins within a week is an arbitrary standard with questionable relevance. Suggest the language be changed to: “Annually inspect catch basins and establish a cleaning scheduled that targets high priority sites.”
110.51	45	E.9.i	52	Define flood management facilities. Basins, levees, floodwalls, diversion structures, pipes, etc. can all be considered flood management facilities.
110.52				

COUNTY OF PLACER
COMMENTS ON DRAFT STATEWIDE MS4 PERMIT
SEPT 7, 2011
ATTACHMENT 2

110.53 →	46	E.9.i.ii	52	What is meant by "projects that are associated with the MS4"? Owned/operated by the MS4? Located within the MS4, but possibly owned by another entity? Also, what is meant by “or that discharge into the MS4”? This implies that MS4s are responsible for retrofitting projects outside of their jurisdiction, but discharge into that jurisdiction. MS4s typically have no ability to control land actions outside jurisdictional boundaries. Clarification and modification of this provision is needed.
110.54 →	47	E.10.ii.b	54	Definitions are needed for "trash capture structural control" and "enhanced maintenance measures".
110.55 →	48	E.10	54	The success criteria for the trash reduction program is absurd because there is no established method for measuring trash discharge to determine if reduction is being achieved. We already have an ordinance providing the authority to levy fines for littering, but not sure how to create an ordinance would “prevent or remove trash loads” from the storm system. Define what is meant by “20% reduction”.
110.56 →	49	E.11 All	55-64	An industrial/commercial inspection program was never anticipated under the Federal Phase II Rule. This entire section should be removed. The State already has the Industrial General Permit (IGP) to regulate these types of activities. Any requirements imposed on MS4s would be redundant.
110.57 →	50	E.11.a.ii.a	55	This information is already available to the State, through the IGP program and is, therefore, an unnecessary burden to place on MS4s. A reasonable requirement for an MS4 might include an inventory of industrial and commercial sites, prioritized based on proximity to a water body and potential threat to water quality.
110.58 →	51	E.11.a.ii.b.1	56	Inspection of a mobile business is difficult, particularly for mobile businesses that operate within the MS4 but headquartered elsewhere. For example a pest control service or carpet cleaning company will have a multitude of vehicles in their fleet. It is an unrealistic expectation, and an inefficient use of resources, to inspect each vehicle and operator individually. The approach to mobile businesses should be modified to an education and outreach approach.
110.59 →	52	E.11.a.ii.e	57	This is too extensive a list for an MS4 to manage as part of an inventory, especially since it is already under the purview of the State through the industrial and commercial general permit. A reasonable requirement would be for the MS4 to complete a general overview of a site/activity, deal with observed violations, and report any IGP non-filers to the state (as is currently the practice for this and the construction general permit).
110.60 →	53	E.11.b, c, d, f.	58-63	These are redundant requirements to the Statewide industrial general permit and should not be a responsibility of the MS4. We currently provide educational outreach to the industrial and commercial community and can offer training but can not mandate they complete training. This element should be removed from the new permit and should be replaced with a requirement similar to that included Lake Tahoe Basin Permit (as provided in the attachment).
110.61 →	54	E.12.b.1	65	Requirements for a watershed baseline characterization/sediment budget for Phase II communities exceeds EPA’s 6 minimum control measures and is an unreasonable provision. The required effort is expensive and requires sophisticated technical expertise. Even with the best professionals working together, there is no agreed-upon or commonly used method to identify “dominant watershed processes potentially affected by changes in storm water runoff caused by new and redevelopment projects” that a permittee can then use to establish development criteria. The few Phase I MS4s who have completed such studies have all utilized different approaches resulting in different criteria and applicability. The only common factor is cost: such studies have all been in the range of $500 - $1M with most funded by grants. Until the state can provide a method for linking receiving water impacts to site development criteria, this requirement should be deleted or modified to a method that can be conducted using desktop watershed characterization methods and readily available information. The characterization factors should be focused and limited to development of hydromodification controls (which should be addressed in the next permit term).
110.62 →	55	E.12.b.1	65	Define the method or approach to “complete a watershed characterization.” There is no direction or guidance on how to compile, process, and interpret the data and how to identify key subwatershed processes as they relate to development. Under item (e), it is particularly unclear how an MS4 is to “rank the health” of watershed processes as listed. Given the lack of guidance, this requirement should be deleted unless the State can provide detailed guidance on a desktop watershed characterization methodology using readily available data and that data provides meaningful and useful information to assist the MS4 in implementing better water quality.

COUNTY OF PLACER
COMMENTS ON DRAFT STATEWIDE MS4 PERMIT
SEPT 7, 2011
ATTACHMENT 2

110.63 →	56	E.12.b.1.ii.c	65	This list is very extensive and may physical attributes may not be currently defined. Does the State have all this information within a database available at a website? If not, then this requirement should be removed from the permit.
110.64 →	57	E.12.b.1.ii.d	66	Placer County's permit areas have numerous streams that would have to be included in this assessment. Completing rapid assessments of all of them could take many years. Suggest that this requirement be removed.
110.65 →	58	E.12.b.1.ii.e	66	Ranking the health of watersheds should be a State responsibility, and not the responsibility of the MS4. Staff is not qualified nor is the data readily available to make such determinations. This requirement should be removed.
110.66 →	59	E.12.b.2	66	How does a MS4 implement this requirement? Will the State provide training and guidance on a preferred process and methodology for developing watershed sediment budgets? This is an extremely complicated process that we have been involved with in the Lake Tahoe basin. This element should be removed from the permit.
110.67 →	60	E.12.b.3	66	This provision requires BMP sizing based on the 85th percentile storm event. We recommend eliminating this specific sizing requirement from the draft Permit, or at minimum, revising the permit language to state “85th percentile storm event or alternative sizing criteria developed by the MS4 and consistent with CASQA or other approved guidelines.”
110.68 →	61	E.12.b.3	66	Infiltration is not always feasible at a project site. The draft permit requires treatment of twice the 85th percentile storm event in these cases. This could be a significant amount of water to treat and would effectively require substantial upsizing of commercial treatment systems, with the incremental cost of upsizing far outweighing any incremental treatment benefit. This permit requirement (treating twice the 85th percentile storm) is not reasonable.
110.69 →	62	E.12.b.3	66	The first Paragraph makes reference to a "flow through device" designed to treat runoff. What is the definition of "flow through device"?
110.70 →	63	E.12.b.3.i	67	“Regulated Projects” should not include parking lots with less than 25 parking spaces (or 10,000 sf of impervious surfacing, whichever is greater), small commercial infill and redevelopment projects, and subdivisions with less than 10 lots. Such small projects do not warrant the extensive efforts described in the permit, and threats to water quality are minimal.
110.71 →	64	E.12.b.3.i.a.4	68	Please clarify the definition of Regulated Projects. For instance, does a Specific Plan approval constitute the application as “deemed complete,” with all subsequent applications (tentative maps, use permits, etc.) under this Specific Plan approval considered as “diligent pursuance” of the approved private development project? Are phased Tentative Maps and phased projects that are approved prior to the Permit effective date not subject to the treatment standards for Regulated Projects as identified in the draft Permit? What if the approved phasing extends for a period of 10 to 20 years, or more?
110.72 →	65	E.12.b.3.i.a.4	68	Tracking private development projects for which a planning application is deemed complete is not logical or practical. Often, it could be years before such a project gets approved and more years before it gets approved construction plans to physically construct and actually create any potential water quality impacts. In addition, many applications, although deemed complete, are withdrawn or otherwise do not receive approval. We suggest changing this section to define projects as “those that have been previously approved by a public hearing body AND have approved construction/improvement/grading plans.”
110.73 →	66	E.12.b.3.i.a.1	67	Uncovered parking lots that are standalone or part of any other development project are included as a Regulated Special Project Category. The 5,000 square feet of impervious surface is too small for parking lot projects, as this will result in small five to ten space plus driveway and drive aisle parking lot projects being "regulated projects" subject to excessive design, treatment, reporting, and monitoring requirements. Consideration should be given to the cost-benefit of these proposed regulations. We suggest a minimum of 10,000 square feet (or 25 spaces?) for parking lots instead of 5,000 square feet.

COUNTY OF PLACER
COMMENTS ON DRAFT STATEWIDE MS4 PERMIT
SEPT 7, 2011
ATTACHMENT 2

110.74	67	E.12.b.3.i.a.5	68	Unless the SWRCB can provide MS4s and the development community with a list of approved treatment technologies that guarantee these levels of contaminant removals, the percentage of contaminant removal based treatment thresholds should be eliminated from the draft Permit and replaced with “to the maximum extent practicable.” How would the MS4 verify that these levels of pollutant removal are achieved? There are legal implications, as law suits could be filed against the MS4s and private developers for relatively minor deviances, for example, if only 75% of TSS is removed from a project instead of 80% as required by the Permit. In addition, while you may be able to meet defined treatment standards with commercial systems there is no reliable way to quantify natural systems, such as rock-lined ditches. This requirement will force treatment approaches away from natural methods and more toward commercial methods in order to quantify pollutant reductions. Does the State really want to move away from natural systems? This will be counterproductive to the hydromodification that is required in other parts of the Permit.
110.75	68	E.12.b.3.i.d	69	Reference is made to "in lieu fee" that can be paid. What are these "in-lieu fees" and how are they determined?
110.76	69	E.12.b.3.i.d	69	Many small MS4s do not treat runoff from public roadway projects and will assume that the “building and planning authority of a Permittee” refers to the zoning code where development permits are issued. Since MS4s are exempt from issuing themselves development permits for public roadway projects, they will not apply this criteria to public road projects.
110.77	70	E.12.b.3.i.d	69	There should be more exclusions for road projects. At a minimum, the threshold of 10,000 square feet of impervious surface should be increased to exclude small-scale road projects. As written, Parcel Map roads at a paved width of 20 feet and exceeding 500 feet in length, which happens often in rural areas of Placer County with large (>2.6 acre) parcel zoning, will be included as Regulated Projects. In some cases, this will result in a two or three parcel project in rural residential zoning areas being subject to the excessive design, treatment, reporting, and monitoring requirements; again, we question the cost-benefit of these requirements. Additionally, there should be exemptions for roadway or bridge safety projects that are constructed to protect the traveling public or mitigate hazardous conditions.
110.78	71	E.12.b.3.i.d	69	Requiring treatment for impervious pedestrian/bike trail projects which are greater than 10 ft wide or are creek-side (within 50 ft of the top of the bank) is not commensurate with water quality risk – these trails support bike and foot traffic. These projects are usually located within a narrow right-of-way where the width would not accommodate retention BMPs or elaborate treatment systems. Such paths and trails should not be included in the list of regulated projects. Will "in lieu fees' be allowed in these cases?
110.79	72	E.12.b.5	72	Does the State intend to provide training and guidance to MS4s regarding developing and implementing a "long term watershed process"? This is not a requirement that MS4s can readily implement; it requires specific expertise and it will be very expensive and time consuming process. This requirement should be removed from the permit, as it is unreasonable.
110.80	73	E.12.b.6 and 7	72-73	As related to the previous comment, this is unreasonable, and should be removed.
110.81	74	E.12.b.8.ii.f	75	“The Permittee shall ensure that systems and hydromodification controls installed by Regulated Projects are properly operated and maintained for the life of the projects.” It is not practical for MS4s to provide such oversight and control on private property, especially given that the current draft permit defines Regulated Projects very broadly, with very few exclusions.
110.82	75	E.13.b.ii.a.2	78	Define what is considered "urbanized area". Does the State have a map of this?
110.83	76	E.13	76-86	Suggest the receiving monitoring requirement be implemented through the State SWAMP program, as MS4s typically have neither the resources nor the expertise to implement this program.
110.84	77	E.14.a.ii.d	87	Please clarify BMP in the context of this provision. Is this intended to be only structural BMPs, or does it include non-structural, programmatic, BMPs, such as the six minimum control measures?
110.85	78	E.14.b.i	88	Retrospectively inventorying and assessing all BMPs in the permittees jurisdiction is not practical. This requirement would be best implemented in a prospective manner, where MS4s have established systems to track BMP installations.

110.86	79	E.14.b.ii	88	The Lake Tahoe BMP RAM is an untested concept, and should not be applied to this permit. Suggest this requirement be removed, or replace language with the following: “Develop and implement a methodology to inventory, map and determine the maintenance condition of the Post Construction BMPs”. This would be consistent with the language in the permit which states “The methodology shall be a simple and repeatable field observation and data management tool that determines relative condition of structural post-construction BMPs".
110.87	80	E.14.c.i	89	How does the State anticipate that the MS4s will establish pollutant loads? This is not practical or reasonably implementable. Proposed provisions for pollutant load quantification should be removed from the permit as this is not a reasonable or attainable goal (as proven by the many years of development of the concepts for Lake Tahoe TMDL)
		Attachments		
110.88	~~81~~	Attachment G	38	There is no information provided for Region 6 so we could not provide any comments.
110.89	82	Attachment J	2	Population less than 5,000 - Placer County should be added for Region 6. The Phase II permit area for the Truckee River watershed has a population of 3,467 based on the 2010 census data.