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September 8, 2011

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



**RE: COMMENT LETTER—PHASE II SMALL MS4 GENERAL PERMIT
STATE WATER RESOURCES CONTROL BOARD**

On July 14, 2011, I sent an e-mail to Christine Sotelo and cc'd Eric Berntsen several comments and a question regarding a couple of "Census Designated Areas" that are referenced in the draft Phase II MS4 Permit attachments. To date, I have not received any reply or acknowledgement to my comments or question. I am re-sending the e-mail (see attached) as a 'comment letter' to the Draft General NPDES Permit for Storm Water Discharges From Small MS4s.

62.1

In short, I question why two 'Census Designated Areas' within Kern County (Greenacres CDP and Greenfield CDP) have been added to the draft permit. The County of Kern and City of Bakersfield are joint permittees of a Phase I MS4 permit of which both of these CDPs (with the exception of a very small agricultural area in the Greenfield CDP--based on the 2000 Census Urbanized Areas map) are located. Furthermore, stormwater within these two CDPs does not discharge to the Water of the United States, but is conveyed to public and private terminal drainage facilities.

We respectfully request the Greenacres CDP and Greenfield CDP be removed from draft Phase II MS4 Permit Attachment B and Attachment J, respectively. If you have any questions please contact me at (661) 862-5071 or send an e-mail to kevinh@co.kern.ca.us. Thank you.

Sincerely,
Charles Lackey, P.E., Director

Kevin Hamilton
ESPS Department—Drainage Section

CL:klh
G:\EXCHANGE\KevinH\Draft MS4 Phase II Permit\Phase II MS4 Permit comment ltr.doc
Attachments
cc: File

From: Kevin Hamilton
To: csotelo@waterboards.ca.gov
CC: eberntsen@waterboards.ca.gov
Date: 07/14/2011 4:39 PM
Subject: Draft Phase II MS4 Permit

Christine,

My name is Kevin Hamilton and I work for the County of Kern--Engineering, Surveying & Permit Services Department. I have been reviewing the draft Phase II MS4 Permit and have some comments and a question regarding a couple of "Census Designated Areas" that are referenced in the draft Phase II MS4 Permit attachments as follows:

Revised Attachment B--New Traditional Small MS4 Permittees
Greenacres CDP, California
Kern County

The County of Kern and City of Bakersfield are joint permittees of a Phase I MS4 Permit (WDR Order No. 5-01-130). The MS4 covers the urbanized areas of the County and City as defined by 40 CFR 122. Based on the 2000 Census urbanized area for Bakersfield (County and City), the Greenacres CDP is within the Phase 1 MS4 permit area. However, the storm drain systems that exist within the Greenacres CDP do not discharge to a Water of the United States, and by definition these individual drainage systems are not considered a MS4. Stormwater within the Greenacres CDP is conveyed to public and private terminal drainage facilities.

Attachment J--Traditional MS4s with a population of 5,000 or less
Region 5

Greenfield CDP

As with the Greenacres CDP mentioned above, the storm drain facilities within the Greenfield CDP do not discharge to a Water of the United States and would not be defined as a MS4. Stormwater within the Greenfield CDP is conveyed to public and private terminal drainage facilities. With the exception of approximately 112 acres (0.12 sq mi), the Greenfield CDP lies within the County and City Phase I MS4 Permit area. Of the 112 acres, approximately 80% of it is agricultural in nature, with the remaining 20% encompassing a trailer park that retains its stormwater run-off in an on-site drainage basin.

My question--If the storm drain systems (pipe, drain inlets, curb/gutters, etc.) do not discharge to a Water of the United States but to private and public terminal drainage facilities should they be included in the Attachments? By definition they are not considered a MS4 since they do not discharge to a Water of the United States. Additionally the CDP's, with the exception of a small portion of the Greenfield CDP, are located in the County's and City's Phase I MS4 permit area.

I would appreciate any feedback, comments, etc. you may have regarding these two CDP's. Please let me know if I need to send these comments via e-mail as part of the Draft Phase II Small MS4 General Permit comment period that ends August 8th. Thanks.

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