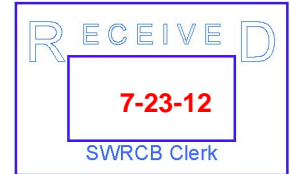




July 23, 2012

File: 10(MOJ)-1.01.01

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



RE: SECOND DRAFT GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR STORMWATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4S) TENTATIVE ORDER COMMENT LETTER

Dear Ms. Townsend and Members of the Board:

The Mojave River Watershed Group (MRWG) appreciates the opportunity to provide follow-up comments on the second draft Tentative Order for the Phase II Small MS4 General Permit (Draft Permit). The MRWG represents the Town of Apple Valley, City of Hesperia, City of Victorville, and County of San Bernardino unincorporated areas within the Mojave River Watershed Group which have coverage under the current Phase II Small MS4 General Permit (Renewal Traditional Small MS4) and several Census Designated Places identified as New Traditional Small MS4s.

The MRWG recognizes the significant effort that State Water Resources Control Board (State Board) staff has put into addressing comments on the first Draft Permit and developing this second Draft Permit for public review and comment. While the MRWG understands the State Board's efforts are well-intentioned, we believe the proposed requirements in the Draft Permit will result in many challenges for Phase II communities, yet not achieve the ultimate goal of protecting water quality. Our overall general comments are summarized as follows in this letter, with specific comments and recommendations included in the enclosed comment matrix.

SUPPORT FOR THE PROPOSED CHANGES IN THE CASQA COMMENT LETTER

The MRWG is aware that the California Stormwater Quality Association (CASQA) formed a Phase II subcommittee with several subgroups to review, assess the impacts of, and determine the feasibility of implementing the proposed Draft Permit. This subcommittee consists of a broad representation of Phase II Traditional, Non-Traditional, new, and existing designees who developed an extensive set of comments and recommendations for revising the Draft Permit. In general, the MRWG supports CASQA's proposed changes to the Draft Permit.

RECEIVING WATER LIMITATION LANGUAGE

As currently written, Phase II Permittees will not be able to comply with the Receiving Water Limitations Provision (Provision D). Furthermore, the provision is contrary to State Board policy (WQ 99-05). Multiple constituents in stormwater runoff on occasion may be higher than receiving water quality standards before it is discharged into the receiving waters, and may create the potential for the runoff to cause or contribute to exceedances in the receiving water itself. Previously, MS4s have presumed that permit language like that expressed in

Provision D in conjunction with State Board Policy (WQ 99-05) established an iterative management approach as a basis for compliance.

However, contrary to the State Board's stated intent, on July 13, 2011, the Ninth Circuit Court of Appeals issued an opinion in *Natural Resources Defense Council, Inc., et al., v. County of Los Angeles, Los Angeles County Flood Control District, et al.* (NRDC v. County of LA) that because the iterative process paragraph did not explicitly state that a party who was implementing the iterative process was not in violation of the permit, a party whose discharge "causes or contributes" to an exceedance of a water quality standard is in violation of the permit, even though that party is implementing the iterative process in good faith.

As a result of the court's decision, if the draft language is not changed, all discharges to receiving waters must meet water quality standards to avoid being in violation of permit terms. Although an important goal, it is not reasonable to expect Phase II Permittees to be able to meet this instantaneous goal. Unless this language is changed, Phase IIs will be vulnerable to enforcement actions by the State and third party citizen suits regardless of current or future enforcement policies of the State Board or the California Regional Water Quality Control Board (CRWQCB). For example, the City of Stockton was engaged in the iterative process per the terms of its Permit, but was nonetheless challenged by a third-party on the basis of the Receiving Water Limitations language. There is no regulatory benefit to imposing a permit provision that results in potential instantaneous non-compliance for the Permittee. We recommend the Receiving Water Limitation Language be revised.

TIMELINE

Several elements of the timeline remain unrealistic. Individually, the requirements and associated timeline may be feasible, but collectively, the comprehensive and ramped-up nature of the requirements makes compliance difficult, if not infeasible. Notably, many significant milestones are required in the second year including, but not limited to:

- Developing and implementing receiving water monitoring program
- Completing and submitting a Program Effectiveness Assessment and Improvement Plan
- Developing and implementing a comprehensive stormwater public education and outreach program
- Inventorying all outfalls and map associated drainage areas
- Inventorying of Permittee-owned or operated facilities that may impact stormwater
- Assessing and prioritizing all catch basins
- Submitting a landscape design and maintenance program to reduce water, pesticides, herbicides and fertilizers
- Requiring new development projects that create or replace 5,000 square feet of impervious cover to implement low impact development runoff standards
- Implementing an Operations and Maintenance Verification Program for regulated new development projects

We request some relief and spacing of significant milestone requirements within the implementation timeline. The MRWG will need adequate time to obtain the resources and expertise needed to ramp up the stormwater program to meet new permit requirements.

ECONOMIC CLIMATE

One of the underlying concerns for Phase II communities is the estimated cost to comply with the Draft Permit. The harsh reality is that local jurisdictions have unprecedented budget constraints given the dismal state of our economy. Significant additional funds and staffing will be needed to implement the proposed requirements. Phase II communities are estimating that program costs will have to be increased in excess of three times current program costs to implement the Draft Permit. These increases are immediate and take place in the first year of implementation. Many Phase II communities are not able to obtain additional staffing due to economic constraints that have already resulted in furloughs, layoffs, and/or hiring freezes, in addition to filing for bankruptcy as in the case of the City of San Bernardino.

Phase II communities are also severely limited in the ability to raise revenues due to judiciary constraints, such as Proposition 218, which require voter approval on local taxes, assessments, and fees. Due to these restrictions, it is impossible to accomplish the goals set forth by the Draft Permit without financial assistance from the State or the elimination of new programs or higher levels of service that qualify as unfunded state mandates.

While augmenting municipal staff, raising taxes, or increasing work schedules may be impossible, carefully reviewing the Draft Permit to prioritize permit goals can result in a feasible approach to attaining the State Board's objectives. After reviewing the Draft Permit, the MRWG identified many assessments and burdensome reporting requirements that will not result in the ultimate goal of protecting water quality.

One way to reduce permit implementation costs would be to prioritize the proposed permit requirements. Instead of requiring the Phase II communities to implement all the requirements at once, the State Board should consider implementation over several permit terms, requiring the most critical requirements first. This would allow Phase II communities to gradually build up their program, secure funding, and retain necessary resources to comply with the Draft Permit provisions. By addressing excessive assessment and reporting requirements in the Draft Permit, and prioritizing the most critical requirements, Draft Permit compliance would be more realistic and result in long term benefits to protecting water quality.

ONE SIZE DOES NOT FIT ALL

Permittees and the geographic areas they cover vary greatly and the MRWG believes that one size does not fit all when it comes to Phase II communities, especially with the addition of so many non-traditional permittees and physical differences between coastal and desert regions and other inland and mountainous areas. A less prescriptive, Permittee-developed approach would result in better water quality outcomes. Achieving Permittee "buy in" with this Draft Permit could be accomplished more effectively by allowing Phase II communities to structure individual stormwater programs to fit their budgets and resources, and focus on known areas of concern. By focusing on priority program elements rather than reporting efforts, Phase II community programs would achieve the State Board's ultimate goal of protecting water quality. Developing a successful program utilizing this approach with input from the CRWQCB Water Quality Control Board would provide a win-win scenario.

UNFUNDED MANDATES

The Draft Permit includes many new programs or higher levels of service that qualify as unfunded mandates. Article XIII B, Section 6(a) of the California Constitution (Section 6) states that whenever the "Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service." As seen in the County of Los Angeles v. Commission on State Mandates and County of San Diego v. State of California, Section 6 also applies to stormwater permits issued by the State Board and Regional Water Quality Control Boards. Several proposed requirements found in the Draft Permit include new programs or higher levels of service that the Commission has either already determined constitute unfunded state mandates or which the Commission's analysis in the Los Angeles and San Diego Test Claims would suggest are unfunded state mandates. For example, the Post-Construction Stormwater Management Program requirement for hydromodification management and implementation strategy for watershed process-based stormwater management contains higher levels of service. Other examples include, but are not limited to the requirement to develop a receiving water monitoring program. The MRWG recommends the State Board remove all unfunded state mandates from the Draft Permit.

We appreciate the opportunity to provide comments on the Draft Permit. However, as evident by our comments above and in the enclosed comment matrix, we have considerable concern regarding the permit as currently structured. We strongly urge the State Board to reconsider its approach and work with Phase II communities, CASQA, and other relevant stakeholders to produce a more reasonable Phase II Small MS4 General Permit that can realistically lead to water quality protection.

If you have any questions, please contact Gia Kim at (909) 387-8145 or Marc Rodabaugh at (909) 387-8112.

Sincerely,



GERRY NEWCOMBE, Director
County of San Bernardino Department of Public Works
On Behalf of the Mojave River Watershed Group

GN:MR:mb/MRWG Phase II Small MS4 Review Comments.doc

Enclosure

cc: Annesley Ignatius, Deputy Director – Land Development & Construction
Gia Kim, Land Development Division/NPDES Section
Marc Rodabaugh, EMD/NPDES Section
Mojave River Watershed Group

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Discharge Prohibitions			
1	Allowable Non-Stormwater Discharges – Section B.3	16	<p>Section B.3 lists several allowable non-stormwater discharges. However, other commonly recognized discharges listed in other Municipal NPDES Permits are missing. Allowable non-stormwater discharges that should be added to this list include:</p> <ol style="list-style-type: none"> 1. Street wash water 2. Waters not otherwise containing wastes as defined in California Water Code Section 13050(d) <p>The list of allowable discharges lists both <i>individual residential car washing</i> and <i>diverted stream flows</i> as item b.</p>
2	Discharges of Incidental Runoff – Section B.4.a	16	The correction of detected leaks within 72 hours may not be reasonable. Once a leak or release is detected, a responsible party must first be identified. Then a Permittee would follow its enforcement procedures to initiate corrective actions. This process will likely take more than 72 hours to achieve the desired results, especially in circumstances where the responsible party will not cooperate or lacks the financial means to address the detected leak. It is recommended that this provision be modified to require the Permittee to demonstrate the initiation of enforcement and/or corrective actions within 72 hours.
3	Discharges of Incidental Runoff – Section B.4.c	17	During rain events the availability of Permittee resources are limited due to flood operation, maintenance, and protection activities. Although Permittees can require responsible parties to not irrigate during precipitation events, the enforceability of this provision is not realistic and renders it ineffective. It is suggested that this provision be deleted.
4	Discharges of Incidental Runoff – Section B.4.d	17	Unless there's a required action associated with this discharge such as posting signs with warning messages to avoid contact with recycled water, it is recommended that this notification requirement be eliminated since Permittee resources are limited during rain events.

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Program Management Element			
5	Legal Authority, Implementation Level – Section E.6.a.(ii).(b)	19	It is recommended that Permittees not be required to provide adequate legal authority to address discharges from charity car washes, mobile cleaning, and pressure wash operations. Regulating charity car washes is unrealistic and unenforceable given its transitory nature and that most of these events occur on weekends when Permittee resources are severely limited. Similarly, regulating mobile cleaning and pressure wash operations are unrealistic and unenforceable since these types of businesses typically do not register for business licenses and are transitory in nature.
6	Legal Authority, Implementation Level – Section E.6.a.(ii).(k)	20	The section referenced should be revised to say Section E.6.c instead of Section E.4.c.
7	Certification, Reporting – Section E.6.b.(iii)	21	Section E.6.a.(i) allows for two years to obtain adequate legal authority to control pollutant discharges into and from the MS4. However, this provision requires that Permittees submit in the first year Annual Report a signed statement certifying the Permittee has adequate legal authority. This provision should be revised to require the signed statement be provided in the second year Annual Report.
8	Enforcement Measures and Tracking, Implementation Level – Section E.6.c.(ii).(d).(2).(f)	23	This permit should define what constitutes a “chronic violator.”

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Education and Outreach Program			
9	Public Education and Outreach, Implementation Level – Section E.7.a.(ii).(j)	25	This provision should not specify the use of California's Education and Environmental Initiative Curriculum or equivalent. Permittees should be allowed the flexibility to develop their own stormwater education program for school-age children.
10	Public Education and Outreach, Implementation Level – Section E.7.a.(ii).(k)	26	As part of the public education and outreach program, this Implementation Level task should be to develop and convey messages to reduce discharges from car washes, mobile cleaning and pressure washing operations, and landscape irrigation, not physically reduce the discharges. It is recommended that this provision be deleted since it is already addressed in E.7.a.(ii).(l) and (m).
11	Construction Outreach and Education, Reporting – E.7.b.2.(b).(iii)	28	Reporting requirements should be revised to demonstrate compliance with the Implementation Level items of providing information on training opportunities, developing or utilizing existing outreach tools, distributing appropriate outreach materials, and updating existing website. Implementation Level requirements do not require Permittees to provide training, simply to provide information on training opportunities, and therefore reporting requirements should not consist of third party training information which is privately held and Permittees do not have access to.
12	Pollution Prevention and Good Housekeeping Staff Training, Implementation Level – Section E.7.b.3.(ii).(a)	29	"Annual training" should be replaced with "Biennial training" to reflect the Task Description in Section E.7.b.3.(i).
13	Pollution Prevention and Good Housekeeping Staff Training, Implementation Level – Section E.7.b.3.(ii).(b)	29	"Annual assessment" should be replaced with "Biennial assessment" to reflect the Task Description in Section E.7.b.3.(i).

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Illicit Discharge Detection and Elimination			
14	Illicit Discharge Detection and Elimination Program – Section E.9	30	Costs associated with an Illicit Discharge Detection and Elimination (IDDE) Program is prohibitive for Phase II entities. According to the Center for Watershed Protection <i>IDDE A Guidance Manual for Program Development and Technical Assessments</i> , the average startup cost for a Phase II IDDE Program is \$62,300 and the annual implementation costs average \$84,750 per year. The IDDE Program should eliminate or reduce requirements associated with costly program elements such as sample analysis and program administration and reporting.
15	Outfall Mapping, Implementation Level– Section E.9.a.(ii).(c).(1)	31	Define what are considered “older infrastructure.”
16	Outfall Mapping, Implementation Level– Section E.9.a.(ii).(c).(6)	31	Define what are considered “upstream of sensitive water bodies.” This definition should include a distance from the priority area to the sensitive water bodies.
17	Illicit Discharge Source/Facility Inventory, Implementation Level – Section E.9.b.(ii).(c)	32	To streamline implementation and reporting, Permittees should be encouraged to electronically refer Industrial General Permit non-filers using the State Water Resources Control Board’s reporting form at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/nonfiler_form.shtml .
18	Field Sampling to Detect Illicit Discharges, Task Description – Section E.9.c.(i)	32	Sampling all outfalls that are flowing more than 72 hours after the last rain event and at locations identified as priority areas will be too costly. Permittees do not have the resources available to fund an elaborate dry weather sampling program. Dry weather field screenings should be limited to visual observations similar to those already required under Phase I Permits. Should pollutants be observed or suspected in a dry weather illicit discharge, then upstream source tracking should be performed to find and eliminate the source. It is recommended that requirements for an analytical monitoring program be removed.
19	Illicit Discharge Detection and Elimination Source Investigations and Corrective Actions, Implementation Level – Section E.9.d.(ii).(e)	34	Requiring dischargers to eliminate illicit discharges within 72 hours of notification is unrealistic. Once a leak or release is detected, a responsible party must first be identified. Then a Permittee would follow its enforcement procedures to initiate corrective actions. This process will likely take more than 72 hours to achieve the desired results, especially in circumstances where the responsible party will not cooperate or lacks the financial means to address the detected leak. It is recommended that this provision be modified to eliminate the required compliance timeframe. Phase I Permits currently require illicit discharges to be eliminated or permitted within 120 to 180 days of discovery. It is suggested that this provision be revised to be consistent with other current Phase I Permit requirements.

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Pollution Prevention/Good Housekeeping for Permittee Operations Program			
20	Facility Assessment, Task Description – Section E.11.c.(i)	39	The definition for the term “hotspots” in the footnote and glossary should further elaborate on what is meant by “may generate high stormwater pollution.”
21	Facility Assessment, Implementation Levels – E.11.c.(ii)	39	Does the review and assessments of all municipally owned or operated facilities begin within the third year of the effective date of the permit? It currently says annually, which contradicts the requirement in Section E.11.c.(i). Please clarify.
22	Storm Drain System Assessment and Prioritization, Reporting – Section E.11.f.(iii)	42	It is recommended that the Annual Reporting year be the same whether the flood conveyance maintenance is undertaken by the Permittee or another entity.
23	Incorporation of Water Quality and Habitat Enhancement Features in New Flood Management Facilities, Task Description – E.11.i.(i)	45	Requiring the retrofit of existing flood management facilities to incorporate water quality and habitat enhancement features is overreaching and excessive. Existing flood management facilities may be undersized or at capacity to handle required design storms. The incorporation of water quality and habitat enhancement features may reduce facility capacity and/or restrict the operation and maintenance of the facility due to the creation of endangered species habitat and other regulatory obstacles. It is recommended that this requirement be revised to only require water quality and habitat enhancement features for new flood management facilities, where feasible, and remove the term “and rehabilitated” from the requirement.

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Post Construction Storm Water Management Program			
24	Site Design Measures, Task Description, Section E.12.c.(i)	47	The threshold for site design measures that create and/or replace (no net increase in impervious footprint) 2,500 square feet or more of impervious surface is lower than what is found in current Phase I Permits throughout the State. It is recommended that the trigger for site design measures be 5,000 square feet or more of impervious surface.
25	Low Impact Development Standards, Implementation Level – Section E.12.d.1.(ii).(e).(1)	50	Define what is considered “new streets or roads?” Does this include highways and alleys?
26	Low Impact Development Standards, Implementation Level – Section E.12.d.2.(ii).a	53	The number “(2)” should be revised to “(3).”
27	Low Impact Development Standards, Implementation Level – Section E.12.d.2.(ii).b	53	The number “(2)” should be revised to “(3).” Specific exclusions provided are very limited. Exclusions and infeasibility criteria should be expanded to include protection of source water, potential for pollutant mobilization, clay and impermeable soils, land use concerns, impairment of beneficial uses, conflict with water conservation goals, and lack of demand for harvested stormwater.
28	Low Impact Development Standards, Implementation Level – Section E.12.d.2.(ii).c	53	The deadline, May 15, 2014, by which each Permittee shall adopt or reference appropriate performance criteria for tree-box-type biofilters and in-vault media filters should be revised to state a specific amount of time (i.e., within two years of the effective date of the Permit) rather than a date to be consistent with the other deadlines mentioned throughout the General Permit.
29	Implementation Strategy for Watershed Process – Based Storm Water Management, Reporting – Section E.12.f.(iii)	58	Define what is meant by “numeric criteria for protecting watershed processes affected by storm water in new and redevelopment projects.”
30	Planning and Building Document Updates, Implementation Level – Section E.12.j.(ii).(a).ii	64	Requiring Permittees to modify codes, regulations, standards, and/or specifications within a year of the effective date of this Order is not feasible. The internal review process will be cumbersome and involve the participation and input of County Counsel and several other County Departments, and possibly the general public. Coordination, review, and commenting on existing and proposed modifications to codes, regulations, standards, and/or specifications may take well over a year. It is recommended that Permittees be given at least two years to comply with this provision.

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
31	Planning and Building Document Updates, Reporting – Section E.12.j.(iii).a	65	It is recommended that documentation demonstrating the modification of all applicable codes, regulations, standards, and/or specifications be moved to the second year of the Annual Report for the reasons described in the previous comment.

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Water Quality Monitoring			
32	Receiving Water Monitoring – Section E.13.b	67	A receiving water monitoring program was never anticipated under the Federal Phase II Rule. This section should be removed from this permit.
33	Receiving Water Monitoring at Urban/Rural Interface, Table 3 – Section E.13.b.1	67	Permittees should only be required to monitor receiving water monitoring parameters for which their respective receiving water bodies are impaired. For example, if a Permittee is discharging to a water body impaired for pathogens and nutrients, then monitoring should only be required for the pathogen indicators and nutrient parameters.
34	Receiving Water Monitoring in Urban Area, Table 4 – Section E.13.b.2	69	Permittees should only be required to monitor receiving water monitoring parameters for which their respective receiving water bodies are impaired. For example, if a Permittee is discharging to a water body impaired for pathogens and nutrients, then monitoring should only be required for the pathogen indicators and nutrient parameters.

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Program Effectiveness Assessment and Improvement			
35	Municipal Watershed Pollutant Load Quantification, Task Description – Section E.14.b.(i)	73	Where are Permittees to quantify annual subwatershed pollutant loads, at the receiving water or Permittee outfall?
36	Municipal Watershed Pollutant Load Quantification, Implementation Level – Section E.14.b.(ii)	74	Permittees should not be required to develop costly models to calculate annual runoff, pollutant loads, and BMP removal efficiencies. Specific data sets are also referenced in this provision such as the National Stormwater Quality Database. However, these data sets may not be representative of the Permittee's watershed(s). It is recommended that this requirement to develop a model based on the Center for Watershed Protection's Watershed Treatment Model or other equivalent be removed since it is very expensive to develop and may provide results which are not representative or accurate of the Permittee's watershed(s).

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Non-Traditional Small MS4 Permittee Provisions			
37	Security Concerns – Section F.2	77	It is suggested that the U.S. Bureau of Prisons be added to the list of Permittees who are exempt from Annual Reporting of any provisions that could pose a security risk and/or compromise facility security.

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Provisions			
38	Program Management Element, Reporting – Section F.5.a.1.(iii)	79	The requirement to include a statement signed by both the Permittee’s legal counsel and an authorized signatory by the first year of the Annual Report, should be changed to the second year of the Annual Report to be consistent with the requirements set forth in Section F.5.a.1.(ii).
39	Education and Outreach Program, Public Education and Outreach, Implementation Level – Section F.5.b.2.(ii).(i)	81	The statement should be followed by the following: <i>(if appropriate)</i> as it might not be applicable to all Non-Traditional Permittees.
40	Education and Outreach Program, Public Education and Outreach, Implementation Level – Section F.5.b.2.(ii).(k)	81	The statement should be followed by the following: <i>(if appropriate)</i> as it might not be applicable to all Non-Traditional Permittees.
41	Illicit Discharge Detection and Elimination Program, Field Sampling to Detect Illicit Discharges, Task Description – Section F.5.d.1.(i)	85	The section referenced should be revised from B.4.a, to E.9.a. Sampling all outfalls that are flowing will be too costly. Permittees do not have the resources available to fund an elaborate dry weather sampling program. Dry weather field screening should be limited to visual observations similar to those already required under Phase I Permits. Should pollutants be observed or suspected in a dry weather illicit discharge, then upstream source tracking should be performed to find and eliminate the source. It is recommended that this section be removed.
42	Construction Site Runoff Control Program, Implementation Level – Section F.5.e.(ii)	87	Requiring Permittees to included CGP compliance requirements in construction contract language should be changed from the first year of the effective date of the permit, to the second year to be consistent with the legal authority deadlines in Section F.5.a.1.(ii).
43	Pollution Prevention/Good Housekeeping for Permittee Operations Program, Storm Water Pollution Prevention Plans, Task Description – Section F.5.f.4	89	Define what is meant by “high priority sites.” Are “hotspots” and “high priority sites” considered the same?

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
44	Pollution Prevention/Good Housekeeping for Permittee Operations Programs, Maintenance of Storm Drain System, Reporting – Section F.5.f.7.(iii)	92	The term “storm sewer” should be revised to say “storm drain” to be consistent with the entire section.
45	Post Construction Storm Water Management Program, Site Design Measures, Task Description – Section F.5.g.1.(i)	95	The threshold for site design measures that create and/or replace (no net increase in impervious footprint) 2,500 square feet or more of impervious surface is lower than what is found in current Phase I Permits throughout the State. It is recommended that the trigger for site design measures be 5,000 square feet or more of impervious surface.

**Second Draft Phase II Small MS4 General Permit Review Comment Matrix
Mojave River Watershed Group**

Comment No.	Permit Element/Section	Page No.	Comment/Suggested Revision
Attachments			
46	Attachment A – Traditional Small MS4 Designation and Monitoring Matrix	5	Bloomington CDP is already covered under the Phase I San Bernardino County Municipal NPDES Permit and should be removed from Attachment A. The City of Barstow should be included in the New Traditional Small MS4 Permittee list.
47	Attachment H – Acronyms & Abbreviations	1	Revise the acronym for QSP from “Qualified SWPPP Preparer” to “Qualified SWPPP Practitioner.”