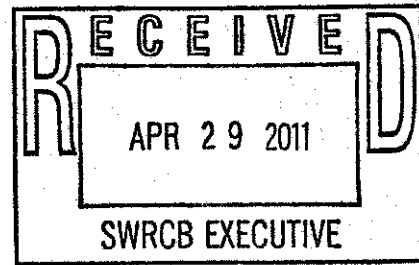




City of Santa Rosa



April 29, 2011

Mr. Charles R. Hoppin, Chair
State Water Resources Control Board
1001 I Street, 22nd Floor
P.O. Box 100
Sacramento, CA 95812-0100

RE: DRAFT ORDER NO. CAS000001 – NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (INDUSTRIAL PERMIT)

Dear Mr. Hoppin:

The City of Santa Rosa wishes to thank you for the opportunity to comment on the Draft Industrial Storm Water Permit (Draft Permit). The City of Santa Rosa (City) qualifies for coverage under the Industrial Permit due to the bus servicing and hazardous waste handling activities that occur at its Municipal Service Center Corporation Yard. Additionally, the City's Laguna Wastewater Treatment Plant is covered under the general permit.

The City has reviewed the draft Industrial Permit and would like to present the following comments and concerns:

1. The design storm for the Industrial Permit is proposed to be a 10 year 24 hour event (4.5" of rain in the Santa Rosa area). This requirement is much higher than the City's current NPDES MS4 Permit (Order No. R1-2009-0050) design storm of 85th percentile 24 hour rain event (0.92" in the Santa Rosa area) and is also higher than the State Construction General Permit design storm of 5 year 24 hour event. In the Santa Rosa area, the 10 year rain event is the design storm used for flood control design.

The City recommends that the 85th percentile 24 hour design storm be used for the Industrial Permit. This would allow designers implementing the Green Infrastructure and Low Impact Design provisions of the Industrial Permit to use the established design tools developed for the City's MS4 Permit and promote regulatory consistency.
(Order- Section V.E.1 and Section VIII.C.3)

2. The City agrees with the findings of Blue Ribbon Panel (as cited in Fact Sheet, Section B) that SIC codes are not sufficient to designate all industrial uses. As a municipal corporation yard, the City qualifies for coverage under SIC code 4111 (Transportation) related to bus servicing and as a Hazardous Waste Treatment, Storage, or Disposal Facility under Subtitle C of the Federal Resource, Conservation and Recovery Act.

It is not the City's intention to be a Hazardous Waste Treatment, Storage, or Disposal Facility but, by definition, the municipal corporation yard qualifies as such because field crews intermittently collect hazardous waste that was improperly disposed of in public streets and creeks and temporarily stores it at the yard until proper, legal disposal is facilitated. It would be appropriate to develop an Industrial SIC designation for Municipal Corporation Yards that correctly reflects this type of activity.

UTILITIES DEPARTMENT
69 Stony Circle • Santa Rosa, CA 95401
Phone: (707) 543-4200 • Fax: (707) 543-3936

3. The permit states "Numeric Action Levels (NALs), found in Table 4, are derived from the US EPA Multi-Sector General Permit's benchmarks, and are used as numeric thresholds for corrective action. Exceedances of an NAL are not a violation of this General Permit."

While a single NAL exceedance is not a violation, it should be clarified that multiple exceedances result in a violation. (Order- Section V.C.)

4. The draft Permit disregards the Blue Ribbon Panel report released in 2006 and sets de facto numeric effluent limitations (NELs) without a strong scientific basis. The Panel was clear that there isn't sufficient data to support the establishment of NELs in this Permit, and many stakeholders assumed that the next Permit cycle would be used to collect that data. EPA has also stated that its benchmarks are not appropriate for use as NELs, and there is no federal mandate that requires California to establish such a stringent Permit. We ask that the Board honor the recommendations of the Panel and direct staff to revise the Draft Permit accordingly.

5. Revision is needed regarding the term "QSP" as it relates to certification. It is the City's understanding that the draft Industrial Permit requires the person implementing BMPs and monitoring must take the Board certified course, but does not need the additional third party certification as required to be a "QSP" under the Construction General Permit. The definitions for "QSP" conflict between these two state permits yet should be consistent.
(Order-Section VII.B.3)

6. The Annual Report reporting period is proposed as July 1-June 30. The monitoring period is proposed as January 1 - December 31. The City requests that the monitoring quarters begin at the start of the reporting year (July 1) as opposed to the calendar year as currently written. It will cause confusion if the first quarter of the reporting year refers to the 3rd quarter of the sampling and inspection year. The reporting year and the monitoring year should reference the same calendar quarters and start on July 1st.
(Order- Section VIII.I. and Section X.D.)

7. The permit states "If no sample is collected in a quarter then an additional storm event shall be sampled the following quarter until four qualifying storm events have been sampled in a reporting year."

What if there are no qualifying storms in the last quarter of the reporting year (2nd quarter monitoring)? Due to local weather patterns, it is very likely that there would not be any rainfall during an entire quarter (particularly April-June and July-September). As such, the City requests that the additional sampling requirement triggered by this condition be eliminated. (Order-Section X.G.)

8. The City requests clarification that a sample must be collected within 4 hours of the determination of a qualifying event only if flow is still present.
(Order- Section X.F.)

9. Conductivity is not measured in mg/L. Table 1 needs to be corrected.
(Order- Section X- Table 1)

10. TSS cannot be measured in the field. Recommend that either a turbidity field test be conducted in place of TSS, as specified in the Construction General Permit, or provide for TSS to be measured by a lab.
(Order- Section X.F)

11. Section XVI.A.1 states "The discharger must have sampled ten consecutive quarters in which qualifying storm events occurred." (Order- Section XVI.A.1)

The City requests clarification on the intent of this section. If intended to layout a time period in which no NAL Corrective Action Triggers were met in order to reduce requirements, the City suggests using a 2 year period of 8 consecutive quarters (with or without a qualifying storm in each quarter). Section

XVI.A.2 could then be clarified to read "Sampling results from the 8 previous quarters did not meet any of the NAL corrective action triggers."

12. The City requests additional Information on G-Sirt/LID/Green Infrastructure conditional exclusions and how they relate to the City's current MS4 Permit and its Low Impact Development (LID) requirements. (Fact Sheet- Section II.0)
13. As a municipal corporation yard, the City conducts bus maintenance and thus qualifies for Industrial Permit coverage under SIC 4111. This SIC section states that only the portion of the site involved in maintenance needs to be considered. Please confirm and clarify as a literal interpretation of this section will significantly affect the permit coverage area within the yard. (Attachment A)

Transportation Facilities:

"SICs 40XX through 45XX (except 4221-25) and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operation; only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity".

14. The permit states "For Level 3 facilities, the dischargers shall ensure the SWPPP meets all applicable NELs."
Need clarification by rewording "Level 3 Facilities" to "Corrective Action Level 3 Facilities". (Section VIII.C.1.d)

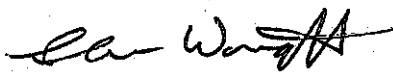
We are very concerned that the additional costs associated with the Draft Permit's implementation will have profound adverse financial impacts on our tax payers, especially in light of current budget shortages at the State and local level. Many local governments are struggling to continue to provide essential services to their citizens, which will only be exacerbated by costly new permit requirements and which equate to another unfunded mandate. We are disappointed that this permit largely was written without any stakeholder input or public outreach, because local governments would have willingly provided compliance cost data to SWRCB staff prior to the release of this draft.

Further, any expectations that local governments can raise fees to pay for the proposed requirements are unrealistic. In order to cover the costs of implementation, cities and counties would have to pass a Proposition 218 fee. The passage of these fees is not an easy task and has become increasingly more difficult. In fact, a number of communities are seeing a backlash from ratepayers who are refusing the higher fees and proposing local ballot measures to roll back fees.

The City remains very interested in preventing/eliminating storm water pollution from its municipal corporation yard and wastewater treatment plant and in maintaining compliance with the Industrial Permit. To support these interests most effectively, the City asks that the Draft Permit be modified with additional clarity and consistency as necessary to address the preceding comments and concerns.

Thank you for the opportunity to comment on this draft Industrial Permit. If you have any questions or concerns that you would like to discuss, please feel free to contact Heaven Hix at (707) 543-4530.

Sincerely,


for Miles Ferris
Director of Utilities

cc: Jeanine Townsend

MF/hh

