



CITY OF STOCKTON

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March 25, 2015

Ms. Pamela Creedon, Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

TENTATIVE ORDER FOR WASTE DISCHARGE REQUIREMENTS FOR THE CITY OF STOCKTON AND COUNTY OF SAN JOAQUIN MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), ORDER NO. R5-2015-XXXX, NPDES PERMIT NO. CAS083470

Dear Ms. Creedon:

On February 23, 2015 staff for the Central Valley Regional Water Quality Control Board (Regional Water Board) circulated for review and comment, Tentative Order No. R5-2015-XXXX and a corresponding Fact Sheet and Monitoring and Reporting Program. The Tentative Order establishes Waste Discharge Requirements for Storm Water Discharges from the Municipal Separate Storm Sewer Systems (MS4s) for the City of Stockton (City) and the County of San Joaquin (County).

We appreciate the opportunity to provide comments and understand that the Tentative Order is proposed as a limited term renewal (applicable for 18 months) and includes an option for the City and County to participate in the Delta Regional Monitoring Program (Delta RMP) in lieu of conducting some of the local water quality monitoring as specified in the Monitoring and Reporting Program. The City and County support the development and implementation of regional monitoring programs and have been actively participating in the Delta RMP since mid-2012. We are involved in the Steering Committee, Technical Advisory Committee (TAC), and the Methylmercury sub-group of the TAC. We have also indicated our intent to continue to participate in and help fund the Delta RMP. In fact, the County submitted its' letter of intent to the Regional Water Board on February 27, 2015.

In addition, the City and County submitted a completed Report of Waste Discharge (ROWD) in June 2012 requesting reissuance of waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) area-wide municipal separate storm sewer system (MS4) permit to discharge storm water runoff from storm drains within their jurisdictions. The ROWD was deemed complete on March 29, 2013. Included with the ROWD was the effectiveness assessment and proposed modifications to the Storm Water Management Plans. We understand that we must continue implementing the SWMP approved by the Regional Water Board on October 8, 2009 (Resolution No.

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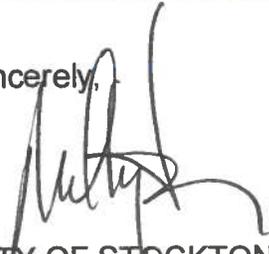
R5-2009-0105), and as modified in the 2010, 2011, 2012, 2013, and 2014 Annual Reports.

Although we are in concurrence with the intent of the limited term permit renewal and support the adoption of the Tentative Order, we do have a few suggested edits that should be made so that the Tentative Order accurately reflects the current status of the stormwater program.

We would like to continue to work closely with Regional Board staff to address the comments that we have included in **Attachment A**. Furthermore, we have also included an updated Stockton Urbanized Area and Monitoring Map.

If you have any questions, please contact Christina Walter at (209) 937-8155 or Christina.Walter@stocktongov.com or Gerardo Dominguez at (209) 953-7948 or gdominguez@sjgov.org.

Sincerely,



CITY OF STOCKTON
C. MEL LYTLE, PH.D.
DIRECTOR OF MUNICIPAL UTILITIES



COUNTY OF SAN JOAQUIN
BRANDON W. NAKAGAWA, P.E.
WATER RESOURCES COORDINATOR

Attachments: Attachment A: Recommended Modifications to Tentative Order R5-2015-XXXX and updated Stockton Urbanized Area and Monitoring Map

cc: Elizabeth Lee, Central Valley Regional Water Board
Genevieve Sparks, Central Valley Regional Water Board
Adam Laputz, Central Valley Regional Water Board
Ba Than, City of Stockton
Christina Walter, City of Stockton
Gerardo Dominguez, County of San Joaquin
Karen Ashby, Larry Walker Associates

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Recommended Modifications to Tentative Order R5-2015-XXXX

The City and County recommend the following edits to the Tentative Order so that it accurately reflects the current status of the stormwater program.

1. Finding 51 (page 15)

Pursuant to Order No. R5-2007-0173, the SWMP was updated and submitted to the Regional Water Board in April 2009. The SWMP was subsequently approved by the Regional Board on October 8, 2009. Since the previously approved SWMP will continue to be implemented throughout the duration of Order No. R5-2015-XXXX, we recommend the following modifications so that it is clear that the SWMP will not be updated as a part of this limited term permit renewal.

The overall goals of the Permittees' SWMP are to a) reduce the degradation of waters of the State and Waters of the United States (U.S.) by urban runoff and protect their beneficial uses, and b) ~~develop and~~ implement an effective SWMP that is well understood and broadly supported by regional stakeholders. The objectives are to:.....

2. Finding 76 (page 26)

The dissolved oxygen monitoring was previously required pursuant to a separate Order. In addition, the Dissolved Oxygen Plan Final Report was submitted to the Regional Water Board in January 2013. The City and County recommend the following modifications.

The Smith Canal Drainage Area Analysis and Dissolved Oxygen Work Plan Final Report, described above, also met the requirements for a dissolved oxygen work plan under the NPDES area-wide MS4 permit, Order No. R5-2002-0181 (NPDES No. CAS083470). The Regional Water Board finds that the conclusions presented by the Permittees in this report are not supported by the limited data provided. Further information on the impact from storm water discharges to Lower Calaveras River, Five-Mile Slough, Mormon Slough, and Mosher Slough is needed. Monitoring for these waterbodies was previously will-be required by a separate Order.

3. Finding 78 (page 26)

The Dissolved Oxygen Plan was already developed and implemented, with a Final Report submitted to the Regional Water Board in January 2013. The City and County recommend the following modifications.

To address the dissolved oxygen impairment and toxic hot spots identified in the Stockton Urban waterways, the Permittees ~~shall-developed~~ and implemented a Low Dissolved Oxygen Plan for the following waterbodies:

- *Lower Calaveras River*
- *Smith Canal*
- *Mormon Slough*
- *Mosher Slough*
- *Five-Mile Slough*

~~The plan shall be included as a component of the SWMP. This Order includes~~

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Recommended Modifications to Tentative Order R5-2015-XXXX

~~*Provisions for Low Dissolved Oxygen consistent with the Basin Plan implementation program and as needed to develop TMDLs to address these impairments. A separate Order will specify monitoring and assessment requirements for these Provisions. A final report, Low Dissolved Oxygen Plan, was submitted to the Regional Water Board January 29, 2013.*~~

4. Finding 79 (page 26)

The Pathogen Plan was developed and is being implemented. On November 14, 2012 the City and County provided a Pathogen Plan monitoring update to the Regional Water Board. The City and County recommend the following modifications.

The Permittees submitted to the Regional Water Board the City of Stockton San Joaquin County Pathogen Plan (Pathogen Plan) on 18 August 2004. This work plan met the requirements for a pathogen pollution prevention plan under the previously adopted NPDES area-wide MS4 permit, Order No. R5-2002-0181 (NPDES No. CAS083470). The Pathogen Plan was approved by the Executive Officer on 10 November 2004. and monitoring under this Plan (including any amendments or updates), is ongoing.

5. Finding 81 (page 28)

The methylmercury monitoring was previously required pursuant to a separate Order. However, the monitoring required under the limited term permit renewal is specified within the Tentative Order and the Monitoring and Reporting Program. The City and County recommend the following modifications.

Monitoring is needed to characterize the concentrations and loads of methylmercury entering the Delta from Stockton area urban runoff and to evaluate options for controlling methylmercury discharges. Characterization studies should include evaluation of methylmercury and total mercury concentrations and loads in receiving waters and discharges, including discharges from detention basins and other management practices. Control Studies should identify variables that control methylmercury production and propose best management practices and implementation schedules. A separate Order ~~will specify~~ previously specified monitoring and assessment requirements that must be implemented for characterization and control studies.

6. Provision B.4 (page 31) – Discharge Prohibitions – Non-Storm Water Discharges

Pursuant to Order No. R5-2007-0173, a response plan was already developed and submitted as a part of the April 2009 SWMP. The City and County recommend the following modifications so that it is clear that the response plan will only be updated as needed.

Emergency fire fighting flows (i.e., flows necessary for the protection of life or property) do not require immediate implementation of BMPs and are not

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prohibited. However, each Permittee should coordinate with other agencies to ~~develop~~ continue to implement the a response plan to minimize the impact of fire fighting flows to the environment. BMPs must be implemented to reduce pollutants from non-emergency fire fighting flows (i.e., flows from controlled or practice blazes) identified by the Permittees to be significant sources of pollutants to waters of the State. The response plan and BMPs shall be updated as needed ~~and incorporated into the SWMP.~~

7. Provision D.4.e.ii (page 38) – Program Management

Pursuant to Order No. R5-2007-0173, the City and County already reviewed their reporting formats and standardized them, to the extent that they could be. The City and County recommend the following modifications so that it is clear that the reporting formats will only be updated as needed.

The Permittees shall jointly ~~develop and/or~~ update the standardized format(s) for all reports required under this Order (e.g., annual reports, monitoring reports, fiscal analysis reports, and program effectiveness reports, etc.) as needed. The standardized reporting format(s) shall be used by all Permittees and shall include protocols for electronic reporting, specifically data reporting.

8. Provision D.10.a.ii (page 43) – Industrial/Commercial Program

Pursuant to Order No. R5-2007-0173, the City and County already developed their inventory of industrial and commercial facilities. The City and County recommend the following modifications so that it is clear that the inventory will be updated as needed.

~~Develop and~~ Maintain an inventory of industrial and commercial facilities located within the Permittee's jurisdiction;

9. Provision D.16.c (page 49) – Water Quality Planning and Design Principles

Pursuant to Order No. R5-2007-0173, the City and County developed and submitted the new development/redevelopment standards, *The Storm Water Quality Control Criteria Plan (SWQCCP)*, in March 2009. The City and County recommend the following modifications so that it is clear that the ordinances/standards/specifications will be updated as needed.

The Permittees shall revise applicable ordinances/standards/specifications as needed. ~~no later than one year after the adoption of the Development Standards by the Regional Water Board.~~

10. Provision D.17 (page 50)

Pursuant to Order No. R5-2007-0173, the City and County developed and submitted the new development/redevelopment standards, *The Storm Water Quality Control Criteria Plan (SWQCCP)*, in March 2009. The City and County recommend the following modifications so that it is clear that the Standards have already been adopted and approved by both agencies.

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The Permittees submitted to the Regional Water Board the City of Stockton San Joaquin County Storm Water Quality Control Criteria Plan (SWQCCP), dated March 2009. The SWQCCP was approved by the City Council on 7 July 2007 and the County Board of Supervisors in February 2010.

11. Provision D.18 (page 50)

Pursuant to Order No. R5-2007-0173, the City and County developed and submitted the new development/redevelopment standards, *The Storm Water Quality Control Criteria Plan (SWQCCP)*, in March 2009. The City and County recommend the following modifications so that it is clear that the Standards have already been developed.

The Development Standards ~~shall be amended/revised to ensure that the integrate the~~ storm water quality and watershed principles, as listed above in 16.a. and b., ~~are integrated.~~

12. Provision D.23.c (page 55) – Planning Department Coordination, Enforcement and Tracking

Pursuant to Order No. R5-2007-0173, the City and County developed and implemented the tools necessary to coordinate, enforce, and track the implementation of the SWQCCP. The City and County recommend the following modifications so that it is clear that the tools have already been developed.

Each Permittee shall ~~develop and~~ continue to implement no later than (6 months from this Order's adoption) the following:

13. Provision D.25 (page 56) – Technical Guidance and Information for Developers

Pursuant to Order No. R5-2007-0173, the City and County developed and submitted the new development/redevelopment standards, *The Storm Water Quality Control Criteria Plan (SWQCCP)*, in March 2009. The City and County recommend the following modifications so that it is clear that the Standards have already been developed and are being implemented.

Each Permittee submitted a revised/functionally updated Development Standards [e.g., Stormwater Quality Control Criteria Plan (SWQCCP)] consistent with the requirements of this Order as a component of the SWMP ~~during the previous permit term.~~ The Development Standards shall include guidelines and provide recommendations for low impact development/ hydromodification strategies for the development community in the Stockton Urbanized Area. The guidelines shall encourage the use of low impact development/ hydromodification strategies ~~and be based on the existing site design control measures identified in the existing Development Standards.~~ Prior to approval of the Development Standards, the early implementation of measures likely to be included in the Development Standards shall be encouraged by the Permittees.

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Recommended Modifications to Tentative Order R5-2015-XXXX

14. Provision D.26 (pages 56-57) – Sediment Toxicity

The Sediment Plan was already developed and implemented, with a Final Report submitted to the Regional Water Board in January 2013. The City and County recommend the following modifications.

*The Permittees ~~shall-developed~~ and ~~implemented~~ a sediment quality-monitoring program (**Sediment Plan**). The Sediment Plan ~~shall be was~~ included as a component of the SWMP and addressed the following criterion:*

- a) *Development and adoption of policies, procedures, and/or ordinances to implement the Sediment Plan;*
- b) *Plan for characterization of sediment quality within the Stockton Urbanized Areas receiving storm water discharges, including the detention basins;*
- c) *Use of U.S. EPA standardized 10-day sediment toxicity testing method (U.S. EPA, 2000) for freshwaters using *Hyaella azteca*;*
- d) *Sampling of sediment consistent with SWAMP Quality Assurance Management Plan (QAMP) protocols;*
- e) *List of sample sites meeting the following criteria: sediment depositional areas downstream and within close proximity (within 25-100 meters) of representative storm water outfalls; assessment of land uses including residential, suburban residential, commercial, industrial, and mixed. Residential and suburban residential sample sites shall be selected based upon the age of the neighborhoods including, but not limited to: areas predominately less than 10 years old, areas predominately 10 – 25 years old, and those areas with homes predominately older than 25 years old;*
- f) *Sediment Total Organic Carbon (TOC) and grain size shall be reported with each sediment toxicity testing data summary;*
- g) *If characterization of sediment quality has identified toxicity – follow up testing including sediment TIE approaches and chemical analyses of the sediments (including, but not limited to pyrethroid pesticide analyses) shall be conducted; and*
- h) *Identification, development, implementation and assessment of BMPs to address controllable discharges of sediment-bound contaminants that may be linked to sediment toxicity to the MEP.*
- i) *~~The Sediment Plan shall include~~ A time schedule for implementation and assessment.*

A final report, Sediment Toxicity, was submitted to the Regional Water Board January 15, 2013.

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15. Provision D.28.b (page 59) – Low Dissolved Oxygen

The Dissolved Oxygen Plan was already developed and implemented, with a Final Report submitted to the Regional Water Board in January 2013. The City and County recommend the following modifications.

Low Dissolved Oxygen: *To address the dissolved oxygen impairment and toxic hot spot, the Permittees shall implemented a **Low Dissolved Oxygen Plan** for the following waterways:*

- Lower Calaveras River
- Mormon Slough
- Mosher Slough
- Stockton Deep Water Ship Channel near McLeod Lake
- Smith Canal

~~*The plan shall be a component of the SWMP and shall include the following:*~~

~~*Based on the data collected by the monitoring program required under a separate Order, the Permittees shall identify areas and/or activities, which contribute to low DO concentrations in the receiving water, such as unsewered areas within the Stockton Urbanized Area, natural vegetation, animal and bird waste, discharges of food wastes and other oxygen demanding substances, or direct discharges from existing collection systems due to sanitary sewer system overflow or blockage.*~~

~~*A final report, Low Dissolved Oxygen Plan, was submitted to the Regional Water Board January 29, 2013.*~~

16. Provision D.28.c.i. (page 59) – Pathogens

The Pathogen Plan was already developed and is being implemented. On November 14, 2012 the City and County provided a Pathogen Plan monitoring update to the Regional Water Board. The City and County recommend the following modifications.

The Permittees shall address this requirement by completing and implementing the Pathogens Plan that was approved by the Executive Officer in 2004 and shall be consistent with the schedule and work tasks prescribed in the SWMP, and any amendments or updates to the Pathogen Plan thereto. The Pathogens Plan shall also include annual updates within the Annual Reports.

17. Monitoring and Reporting Program III.F (page 13) – Dry Weather Field Screening (Table B – Footnote d)

As a part of the field screening program, the City monitors approximately 20% of the outfalls each year. If there is a discharge from the outfall, it is monitored twice within a 24-hour period. The following modifications are recommended to clarify the monitoring approach within the footnote.

d. ~~Field screening is conducted during two events per dry season.~~ Approximately 20% of the City outfalls are monitored during dry weather each

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Permit year. If the outfalls are flowing, they are monitored twice within a 24-hour period.

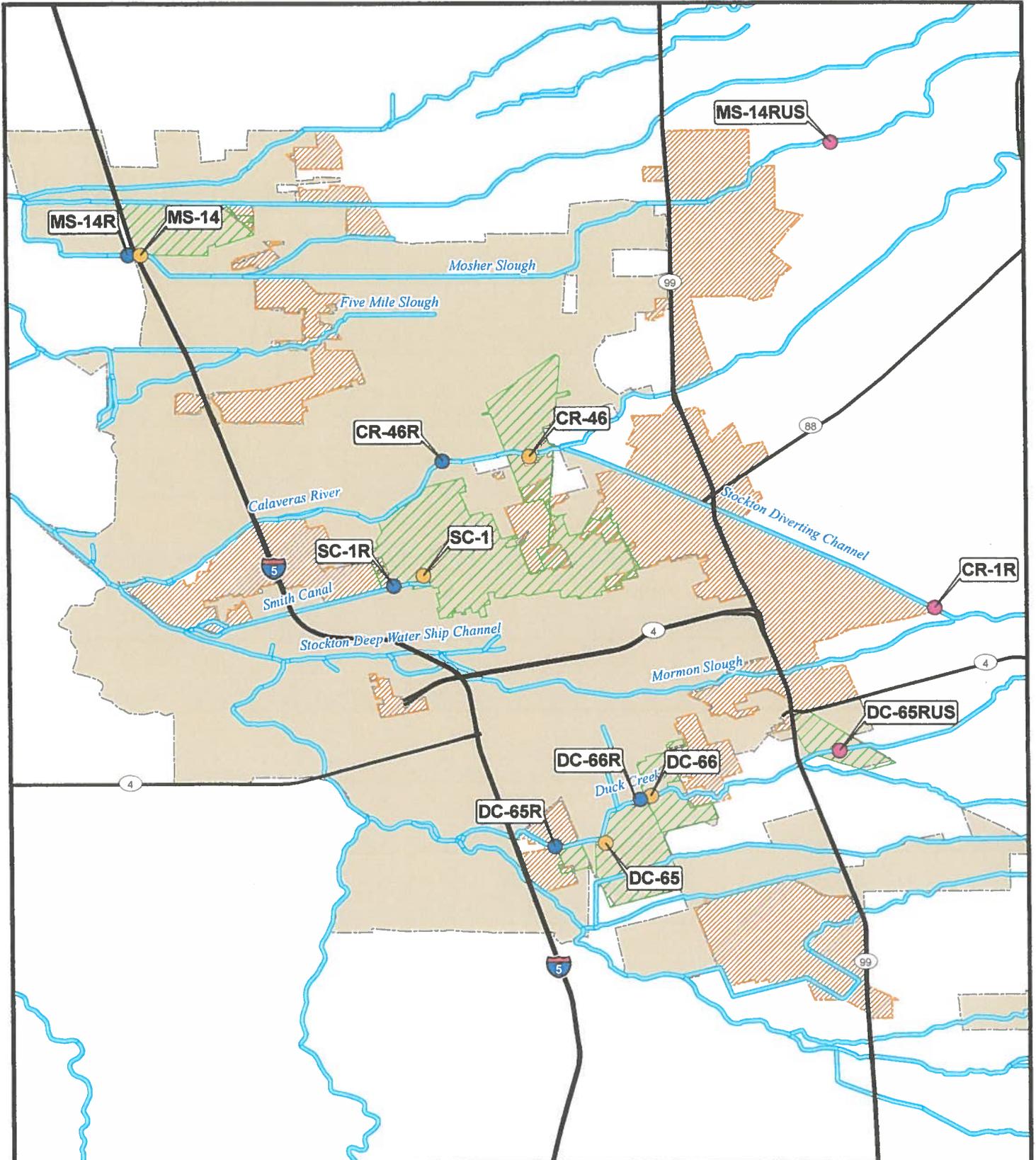
18. Monitoring and Reporting Program (page 14) – Water Quality-Based Programs

The Water Quality-Based Plans were already developed and were or are being implemented. The City and County recommend the following modifications.

Monitoring and assessment for the water quality based programs (i.e., pesticides, dissolved oxygen, pathogens, and mercury/methylmercury) for the Stockton Urbanized Area ~~will be~~ was addressed in a separate Order. Any City or County generated data obtained by other programs ~~shall be~~ were incorporated, evaluated, and included in ~~each~~ subsequent annual reports.

19. Attachment A

The City and County have noted some discrepancies between Attachment A and the current monitoring locations. An updated map is attached to this comment letter.



Attachment A - City and County Urbanized Area and Monitoring Site Map

- Urban Discharge Site
- Urban Receiving Water Site
- Upstream Receiving Water Site
- Major Roads
- Streams and Rivers
- San Joaquin County Phase I Area
- City of Stockton
- Drainage Basin

