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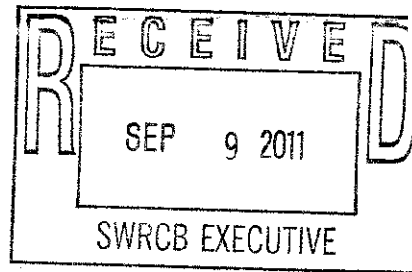
Bill Emlen, Director
Clifford K. Covey, Assistant Director

September 7, 2011

State Water Resources Control Board
Jeanine Townsend, Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-200

Subject: Comments on Draft Phase II Permit

Dear Board Members:



Thank you for the opportunity to provide local input and comments on the proposed modification to the National Pollutant Discharge Elimination System General Permit (Permit). Solano County (County) has reviewed the newly proposed draft of the Permit and our comments follow.

129.1 → The draft Permit proposes a requirement to develop an updated Illicit Discharge Detection and Elimination (IDDE) system for the detection, investigation, and elimination of illicit discharges, including illegal dumping. The County currently has an effective IDDE system, but it does not meet the requirements in **Section E.7.d** of the draft Permit. This section will require the use of the Center for Watershed Protection's guide on Illicit Discharge Detection and Elimination or equivalent for the development and implementation of an IDDE program. The Center for Watershed Protection's guide on Illicit Discharge Detection and Elimination is, in itself, 176 pages not including references and Technical Appendices. The time and resources required to understand and implement this requirement will be significant. The California Stormwater Quality Association (CASQA) has estimated that the development of an IDDE for the Permit will cost upwards of \$60,000 with annual implementation costs of \$80,000. Through the existing NPDES Phase II Permit, Solano County already has an IDDE that has been approved by the State and has been successful in implementation. We find the new IDDE requirement to be burdensome in costs and resources, particularly to the smaller agencies and the communities they serve.

129.2 → In **Section E.8.c** the Permit would require the local agency to inspect all construction sites "1) when two or more consecutive days with greater than 50% chance of rainfall are predicted by

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Building & Safety David Cliche Chief Building Official	Planning Services Mike Yankovich Program Manager	Environmental Health Terry Schmidtbauer Program Manager	Administrative Services Suganthi Krishnan Senior Staff Analyst	Public Works Engineering Matt Tuggle Engineering Manager	Public Works Operations Wayne Spencer Operations Manager
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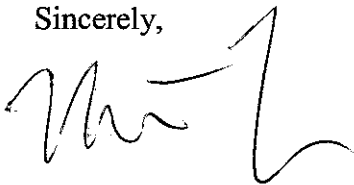
NOAA27 and 2) within 48 hours of a ½-inch rain event and at least once every two weeks.” This requirement prescribes the local agency’s responsibility for inspecting for the California Construction General Permit. The Phase II Permit should not mandate inspection frequency for the local agency. This requirement will significantly escalate the costs associated with inspection of construction sites, with little to no realized benefit to the environment above what the existing Permit and regulations require. These significant cost increases would either be borne by the local agency (public) or the construction site permittee, or both. We find this requirement ill-timed when we should be incentivizing new development and redevelopment. It should also be noted that monitoring and reporting already occur for the Construction General Permit construction sites through the state SMARTS database. Inspection frequency and test results are posted for the public to view. The local agency that permits construction sites should retain the authority to determine the appropriate number and timing of inspections.

129.3 → **Section E.5.b** mandates local agencies educate school-age children and use Community-Based Social Marketing (as developed by Canadian environmental psychologist Doug McKenzie-Mohr) as a strategy for education. Requiring local agency staff, typically engineers, who are not accredited teachers nor environmental psychologists, to teach students because of a permit requirement seems inappropriate and inefficient for local agencies, staff, teachers, districts, and students. Effective, efficient, and practicable outreach methods should remain the local agency’s determination.

129.4 → The significant costs associated with the three draft Permit requirements listed above will be unfunded State mandates with few benefits to be realized by the environment and the residents of Solano County to justify the costs. The County has been able to manage some of its Storm Water Management Plan costs by increasing the cost of grading permits. However, many costs of administering the Phase II program remain unmitigated. The proposed draft Phase II permit will likely add upwards of \$80,000 to the County’s Storm Water Management Plan costs. Perhaps the Board could consider creating thresholds for larger agencies that need more robust requirements.

We respectfully request that the State Water Resources Control Board consider these comments when reviewing the proposed Draft Phase II Permit.

Sincerely,



Matt Tuggle
Engineering Manager



Nicholas Burton
Civil Engineer