



Napa County Flood Control and Water Conservation District

PHILLIP M. MILLER, P.E.
DISTRICT ENGINEER



NCSPPP
Participants



A Tradition of Stewardship
A Commitment to Service



December 17, 2012

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

Subject: Comment Letter – Third Draft of the Municipal General NPDES permit

Dear Ms. Townsend:

On behalf of the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP), thank you for the opportunity to provide comments on the Third Draft Phase II Small MS4 General Permit (Permit). The NCSPPP is a joint effort of the County of Napa, the Cities of American Canyon, Napa, St. Helena, and Calistoga, and the Town of Yountville, facilitated by the Napa County Flood Control and Water Conservation District. Our program goals are to prevent stormwater pollution, protect and enhance water quality in the Napa River, local creeks and wetlands, preserve beneficial uses of local waterways, and comply with State and Federal regulations.

The NCSPPP greatly appreciates the work of State Board staff to date in listening to stakeholders and making meaningful edits to the permit. Several key issues remain as sticking points but we are hopeful changes will still be made resulting in a permit that is implementable and has positive benefits to water quality.

Representatives from the NCSPPP have actively and diligently collaborated with the California Stormwater Quality Association (CASQA) Phase II Subcommittee to review the Third Draft of the Permit and develop comprehensive and coordinated comments. Several of our member cities are also signatories to the comment letter developed by the Statewide Stormwater Coalition (SSC). The NCSPPP fully supports the letters CASQA and the SSC will submit under separate cover and respectfully requests the State Board fully incorporate their proposed revisions.

NCSPPP would also like to provide the following comments:

1. Revise the Receiving Water Limitations Language prior to permit adoption.

Permittees appreciate the November 20th workshop on this topic but it would seem all the information necessary to make a decision is available and we would appreciate a resolution of this issue prior to permit adoption that would allow permittees to comply with the permit by continuing to implement the so-called ‘iterative process’. The Board has previously indicated it would resolve this issue at an undefined point in the future via a permit re-opener. However, re-openers consume already-limited resources on the part of the Board and permittees and it puts our municipalities at risk in the interim time period.

2. Eliminate Attachment J and Footnote 31 of the Draft Fact Sheet. Attachment J would effectively require Central Coast permittees to implement post-construction standards that exceed those required for other Phase II permittees, *and even exceed the requirements of Phase I permittees*, without providing technical justification for doing so. Furthermore, Footnote 31 introduces the possibility that these requirements will be applied statewide. The E.12 provisions will be a challenge to implement but it is unreasonable to expect permittees to comply with an even higher standard before they’ve even fully developed the program under E.12.

3. Eliminate the new text on pages 58-61 of the Fact sheet entitled “San Francisco Bay Water Board TMDLs”. A close inspection of the paragraphs on Napa River Sediment TMDL and Napa River Pathogens TMDL reveals apparent errors and inconsistencies with the language printed in Attachment G of the permit.

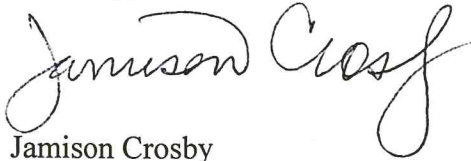
Attachment G thoroughly documents the requirements outlined in the TMDL and repeating them in the fact sheet is unnecessary. If the language must be repeated, care should be taken to eliminate errors and inconsistencies.

4. **Eliminate errors in the Outline Structure of the permit.** The Draft permit is a very long, complex and detailed document and a consistent outline structure is absolutely critical to understanding and implementing it. There are numerous instances where the outline structure breaks down. It would benefit all stakeholders, not just permittees, if a very thorough editorial review of the document was undertaken with an eye to eliminating circular references, errors in content, excessively verbose language and errors in outline structure.
5. **Delete Section Section E.9.b.(ii).(e)** – It was permittees’ understanding that the Industrial/Commercial Inspection Program had been deleted from the Third Draft of the permit and the Fact Sheet references such a change on page 11. However, the substance of these provisions appears to have been added back into the permit on page 39, with the addition of text describing inspections at inventoried facilities. Please delete E.9.b.(ii).(e).
6. **E.12.c.(ii).c – Replace the word “By” with “Within”** on page 62 so that the paragraph reads *“Within the second year of the effective date of the permit, the Permittee shall require these Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects, both private development requiring municipal permits and public projects.”* This will make it consistent with other deadlines in the permit which refer to implementation *within*, not *by*, a given year.
7. **E.12.g.(ii).(a) – Remove the phrase “greater than 5,000 square feet” on page 75.** Since Regulated Projects are by definition *“all projects that create and/or replace 5,000 square feet or more of impervious surface”* it is redundant to include this qualifier. Moreover, it falsely implies that there are Regulated Projects less than 5,000 square feet.
8. **E.13.(4) new redline paragraph – Replace the word “and” with “or”** on page 83 in the new redline paragraph so that it reads *“Traditional Small MS4 Permittees that*

are already conducting monitoring of discharges to ASBS, TMDL, or 303(d) impaired water bodies are not required to perform additional monitoring as specified in E.13.a and E.13.b.” This will make it consistent with the paragraph immediately preceding it.

Thank you for your faithful consideration of our comments. If you have questions, you may contact me at 707-253-4823.

Sincerely,

A handwritten signature in black ink that reads "Jamison Crosby". The signature is written in a cursive style with a large, looping initial "J".

Jamison Crosby

Stormwater Program Manager

C (electronic): NCSPPP municipalities