

**Regional Water Quality Control Board  
Central Valley Region  
Board Meeting –30/31 May 2013**

---

RESPONSE TO WRITTEN COMMENTS ON TENTATIVE WASTE DISCHARGE  
REQUIREMENTS FOR FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, CITY OF  
FRESNO, CITY OF CLOVIS, COUNTY OF FRESNO, AND CALIFORNIA STATE  
UNIVERSITY FRESNO  
STORM WATER DISCHARGES FROM  
MUNICIPAL SEPARATE STORM SEWER SYSTEM  
FRESNO COUNTY

---

At a public hearing scheduled for 30/31 May 2013, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) will consider adoption of Waste Discharge Requirements (NPDES No. CA0083500) (hereafter Permit), which were circulated as tentative on 11 January 2008 for the Fresno Metropolitan Flood Control District, City Of Fresno, City Of Clovis, County of Fresno, and California State University Fresno (collectively Discharger) for discharges from the Municipal Separate Storm Sewer System (Fresno MS4). This document contains responses to written comments received from interested parties regarding the tentative Permit. Written comments from interested parties were required to be received by the Regional Water Board by 5:00 p.m. on 17 April 2013 in order to receive full consideration. Comments were received by the deadline from:

1. The Discharger
2. The U.S. Environmental Protection Agency (U.S. EPA)

In addition, the Discharger submitted, after the close of the comment period, a request to extend a proposed due date in the Permit. Some minor changes were made to the Permit based on the comments received. Some changes were also made by Central Valley Water Board staff to correct grammatical and typographical errors. Written comments from the above interested parties are summarized by staff below, followed by the staff response.

---

**DISCHARGER COMMENTS**

---

**DISCHARGER - COMMENT - 1:** As the permit requires submittal of a Long Term Effectiveness Assessment (LTEA) and Reporting Program Plan and a revised Storm Water Quality Management Plan (SWQMP) within six months of Permit adoption, the Discharger requests that the LTEA be incorporated within the revised SWQMP and not be required as a separate report.

**RESPONSE:** The change has been made.

---

**DISCHARGER LATE COMMENT**

---

**DISCHARGER – LATE COMMENT:** The Discharger requested that, due to the complexity of the Permit and requirement to update the SWQMP, the due date

to submit updated memorandums of understanding pursuant to Provision D.3 of the Permit be extended from six months to twelve months following adoption of the Permit.

**RESPONSE:** The change has been made.

---

## **U.S. EPA COMMENTS**

---

**U.S. EPA - COMMENT - 1:** U.S. EPA comments that the Fact Sheet needs to be revised to acknowledge the 2010 Clean Water Act 303(d) list is the current list and to reflect that the reach from Friant Dam to Mendota Pool is on the list.

**RESPONSE:** Both the Permit Findings and the Fact Sheet have been revised as requested. They have also been revised to clarify the eventual connection of the Dry Creek Canal to the James Bypass and the Fresno Slough, and to discuss the listing of Fresno Slough.

**U.S. EPA - COMMENT - 2:** U.S. EPA comments that the Fact Sheet needs to be revised to eliminate inconsistencies related to the described performance of the Fresno MS4 system as it compares to Low Impact Development (LID) standards and Standard Urban Runoff Mitigation Plans (SUSMP) standards, particularly as they are applied in other MS4 permits. The comments note that other MS4 permits typically require on-site retention of the 85<sup>th</sup> percentile storm, which translates into approximately retention 80% of the average annual storm water runoff.

**RESPONSE:** Some confusion regarding design and performance of the MS4 system stems from the differences in the metrics presented (e.g., rainfall versus runoff capture). To remedy this, the applicable sections of the Permit Findings and the Fact Sheet have been simplified to provide a more apples-to-apples comparison between the Fresno MS4, typical design criteria, and the other MS4s.

**U.S. EPA - COMMENT - 3:** The U.S. EPA suggests that the Permit area coincide with those areas determined to be urban in the Census Bureau's 2010 census map.

**RESPONSE:** The requested change has not been made. The 2010 Census Bureau map includes several areas that are not master planned for urban development and that are either in agriculture, or residential with large lots (e.g., 5-acre lots). The areas defined as urban in 2010 Census Bureau map do not include several undeveloped areas that are master planned for urban development and that are within the originally proposed Permit area. The net result would be less coverage of planned urban areas and erroneous coverage of areas not subject to Permit requirements. Finding No. 3 has been modified to note that the Permit area will be expanded, as necessary, as new areas are master planned for urban development.

**U.S. EPA - COMMENT – 4:** The Permit contains receiving water limitations language consistent with State Water Resources Control Board WQ Order 99-05. The U.S. EPA comments the Permit should contain a reopener to address potential changes in the receiving water limitations language should the State Water Resources Control Board modify WQ Order 99-05.

**RESPONSE:** Reopener language has been added to Provision D.22 of the Permit.

**U.S. EPA - COMMENT - 5:** U.S. EPA suggests information in Finding 30 of the WDRs regarding U.S. EPA's audit of the MS4 also be included in the Fact Sheet. U.S. EPA also suggests that a discussion of U.S. EPA's 2005 audit be discussed in the Fact Sheet.

**RESPONSE:** The requested changes have been made.

**U.S. EPA - COMMENT - 6:** U.S. EPA states that the Fact Sheet should indicate that the Storm Water Quality Management Plan will be subject to a 30-day public review process.

**RESPONSE:** The requested change has been made.

**U.S. EPA - COMMENT - 7:** U.S. EPA states that the Monitoring and Reporting Program (MRP) should be modified to require E. coli and/or enterococcus to the list of parameters to be monitored as the State Water Resources Control Board is updating its water quality objectives to replace total coliform.

**RESPONSE:** The MRP has been updated to require the Discharger to implement E. coli and enterococcus monitoring in accordance with the final approval of the revised water quality objectives and associated implementation schedule or within 30-days of final approval if an implementation schedule is not included in the revision.

**U.S. EPA - COMMENT - 8:** U.S. EPA notes that both it and the Central Valley Water Board have expressed an interest in developing a San Joaquin River Regional Monitoring Program and suggest that the Permit include reopener language to replace the individual MRP with regional monitoring requirements.

**RESPONSE:** Reopener language has been added to Provision D.22 of the Permit.