

Response To Comments
 Order NO. R1-2015-0030
 Phase I MS4 Permit

Comment Number	Commenter	Label	Comments/Proposed Changes	Regional Water Board Response
General Comments				
1	Sebastopol Healdsburg Windsor	Table of Contents	Add page #s and subsection titles	Comment incorporated.
	Sebastopol Healdsburg Windsor		Recommend moving the Permit Boundary map and narrative into the body of the Permit.	Comment not incorporated. Permit boundary is incorporated into the Order as Attachment C, as well as a general description in the body of the Order.
3	Sebastopol Healdsburg Windsor		The Water Board should write this Order for minimum required compliance to alleviate expensive, unnecessary third party law suits.	Comment considered. Regional Water Board staff believes that this has already been accomplished through many discussions with the Co-Permittees. Additionally, the comment is broad, overly general, and difficult to evaluate without specific suggested changes.
4	Sebastopol Healdsburg Windsor		Specific requirements and deadlines should be given to the Co-Permittees for their assistance in compliance, but kept out of the legal document.	The term "specific requirements" is too general, making it difficult to provide a response. Having due dates in the Order is appropriate, is consistent with the approach in the previous Order, with U.S. EPA regulations, and other MS4 Orders.
5	Sebastopol		Consider using a progressive outline numbering system that gives each section and subsection a unique identifier. Example would be "1" "1.1" "1.1.1" "1.1.1.1" style, or similar. The use of a repeating letter and number outline numbering system means that the reader has to constantly refer back to the beginning page of a section to see which section they are in.	Comment noted. The current format is standard formatting for NPDES permits.

6	Russian Riverkeeper		We are gravely concerned that the current and future TMDL waste load allocations (WLAs) will be addressed via as yet undeveloped water quality trading schemes that have not proven effectiveness anywhere in the U.S.	Comment noted. The TMDL is still under development. This Order only addresses the TMDL by reference in the Fact Sheet and is not incorporated into the Order. Adoption of the TMDL will include ample time for public comment and we encourage you to remain engaged and provide comments during that process.
7	Russian Riverkeeper		In all instances, throughout the Permit, non-compliance, where it causes or contributes to an exceedance of an applicable water quality standard should be reported orally to the Regional Board within 24 hours.	Comment noted. Time frames for reporting exceedances to the Regional Water Board vary based on the nature of the discharge.
8	Russian Riverkeeper		We recommend that Board staff be vigilant when reviewing ALL these various implementation plans and hold Co-Permittees accountable for non-compliance.	The implementation plans where an interim compliance tool used between July 1, 2013 and the effective date of this Order for the Phase II Co-Permittees. Once this Order is effective, the implementation plans no longer apply and all Co-Permittees are required to fully implement the terms and condition of this Order.
I. Co-Permittee Information				
9	Santa Rosa SCWA Sebastopol Healdsburg Windsor	Table 4	Please revise the column heading "Contact Information" to be " <u>Legally Responsible Person</u> " and remove specific names in favor of including titles only.	Changed to "Legally Responsible Party." "Party" was used in place of "person" because names were removed from the table. "Person" indicates the table would list the person responsible. The table now lists only the position responsible.

III. Discharge Prohibitions				
10	Russian Riverkeeper	III.B.	We are seriously concerned that current non-storm water flows do cause adverse effects on beneficial uses and might not qualify for avoiding Basin Plan prohibitions. For example: How is the discharge of high pressure low volume washing of sidewalks resulting in the discharge of dirt particles, traces of everything from nutrients to dog feces, dropped ice cream cones a low-threat?	The discharge described would not be allowable. The only allowable discharges are those listed in section III.C.1.a-q. This list does not include power washing as a conditionally approved non-storm water discharge.
IV. Receiving Water Limitations				
11	Santa Rosa SCWA	IV.A.	Please clarify which water quality standards will need to be met, either by including here or by reference. Providing specifics will support compliance by allowing Co-Permittees to compare sample results to numeric standards as well as reduce the likelihood of lawsuits by third parties. Alternatively add language stating "...water quality standards in receiving waters <u>published and provided by the North Coast Regional Water Quality Control Board.</u> "	<p>This Order has been modified to include the following change in section IV.A.: "Water quality standards includes water quality objectives in the Basin Plan and statewide water quality control plans and policies." Additional information on water quality standards can be found in Attachment F: Fact Sheet.</p> <p>Additionally, Regional Water Board staff understands the concept behind this comment is to have a better understanding of specific water quality standards that apply to the receiving water limitation. To assist with this understanding, Regional Water Board staff is available to discuss water quality standards in more detail with Co-Permittees.</p>
	Sebastopol	IV.A.	Section reads: Discharges of storm water or non-storm water from an MS4 shall not cause or contribute to a violation of <u>water quality standards</u> in receiving water. Include more specific language identifying which water quality standards are applicable, or by whose determination. Suggestion would be to either reference a specific set of standards that is attached as an appendix, or otherwise readily available, or to append the clause , " <u>as defined by the Regional Board</u> " at the end of this sentence.	

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12	Santa RosaSCWA	IV.B.	Clarify that this provision is meant to be consistent with the Basin Plan by adding language such as: "Discharges of storm water and non-storm water from an MS4 shall not cause an alteration of natural temperature of receiving waters <u>above the limit specified in the current adopted Basin Plan</u> unless it can be demonstrated to the satisfaction of the Executive Officer that such alteration in temperature does not adversely affect beneficial uses. At no time or place shall discharges cause temperature to increase more than 5 ⁰ Fahrenheit above natural receiving water temperature."	This receiving water limitation is consistent with the water quality objective for temperature, as written in the Basin Plan. To remain consistent, the language in the Order will not be altered from that in the Basin Plan. The Fact Sheet has more information on the reference of this water quality objective.
13	Rohnert Park	IV.B.	Please clarify "natural temperatures of receiving waters." The City recommends adding language to be consistent with the currently adopted Basin Plan.	According to the North Coast Regional Water Board Temperature Policy Staff Report (page 19) the definition of natural receiving water temperatures "are the temperatures that occur when the factors controlling water temperature, including shade, flow and channel morphology, are equivalent to their natural condition."
14	Santa Rosa SCWA	IV.C.1.	In the previous version of the MS4 permit non-storm water discharges related to emergency firefighting were included as a non-prohibited category. In addition, the draft permit requires BMPs for emergency firefighting discharges. Please add emergency firefighting discharges to this list of non-prohibited.	Flows from firefighting are an allowable non-storm water discharges that do not require use of BMPs and therefore do not need to be included in the Co-Permittee's non-storm water BMP plan. However, for clarification, "flow from firefighting" has been added to III.C.1 as requested.
15	Santa Rosa SCWA	IV.C.1.i.-n.	Please specify the level of declaration/debromination necessary. Previous version stated 0.02 mg/L.	Footnote added to swimming pool discharge to not exceed 0.02 mg/L. For other non-storm water discharges dechlorination procedures shall be proposed as BMPs in the BMP plan, including dechlorination levels/goals.

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16	Santa Rosa SCWA Rohnert Park	IV.C.2.	Please specify what must be included in a "Receiving Water Limitations Compliance Report," or if this is a standard document please reference where this detail is provided.	The Order currently provides a scope of information to be included in the Receiving Water Limitations Compliance Report. In the event a Co-Permittee is required to submit this document, Regional Water Board staff can provide further guidance on more specific components.
17	Santa Rosa SCWA	IV.C.2.	Please consider the following revision to clarify that agreements are required between CoPermittees: "Where a Co-Permittee has no direct authority, the Co-Permittee is required to enter into an agreement with the agency or department <u>other agencies, departments, or other CoPermittees</u> that has <u>have</u> the enforcement authority."	The Order has been modified to read: "with other Co-Permittee agencies or departments that have the enforcement authority".
18	Santa Rosa SCWA	IV.C.2.-6.	Please clarify timeline for submittal, implementation, and revision of the Receiving Water Limitations Compliance Report. Suggest that the report be due within 45 days of the CoPermittee becoming aware of a confirmed exceedance, that formal implementation of the approved plan begin no later than 30 days following approval by the Regional Board, and that a copy of the report is provided with the Annual Report (unless the Annual Report is due in a shorter timeframe than these provisions). Please add language stating that <u>"The CoPermittees shall be in compliance with this provision until the Report is approved as long as additional BMPs were implemented to address the impact and likely cause of the exceedance."</u>	Comment incorporated.

V. Standard Provisions, B. General Provisions				
19	Santa Rosa SCWA	V.B.3.	Please clarify what is meant by "other permitting requirements."	This was a typographical error and the sentence has been removed from the Order.
20	Cloverdale Healdsburg Sebastopol Windsor	V.B.3	Commenters requested a process for obtaining an extension on due dates and timelines defined in the Order.	The Order has been modified with the incorporation of section V.B.3 which reads "Each Co-Permittee is required to comply with all applicable compliance time frames specified in this Order. Co-Permittees can request an extension on compliance time frames with justification for additional time acceptable to the Executive Officer.
V. Standard Provisions, C. Legal Authority				
21	Sebastopol	V.C.2	Section reads: Where a Co-permittee has no direct authority, the Co-permittee is required to enter into an agreement with the agency or department that has the enforcement authority. This should be clarified to indicate that it refers to the MOU or other agreement between the co-permittees under this permit, rather than to agreements with agencies or departments who are not co-permittees.	The Order has been modified to read: "with other Co-Permittee agencies or departments that have the enforcement authority".
22	Sebastopol Healdsburg Windsor	V.C.3	Add: "...comply with this Order through the adoption of ordinances and/or as otherwise allowed by the Regional Board."	The Order has been modified to read: "through the adoption of ordinances, municipal code modifications, <u>and/or other regulatory mechanisms.</u> " This will allow the Co-Permittee to determine the best method within the municipality to comply with legal authority requirements and not be subject to Regional Water Board approval.

23	Santa Rosa SCWA	V.C.3.	Please clarify if all necessary authority must be in place at the time the statement is made.	Yes, the purpose of this task is to provide verification that the Co-Permittee has obtained all necessary legal authority to implement this Order by the date specified.
V. Standard Provisions, D. Fiscal Resources				
24	Santa Rosa SCWA	V.D.2.a.-d.	Consider adding other major elements of this Order. Please clarify what is meant by "reporting."	Language was added to include the categories identified in V.D.2. are minimum requirements. The Co-Permittee may use their discretion to report on additional categories. Also added "Annual Reporting" to clarify annual reporting expenditures shall be reported.
VI. Special Provisions, A. General Requirements				
25	Sebastopol Healdsburg Windsor	VI.A.2.	Change: "Best Management Plan Practice Substitution" (BMP Program)	Comment incorporated.
26	Santa Rosa SCWA	VI.A.2.a-c	Recommend the following revision to the order of items to clarify intent: " e. a. The proposed alternative BMP program will be implemented within a similar period of time; and b. The proposed alternative BMP program will meet or exceed the objective of the original BMP program in the reduction of storm water pollutants; or b. c. The fiscal burden of the original BMP program is substantially greater than the proposed alternative and does not achieve a substantially greater improvement in storm water quality; and	Comment incorporated.

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27	Sebastopol	VI.A.3.a.	In Section 3a, recommended wording would be "Each Co-Permittee is required to have a designated storm water program representative manager . The program manager will serve as the main point of contact for the Regional Water Board staff. The program manager must be employed by the municipality."	Comment incorporated.
28	Santa Rosa SCWA	VI.A.3.b.	Please make the following clarifications: " <u>A list of program contacts shall be provided by each CoPermittee identifying names, contact information, and roles in</u> are required to participate in storm water program management development opportunities including, but not limited to: Co-Permittee meetings, Regional Water Board staff meetings, trainings, project development, and peer review. <u>This list shall be compiled within 6 months of the effective date of this Order and maintained by the CoPermittee</u> "	Comment not incorporated. The intent of this requirement is for Regional Water Board staff to have a single, direct point of contact with each Co-Permittee to facilitate communication regarding elements of this Order. It is not necessary to develop a list of all staff who are involved with storm water implementation.
29	Sebastopol	VI.A.3.b.	In Section 3b, recommended wording would be "The storm water program manager or designee is required to participate in the storm water program management development opportunities..."	The Order has been modified to read: Program contacts The storm water program manager or designated representative is required to participate in storm water program management development opportunities
30	Santa Rosa SCWA	VI.A. 5.e. and f.	Replace the terms "warning letter" and "notice of violation" with " <u>written enforcement action</u> " to allow for the use of a broader variety of enforcement tools.	Comment incorporated.
31	Santa Rosa SCWA	VI.A. 5.e.-f.	Please add language to both of these sections stating that: " <u>In instances where a significant or imminent threat is posed to life, health, safety, or the environment the CoPermittee is exempt from these provisions and may immediately</u>	Comments incorporated. Section IV.A.5.e & f include flexibility to allow a Co-Permittee to refer a serious case to the Regional Water Board during the Co-Permittees investigation or enforcement process, for joint enforcement

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			<u>refer violations to the Regional Board."</u>	activities.
	Sebastopol	VI.A.5.e.	Add: "III. Major release - co-Permittee may directly refer a violation" Draft permit states an agency "may refer" a violation...etc. Clarify whether this is ever "automatic" and under what circumstances. May it only occur after the agency has performed inspections and written letters? Would it be automatic in the case of an imminent threat to human health and/or the environment?	
	Healdsburg Windsor	VI.A.5.e.	Add: "III. Major release - co-Permittee may directly refer a violation"	
32	Santa Rosa SCWA	VI.A. 5.g.	Consider the following revision: "Each Co-Permittee shall initiate, within one business day <u>(as defined by the normal business hours of the CoPermittees)</u> , investigation of complaints transmitted <u>through the appropriate method identified by the CoPermittee</u> by Regional Water Board staff..."	Appendix A-Definitions, now includes a definition of "Business Day" which reads "is defined by the Co-Permittee as their official working days of the week in which normal business operations are conducted." For further clarification, the Order has been modified to read: Each Co-Permittee shall initiate, within one business day by the end of the Co-Permittee's next business day,
33	Sebastopol	VI.A.5.g	Suggest clarification: "Each Co-permittee shall initiate, within one business day <u>by the end of the Co-Permittee's next business day,</u> investigation..."	Comment incorporated.
34	Healdsburg Windsor	VI.A.5.g	Modify first sentence to read, "Each Co-Permittee shall initiate, within a reasonable time, investigation of complaints transmitted by Regional Water Board staff..."	This Order has been modified to read: Each Co-Permittee shall initiate, within one business day by the end of the Co-Permittee's next business day,

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35	Healdsburg Windsor	VI.A.5.g	Modify first sentence to read, "Co-Permittees shall cooperate in enforcing Regional Water Board enforcement actions by: "	Comment not incorporated. Co-Permittees will be investigating complaints within their jurisdictional boundary with regards to violations of municipal code.
36	Santa Rosa SCWA Sebastopol	VI.A. 5.h.	Consider the following clarification: "As directed requested by the Regional Water Board Executive Officer, Co-Permittees shall assist Regional Water Board..."	Comment incorporated.
37	Healdsburg Windsor	VI. A.5.h.iii	Revise language: iii. "Testifying as witnesses Be present, as needed, in Regional Water Board enforcement hearings; and (City does not want to be obligated to testify)	Comment incorporated.
VI. Special Provisions, B. Public Information and Participation Program				
38	Russian Riverkeeper	VI.B.	Has there ever been an audit of PIPP effectiveness anywhere in the state and what were the results? If not we urge you to consider evaluating the PIPP performance since it is a large expense and with limited funds if not producing results it should be downsized to move resources elsewhere.	Regional Water Board staff has not conducted an audit of the PIPP effectiveness. Comment noted regarding the suggestion to further evaluate this element of the program.

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39	Russian Riverkeeper	VI.B.	Active polluters, litters, dumpers in the storm drains who really do not care about water quality will never respond to PIPP programs and this requires enforcement to reduce pollution to the MEP so we do not think education without enforcement is MEP and do not see much if any enforcement by Permittees.	Enforcement of the Co-Permittees' municipal codes and use of their legal authority are top priorities for Regional Water Board staff. This Order includes various requirements related to education and outreach, prohibitions against illicit discharge and enforcement tools, all important elements of an effective storm water program. This Order requires all Co-Permittees to develop and implement a progressive enforcement program as the primary mechanism to address violations of storm water ordinances. In many cases, addressing a violation with education and outreach is an effective method to deliver the message about such principals as "only rain down the drain." In cases with repeat violators, progressive enforcement triggers more stringent enforcement, including fines and property liens.
40	Sebastopol Healdsburg Windsor	VI.B.1	Change: "Public Information and Participation Program (PIPP) that includes the <u>requirements</u> objectives listed..."	Comment not incorporated. The Order sets out objectives of the PIPP in section B.1.a-c. The word "requirement" referenced in B.1. is in fact referring to the subsequent requirements in section B.2-B.4. For clarification the Order has been modified to read: Each Co-Permittee shall develop and implement a Public Information and Participation Program (PIPP) that includes the requirements listed in this sections <u>VI.B.2- VI.B.4</u> of the Order.
41	Sebastopol	VI.B.1.a	Item 1a " <u>To measurably increase</u> the knowledge of the target audience", and Item 1b "To <u>measurably change</u> the waste disposal...behavior..." If these are the objectives of the program, then somewhere in the permit	"Measurably" has been removed from this Order.

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			there should be some definition as to what constitutes "measurable" in this context. What are the performance standards, and how does the Board expect Co-permittees to quantify success?	
42	Healdsburg Windsor	VI.B.1.a	Unsure on Language: " To measurably increase the knowledge..." Comment: Co-permittees cannot force people to learn. The Co-permittees' requirement(s) should be along the lines of "engage in public information activities which provide the public with about the adverse impacts..."	"Measurably" has been removed from this Order.
43	Santa Rosa SCWA	VI.B.1.a.	Request the following language revision: " To measurably carry out activities to increase the knowledge of the target audience about the MS4, the adverse impacts of storm water pollution on receiving waters and potential solutions to mitigate the impacts"	"Measurably" has been removed from this Order.
	SCWA	VI.B.1.a-b	Consider removing the word measurably from these sections.	Comment incorporated.
44	Sebastopol Healdsburg Windsor	VI.B.1.b	Add and Delete: " To measurably change decrease the waste disposal and storm water pollution generating activities behavior of target audiences by developing and..."	"Measurably" has been removed from this Order.
45	Sebastopol Healdsburg Windsor	VI.B.1.d	Add: "d. These activities should be documented in a way that indicated the specific increase or decrease of activities, and if possible in a way that can be measured."	Comment not incorporated. Section VI.B.1. are the objectives of the PIPP. The comment provided is not an objective and therefore has not been incorporated.

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46	Sebastopol Healdsburg Windsor	VI.B.2.a.i	Develop and distribute an "only rain down the drain" ..add the following "or similar language "...themed campaign ed targeted at residents..."	Comment incorporated.
47	Sebastopol Healdsburg Windsor	VI.B.2.a.iii	Change to: "Develop and implement a residential outreach program on proper lawn care and water conservation practices. This outreach shall..."	Comment incorporated.
48	Santa Rosa SCWA Sebastopol Healdsburg Windsor Rohnert Park	VI.B.2.a.iii. -vii.	Please remove the language "Each CoPermittee shall..." from each of these requirements to clarify the intent that these requirements may be met collaboratively or independently.	Comment incorporated.
49	Russian Riverkeeper	VI.B.2.a.iv.	Car washing is not a big issue when we think about the impairing pollutants in the watershed, sediment, bacteria, temperature, and nutrients. Car washing can indeed be a major source of pollutants but considering the impairing pollutants in the watershed this is not the worst issue, we'd argue that picking up after pets contributes as much or more impairing pollutants. At a minimum every city should have a pet waste ordinance.	Staff disagrees that the pollutants from car washing are not a priority. Metals, hydrocarbons, sediment, soaps, and other chemicals are concentrated in runoff from car washing. Reducing these discharges are a priority. Analysis of the monitoring data collected under the previous order demonstrate that metals associated with cars are present in storm water and non-storm water flows. These metals may contribute to toxicity in receiving waters. This Order requires Co-Permittees to develop and implement a non-storm water BMP plan for allowable non-storm water discharges. This includes non-commercial car washing. However, BMPs need to be implemented for this activity to limit this non-storm water discharge. Education and outreach is needed to better inform residents of the BMPs required within the MS4 boundary when conducting car

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				<p>washing. It is clear from the survey, most people are not aware this activity is a pollutant generating activity. Soaps often contain phosphorus, a pollutant which contributes to the nutrient impairment of the Laguna.</p> <p>We agree that pet waste is a contributor to the impact of bacteria to the Russian River. The City of Santa Rosa and the County of Sonoma are required in this Order to propose and implement additional BMPs to address the exceedance of indicator bacteria. These Co-Permittees are required to develop a plan to comply with this requirement. An adequate plan will need to address pet waste.</p> <p>Additionally, all Co-Permittees are required to develop and distribute residential educational materials on the proper handling and disposal of animal waste as part of the Residential Outreach Program.</p> <p>Although we do not specifically require a pet waste ordinance, Co-Permittees are required to have adequate legal authority to fully implement this Order. This may be a viable option as a BMP for Co-Permittees to consider in developing their plans.</p>
50	Sebastopol	VI.B.2.a.vi	Suggested change: "Each Co-Permittee shall work <u>conduct public education about storm water pollution prevention. This work may undertaken in collaboration</u> with local watershed groups or committees."	Comment not incorporated. The purpose of VI.2.a.vi. is to partner with local watershed groups or committees. The change in the comment changes the intent.

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51	Russian Riverkeeper	VI.B.2.a.vi.	Permits discuss involving LOCAL watershed groups but as a local watershed ground we have never been engaged by any MS4 in the PIPP program.	Comment noted.
52	Santa Rosa SCWA Sebastopol Healsburg Windsor	VI.B.2.a.vii	Consider the following revision: " Each Co-Permittee shall Organize <u>or participate in</u> events targeted to residents..."	Comment incorporated.
53	Sebastopol	VI.B.2.c	Clarify this requirement. What are "effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods." Which ethnicities are to be targeted? Who defines the appropriate "culturally effective methods" whereby the Co-Permittees may reach them? Who is to determine the target populations and methods, the Co-permittee, or the Board?	<p>This requirement is written with the intent to provide flexibility to the Co-Permittee for implementation strategies. Therefore, it is the Co-Permittee's responsibility to determine the proper ethnic communities to target, which would likely be based on the demographics within the jurisdictional boundary. The Co-Permittees also have the flexibility to determine the method in which targeted communities are addressed. Note, this requirement has been retained from R1-2009-0050, with the exception of the replacing "Spanish speaking" with "ethnic communities." Co-Permittee should consider discussing existing strategies for suggested ways to comply.</p> <p>For clarification, the Order has been modified to include the following: "The target ethnic community shall be identified by the Co-Permittees based on best available data. The methods selected shall be based on current research and professional experience. Rationale used to make these determinations</p>

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				shall be documented and reported."
54	Healdsburg Windsor	VI.B.2.c	Remove item "c."	Comment not incorporated. Rationale for this request was not provided by the commenter, and staff was unable to evaluate.
55	Santa Rosa SCWA	VI.B.2.c.	Consider the following revisions: "When developing the PIPP, Co-Permittees shall use effective strategies to educate and involve ethnic communities in storm water pollution prevention through culturally effective methods. <u>The target ethnic communities shall be identified by the CoPermittees using best available data. The selected culturally effectively methods selected will be based on current research and professional experience. All rationale used to make these determinations shall be documented.</u> "	Comment incorporated.
56	Santa Rosa SCWA	VI.B.3.a.i.-	Please consider the following revision to allow CoPermittees to use a combination of these methods to target children of various ages: "Working in conjunction with a collaborative approach or individually, each Co-Permittee shall develop a Children Outreach Program Plan to provide school aged children (grades K-12) with educational information on storm water pollution. The plan must include the following elements, <u>however the CoPermittee may select how to combined these elements to best suit the target age group:</u>	Comment not incorporated. Co-Permittees have the flexibility to develop the plan to comply with this section of the Order.

57	Sebastopol Healdsburg Windsor	VI.B.3.i	Delete: "local aquatic species" language - specific type of fish is not necessary to teach to minimize storm water pollution to children.	Comment not incorporated. The intent is to provide children with the education of the local aquatic species that use creeks as habitat and that pollutants that enter the creeks can be harmful to these species. Species-specific education also enhances the public's appreciation for their local water resources.
VI. Special Provisions, C. Industrial/Commercial Facilities				
58	Sebastopol Healdsburg Windsor	VI.C.1	Change to: "...within their jurisdictional boundary to provide technical resources water quality BMP assistance to targeted..."	"Technical resources assistance" removed and replaced with "information on proper BMP implementation."
59	Santa Rosa SCWA	VI.C.1.	Consider the following clarification: "Each Co-Permittee shall implement a Business Assistance Program within their jurisdictional boundary to provide technical resources assistance <u>information of proper BMP implementation</u> on targeted industrial/commercial facilities..."	Comment incorporated.
60	Sebastopol Healdsburg Windsor	VI.C.1.a	Change: "A website with telephone and e-mail contact information to arrange for staff <u>consultation</u> to provide information regarding the responsibilities..."	Comment incorporated.
61	Santa Rosa SCWA	VI.C.1.b.	Consider the following clarification: "At least once during the five year permit term, each Co-Permittee shall distribute resources for storm water pollution prevention educational materials <u>for employee training</u> to operators of..."	Comment incorporated.
62	Sebastopol Healdsburg Windsor	VI.C.2.a	Add definition of "Critical Source of Pollutants" to Appendix A	The term "critical source of pollutants" is not used in the Order and therefore the definition of this term was not added to Attachment A. See Fact Sheet for more information on critical sources.
63	SCWA	VI.C.2.b.i.	Consider removing "database"	Comment incorporated.

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64	Sebastopol Healdsburg Windsor	VI.C.2.b.i.d	Change: "Retail gasoline outlets -station	Comment incorporated.
65	Sebastopol Healdsburg Windsor	VI.C.2.b.i.f	Remove: "...that may result in a condition a water quality standard exceedance."	Comment incorporated.
66	Sebastopol Healdsburg Windsor	VI.C.2.b.ii	Insert: "...for each critical source of pollution at an industrial and commercial facility:"	Comment not incorporated.
67	Sebastopol Healdsburg Windsor	VI.C.2.b.ii. g	Remove: " Status Sources of exposure to storm water."	Comment incorporated.
68	Sebastopol Healdsburg Windsor	VI.C.2.c	Add: "...critical sources of pollution of the BMP requirements..."	Comment not incorporated.
69	Sebastopol Healdsburg Windsor	VI.C.2.c.i	Add: "...critical source of pollution facility within their jurisdictional boundary..."	Comment not incorporated.
70	Santa Rosa SCWA Sebastopol	VI.C.2.c.i.- ii., d.ii.	The requirement to provide CASQA Storm Water Industrial and Commercial BMP Handbook materials is problematic as access to these material requires a subscription and a fee. The CoPermittees are not able to reproduce or distribute these materials. Please add language that allows for " <u>or similar methods approved by the CoPermittee.</u> "	The Order has been modified to read "or equivalent methods."
71	Healdsburg Windsor	VI.C.2.c.ii	Delete: "Each Co-Permittee shall distribute resources for storm water pollution..."	Comment incorporated.

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72	Sebastopol Healdsburg Windsor	VI.C.2.d	Remove titles on sections "I and ii." They are not given in any other sections.	Comment not incorporated. Formatting is appropriate.
73	Sebastopol Healdsburg Windsor	VI.C.2.d.i	Add: " Each Co-Permittee or designee shall inspect all critical source facilities twice during..."	Comment not incorporated.
74	Sebastopol Healdsburg Windsor	VI.C.2.d.ii	Add: " Each Co-Permittee or designee shall ensure inspection all critical sources of pollution at facilities to confirm..."	Comment not incorporated.
75	Sebastopol Healdsburg Windsor	VI.C.2.d.ii	Add: Reference to Table 7 for example BMP's after "...BMP's in compliance with municipal ordinances and this Order."	Comment incorporated.
76	Sebastopol Healdsburg Windsor	VI. C.2.d.ii	Insert: "Table 7: Example Industrial/Commercial BMPs"	Comment not incorporated. Text of permit is sufficient to allow for BMP flexibility.

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77	Russian Riverkeeper	VI.C.2.d	<p>The practice of relying on other agencies (such as the CUPA or Fire Department) other than city staff to deliver storm water educational materials or to inspect for storm water violations in critical facilities without robust cross communication is not conducive to success.</p>	<p>Agreed. The Co-Permittees are given the flexibility to coordinate compliance with inspection requirements with agencies or departments who are already conducting routine inspections. The ability to leverage existing resources is a cost savings to the Co-Permittee by incorporating storm water inspection requirements to staff who are already conducting inspections. However, this is only effective if inspection staff are including storm water elements in inspections. Communication between agencies and/or departments is essential. To better address this concern, the following requirements have been added to Order section VI.C.2.d.ii:</p> <p>VI.C.2.d.ii.b: Each Co-Permittee shall document in the 2015/2016 Annual Report the agency or department that will be implementing the critical source inspection requirements.</p> <p>VI.C.2.d.ii.c: Each Co-Permittee shall meet at least annually with inspection staff to review the critical source inspection requirements and to discuss the status of the inspections. Documentation of these meetings shall be provided in each Annual Report.</p>
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78	Russian Riverkeeper	VI.C.2.d.	Where CUPA is providing storm water education as part of their inspection program, we strongly advise the Board Staff to investigate what this education is and how these inspections pertain to storm water.	Comment noted. We will be able to review this during annual report review and our periodic inspections of the Co-Permittees' storm water programs.
VI.D Planning and Land Development				
79	Santa Rosa SCWA	D.	Provide consistency with the current requirements and the LID Manual by defining "LID BMPs," "SUSMP," and "Post-Construction BMPs."	The definition for Low Impact Development can be found in Attachment A. The term "SUSMP" and "post-construction BMPs" are now defined in Attachment A.
80	Sebastopol	D.	Change title to eliminate the word "program." Planning and Land Development are not programs which are undertaken under this permit, they are activities in which the Co-permittees engage.	Comment incorporated.
81	Healdsburg	D.	Healdsburg – Clarify Program vs. Process...shouldn't this be a process?	Comment not incorporated. Unable to discern comment.
82	Windsor	D.	Windsor – Clarify Program vs. Process...shouldn't this be a process?	Comment not incorporated. Unable to discern comment.
D.1. General				
83	Sebastopol	D.1	Suggested change: "Each co-permittee shall implement a P planning and land d development policies and requirements Program for private and public new development and redevelopment projects subject to this order."	Comment incorporated.

84	Sebastopol Healdsburg Windsor	D.1	Modify first sentence to read, "Each Co-Permittee shall incorporate the following goals in the agency's existing Planning and Land Development ordinances: "	Co-Permittees are required to have adequate legal authority to implement this Order. Co-Permittees may elect to incorporate these goals into local municipal code, but it is not a requirement of this Order.
85	Sebastopol Healdsburg Windsor	D.1.b	Modify sentence to read, "Minimize the percentage of impervious surfaces as appropriate on development and redevelopment projects."	Comment not incorporated. These are listed as goals, so the goal would be to minimize the percentage of impervious surfaces. Projects should consider minimizing the percentage of impervious surfaces to the extent feasible. As long as the project considered this, the goal has been met.
D.2. Storm Water Post-Construction Best Management Practice Applicability (D.4. in draft Order)				
86	Sebastopol	D.2.a and b	Pavement maintenance and rehabilitation activities, including reconstruction of the full paving section, should be exempt from these requirements unless the project is increasing permeable surface area by greater than 10,000. Cities are already struggling with insufficient funding to maintain our aging pavements, and in some cases full depth reconstruction is the only means to preserve a street. If no new lanes, width or mileage is being added then pavement maintenance, including slurry seals, microsurfacing, thin and thick overlays and full-depth reconstruction should be an exempt activity under this permit.	The exemption in Order No. R1-2009-0050 that read "Reconstruction projects, undertaken by a public agency, of street or roads remaining within the original footprint and less than 48 feet wide" was not retained in the draft Order. Storm water runoff from streets and roads continues to be a source of pollution to receiving water. Analysis of monitoring data collected under the current Order found that metals typically found in street runoff were elevated in storm water runoff. These metals will not decrease in concentration in storm water flows unless metals are removed more effectively from roadway runoff. LID is an

<p>Cloverdale Ukiah RRWA Rohnert Park</p>	<p>D.2.b</p>	<p>The City is concerned that the proposed Order, by omitting the exemption will render many street reconstruction projects infeasible and prevent the City from addressing public safety and accessibility issues in the future.</p>	<p>effective method at treating pollutants in storm water runoff from streets and roads. The exemption was removed with the intent to expand the number of projects treating pollutants from street and road storm water runoff, and over time improve the quality of the runoff.</p>
<p>Santa Rosa SCWA</p>	<p>D.2.b.</p>	<p>The removal of the exemption for "public roadway projects under 48' wide" is a significant economic concern and will detrimentally impact the ability of CoPermittees to maintain and improve roads and road safety within the region. Capital improvement funding for roads throughout the state is already severely underfunded and water quality benefits associated with removing this exemption are not cost-effective or warranted at this time. As a result, the CoPermittees request that this provision be added back into this section. Removing this exemption will create an excessive economic burden to the CoPermittees and cause a significant number of utility and roadway projects bear the cost of implementing post-construction BMPs. As the proposed permit already includes provisions to strengthen existing LID requirements, the CoPermittees ask that the exemption remain for the next permit term. It may also be unfeasible to implement LID on projects that are undertaken in older historic part of the City where planter strips have mature trees and limited storm drain infrastructure. Request that the language in the</p>	<p>Regional Water Board staff has considered the impact this requirement has on the Co-Permittees. To address these concerns, the Order has been modified to allow Co-Permittees to propose, develop, and implement an offset program as an alternative method of compliance. This addresses Co-Permittee's concern with project infeasibility.</p> <p>Also, to address economic feasibility, Co-Permittee's who select an alternative method of compliance, will be given a two year grace period to develop their program. Reconstruction street and road projects will not need to address post-construction BMPs during this development period.</p> <p>Supporting information has also been added to the Fact Sheet.</p>

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			existing Permit be included: " <u>Reconstruction projects, undertaken by a public agency, of streets or roads remaining within the original footprint and less than 48 feet wide from face of curb to face of curb, or edge of pavement if no curb is present.</u> "	
	Sebastopol Healdsburg Windsor	D.2.b.iv	iv. shall read as: "Municipal activities involving streets or roads remaining within the original foot print and less than 48 feet wide, face of curb to face of curb, pothole repairs and square cut patching; and"	
87	Santa Rosa SCWA	D.2.b.	Consider the following addition to provide clarity: " <u>When applying these triggers and exemptions the final complete project, including all phases of work, must be considered.</u> "	Comment incorporated.
88	Sebastopol Healdsburg Windsor	D.2.b.i	Add superscript: "Routine maintenance activities that are conducted..."	Comment incorporated.

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89	Santa Rosa SCWA	D.2.b.i.	Please clarify the "to maintain original line and grade, hydraulic capacity, and original purpose" is intended to apply both hardscape and utility replacement work. Also please clarify the exemption to include instances of pipe upsizing to meet current standards or service demands.	VI.D.2.b.i. (formerly VI.D.4.b.i.) applies to maintenance of hardscape and utilities. Piping upsizing would fall into VI.D.2.b.iii-projects undertaken solely to install or reinstall public utilities.
90	Sebastopol Healdsburg Windsor	D.2.b.ii	Add superscript: "...to protect public health and safety;"	Comment incorporated.
91	Santa Rosa SCWA	D.2.b.iii.	Please clarify to indicate that paving activities needed as a result of the impact of construction activities on the existing roadway, as well as overlays, would fall under this exemption. Consider the following revision: "Projects undertaken solely to install or reinstall public utilities (ex. sewer or water lines) and do not include any additional street or road development or redevelopment activities <u>beyond paving activities needed as a result of construction impacts on the existing roadway;</u> "	Comment incorporated.

92	Sebastopol Healdsburg Windsor	D.2.b.v	v. shall read as: " Stand-alone pedestrian pathways, trails, and off-street bicycle lanes on all existing streets."	Comment not incorporated. The requirement is intended to exempt both existing and new pedestrian pathways, trails, and off-street bicycle lanes in order to continue to promote these community services without additional costs. Adding the suggested language would imply new pedestrian pathways, trails and off-street bicycle lands would not be exempt.
D.3. Post-Construction BMP Selection and Sizing (D.2. if draft Order)				
93	Sebastopol Healdsburg Windsor	D.3.a	Of Concern. Second sentence reads, "For the purposes of this requirement, BMPs shall capture trash and other debris sized 100 microns and larger." This lower limit needs to be re-examined. One hundred microns equals 0.0039 inches, or 1/256th of an inch. Particulate matter that small cannot be trapped with a mechanical screen, but requires flocculation.	Comment not incorporated. Fine sediments are of great concern in the Laguna de Santa Rosa and the Russian River, and contribute to their impairments. The most effective BMP for treating pollutants to 100 microns is LID features, in which pollutants are directed to landscaped based infiltration features. Such features are a priority in this Order and are feasible. Additionally, there are proprietary units capable of capturing pollutants 100 microns or larger. Thus, the requirement to capture trash and debris sized 100 microns meets the maximum extent practicable (MEP) standard.

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94	Santa Rosa SCWA	D.3.a.	<p>Consider the following clarifications: "Post-Construction BMPs shall be selected and designed to treat the following pollutants of concern: dissolved and particulate metals, pathogens, nutrients, sediment, hydrocarbons, and trash, <u>fine sediment</u>, and debris. For the purpose of this requirement, BMPs shall capture trash, <u>fine sediment</u>, and other debris sized 100 microns and larger. <u>This requirement may be met by directing flow and debris into a landscape based infiltration feature that adequately captures these pollutants.</u> All other pollutants shall be treated to the maximum extent feasible. It may be necessary to select and install multiple BMPs in order to treat all pollutants of concern."</p>	Comment incorporated.
95	Santa Rosa SCWA	D.3.b.i	<p>Consider the following edits to provide consistency with the LID Manual: <u>"Treatment and Delta Volume Capture Requirements:</u> i.Post-construction BMPs shall be sized to treat all of the runoff generated <u>using the modified Rational Method with an intensity of 0.2 inches per hour</u> by the first inch of rain in a 24 hour storm event, and capture (infiltrate, evapotranspirate, and/or reuse) the increase in volume <u>generated by the site</u> of the storm water runoff due to the increase in impervious surface generated by the first <u>for a one</u> inch of rain <u>event over in a 24 hour period using the Curve Number Method.</u> storm event."</p>	Comment incorporated.
96	Sebastopol	D.3.b.ii.e	correct spelling to "bovine <u>terrace.</u> "	Comment incorporated.
97	Santa Rosa SCWA Sebastopol	D.3.b.iii.	Consider moving item iii so that it falls under item i. iii would effectively become item i.(a).	Comment considered. Item iii is now ii.

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98	Santa Rosa SCWA	D.3.b.iii.	<p>Consider the following edits to provide consistency with the LID Manual: "Treatment Only: If treatment is the only requirement, BMPs must be Flow thru treatment control BMPs must be sized and designed to:</p> <p>(a) Remove pollutants of concern from storm water to the maximum extent practicable.</p> <p>(b) Filter or treat:</p> <p>(1) Treat 1.5 times the design flow rate; or the first 1.5 inches of rain in a 24-hour storm event for biofiltration BMPs with an underdrain.</p> <p>(2) The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inches of rainfall per hour, for each hour of a storm event, or</p> <p>(3) The maximum flow rate of runoff produced by the 24 hour 85th percentile rain event hourly rainfall intensity (for each hour of a storm event), as determined from the local historical rainfall record, multiplied by a factor of two.</p>	Comment incorporated.
99	Sebastopol Healdsburg Windsor	D.3.c.i.a	Modify Sentence to read, "Infiltration must to the maximum extent possible, be provided by the underlying native soils if feasible."	Comment not incorporated. BMPs in this category must be able to infiltration into native soils with no underdrain. For projects unable to meet this requirement, projects would then select BMPs from VI.D.2.c.i.b.
100	Rohnert Park	D.3.c.i.a	The City recommends the following revision to the above phrase: Infiltration should be provided by underlying soils or other suitable material.	Comment incorporated.
101	Sebastopol	D.3.c.ii	(a) Suggested change: "Treatment based BMPs are intentionally designed...shall only be selected where infiltration is not required in a	Comment not incorporated. Volume capture requirements are defined in section VI.D.2.b.

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			<u>case where there is no additional runoff volume, or not possible due to the following reasons."</u>	
102	Santa Rosa SCWA	D.3.c.ii.a.(2)	Consider the following edits to provide consistency with the LID Manual: "The project's proposed BMP's proximity to a contaminated groundwater site where infiltration poses a risk of causing pollutant mobilization, <u>as verified by the Regional Board</u> "	Co-Permittees are not required to consult with Regional Water Board on this matter, so this comment was not incorporated. Remaining comments incorporated.
103	Santa Rosa SCWA	D.3.c.ii.a.(4)	Move item (4) so that it becomes item iii as it applies to all BMP selection, not only treatment BMPs.	Comment not incorporated. Section VI.D.2.c.ii.a.1-4 is a list of acceptable reasons a project would not be required to fulfill volume capture requirements. Treatment would still be required. It is appropriate to keep these 4 criteria groups together.
104	Sebastopol Healdsburg Windsor	D.3.c.ii.a.4.	Add at end of sentence: "or in sensitive biological areas."	Comment incorporated.
105	Sebastopol Healdsburg Windsor	D.3.c.ii.b.2	Remove restriction: "Landscaped based BMPs that must be used in a treatment train..."	Comment not incorporated. Language is consistent with LID Manual.
106	Sebastopol Healdsburg Windsor	D.3.c.ii.b.3	Last sentence should read: "...to achieve treatment of all the pollutants of concern."	Comment not incorporated. BMPs must be selected to treat all pollutants of concern as described in section VI.D.2.a.
107	Sebastopol Healdsburg Windsor	D.3.c.ii.b.4	(4) should read as: "Detention is not a preferred or required water quality element, but it may be required (integrated) as part of the hydraulic system design.	This section (now VI.D.3.c.ii.b.4) has been modified to read: "Detention facilities which are integrated for hydraulic system design may be used to provide volume capture and/or treatment if the design meets all the design criteria specified for LID in this Order."
108	Santa Rosa SCWA	D.3.c.ii.a.(4)	Consider the following revision to allow for LID features to be designed within the same footprint used for hydraulic detention: " <u>Detention facilities, which may be required for</u>	

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			<u>hydraulic system design, may be used to provide Volume Capture and/or Treatment if it meets all of the design criteria specified for LID in this Order.</u>	
109	Sebastopol	D.3.c.ii.b.4	Suggested change: "While detention is not a preferred or required water quality element, if necessary it may be required integrated as part of the hydraulic system design. It is included in this list for that purpose only and is not considered a provided that the design also incorporates water quality or volume capture elements BMP unless it is designed with these elements. " The purpose of this comment is to allow detention as part of an appropriate design, while clarifying that it is not intended as a WQ BMP.	
110	Sebastopol Healdsburg Windsor	D.3.c.ii.b.4	The first sentence reads, "Detention is not a preferred or required water quality element..." Detention has been shown to be a very effective water quality element, since the detention time can be selected to allow particulate matter to settle out of the runoff. Detention should be retained as a possible step in the runoff filtering process.	Staff does not agree that detention alone is an effective storm water quality treatment. Studies show that while detection allows for settling of large pollutants it does not effectively treat fine sediments, dissolved pollutants, and other chemicals such as pesticides and herbicides.
111	Santa Rosa SCWA	D.3.d.	Please make to following addition to provide guidance for public project that may not receive permits or be associated with a tentative map: <u>"For projects that are not required to receive tentative tract maps, use permits, or other similar permits, certification of a final CEQA document shall be deemed the milestone that must be met when determining Post-Construction requirements applicability."</u>	Comment incorporated.

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112	Cloverdale Healdsburg Rohnert Park Santa Rosa SCWA Windsor Sebastopol	D.3.d.	Request that requirement be modified to: This selection and sizing criteria shall be applied to new development and redevelopment projects or project phases that have not <u>received a grading or building permit tentative tract map approval</u> prior to the effective date of this Order.	Comment incorporated. "Tentative tract map approval" is the language from Order No. R1-2009-0050. Additionally, a footnote has been added to clarify that all projects requiring Construction General Permit (CGP) coverage, Water Quality Certification, or WDRs will need to comply with post-construction requirements in the CGP, Water Quality Certification or WDRs regardless of the status of tentative tract map approval.
113	Sebastopol Healdsburg Windsor	D.3	Last sentence should read: "The Co-Permittees must demonstrate <u>involvement</u> review in the conceptual design of storm water..."	Comment incorporated.
114	Santa Rosa SCWA	D.3.	Please clarify by changing the heading of this section to " <u>Process of Applying Post Construction BMP Requirements.</u> "	Order has been modified to read: Post-construction BMP Requirements Approval Process.
115	Sebastopol Healdsburg Windsor	D.3.a.	a. should read "During the discretionary approval process of a proposed project, when the co-permittee must exercise judgment or deliberation in order to approve or disapprove a development or significant redevelopment project; or"	Comment incorporated.
116	Santa Rosa SCWA	D.3.a.-b.	Recommend adding clarification that this set of requirements applies, for both the discretionary and ministerial process, if the project falls under the "Storm Water Post-Construction Best Management Practice Applicability" section.	Comment incorporated.

117	Santa Rosa SCWA	D.2.	Recommend switching item 4 "Post Storm Water Post-Construction Best Management Practice Applicability" and item 2 "Post-Construction BMP Selection and Sizing" on page 27 to provide clarity.	Comment incorporated. VI.D.2 is now "Storm Water Post-Construction Best Management Practice Applicability" and VI.D.3. is Post-Construction BMP Selection and Sizing."
D.4. Low Impact Development Manual				
118	Santa Rosa SCWA	D.4.	Please make the following addition to ensure that the CoPermittees can demonstrate compliance and to allow for clear guidance to the design community: "g. <u>The Planning and Land Development requirements shall take effect no later than 60 days after approval of the updated LID Manual by the Regional Board Executive Officer. The requirements set forth in the preceding term shall stay in effect until this occurs.</u> " This addition will ensure that clear technical guidance exists for public and private project design before the requirements take effect.	Comment incorporated.
119	Santa Rosa SCWA	D.4.	Please make the following addition to footnote 3 to provide consistency with the LID Manual: "Impervious surface replacement, such as the reconstruction of parking lots or excavation to roadway subgrades, is not a routine maintenance activity. <u>Reconstruct is defined as work that replaces surfaces down to the subgrade. Overlays, resurfacing, trenching and patching are considered maintenance.</u> "	Comment incorporated.

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120	Sebastopol Healdsburg Windsor	D.4.d	The timeframe of six months for completing the LID Manual revision and putting it through the stakeholder process and taking it to Council is not feasible. Revise: "No later than six months 18 months to two years from the effective date of this Order."	Revisions to the LID Manual are considered minor and will not require a two year time frame to complete. As suggested by another commenter, the Order has been revised to allow the City of Santa Rosa six months to submit a revised LID Manual for Regional Water Board EO approval and allowing 60 days to implement the LID Manual from the date of approval. This will allow sufficient time for the updates to take place and for the Co-Permittees to prepare to incorporate changes into their programs.
121	Sebastopol Healdsburg Windsor	D.4.d and e	There seems to be a time conflict between these two sections. Section d requires that the City of Santa Rosa update the LID manual "[n]o later than six months from the effective date of this Order." Section e requires that each Co-Permittee adopt the LID manual "[b]y the effective date of this order." Section e should be revised to allow each Co-Permittee six months to adopt the LID manual after Santa Rosa completes the required update.	See comment number 120.
122	Santa Rosa SCWA	D.4.d.	Consider the following revision to ensure the City of Santa Rosa can demonstrate compliance and to allow clear guidance to the design community: "No later than six months from the effective date of this Order, the City of Santa Rosa shall update the Storm Water Low Impact Development Technical Design Manual (LID Manual) to be consistent with the requirements set forth in this Order <u>and submit it to the Regional Board</u> . The City of Santa Rosa shall provide each Co-Permittee and the Regional Water Board with the opportunity to review	Comment incorporated.

			proposed changes prior to finalization. Any subsequent changes to the LID Manual are subject to Regional Water Board approval."	
123	Sebastopol Healdsburg Windsor	D.4.e	Revise: "...each Co-Permittee shall adopt the an LID Manual..."	Comment not incorporated. The intent is to require all Co-Permittees to implement the Santa Rosa LID Manual. Incorporating the suggested language would indicate that the Co-Permittees could implement "an" LID Manual, leaving discretion as to which LID Manual could be selected. The Santa Rosa LID manual was designed to include BMPs that are effective, feasible, and appropriate for local watersheds. It has been successfully implemented.
D.6. Project Approval (D.5. in draft Order)				
124	Sebastopol Healdsburg Windsor	D.6.a	a. Add clarification. Read as " Detailed BMP review including BMP sizing and pollutant removal calculations; and"	Comment incorporated.
125	Santa Rosa SCWA	D.6.a.	Please make the following addition to provide clarity: "Detailed BMP review <u>of the project specific Standard Urban Storm Water Mitigation Plan (SUSMP) submitted for all applicable projects, both public and private, per section D.2. of this Order. Requirements of the SUSMP submittal are stipulated in the LID Manual and including BMP sizing calculations and BMP pollutant removal performance; and..."</u>	Comment incorporated.
D.7 Post-Construction BMP Training (D.6. in draft Order)				

126	Santa Rosa SCWA	D.8.	Please specify the frequency that training needs to be. Recommend the following: "Each Co-Permittee, either collaboratively or individually, shall provide training to key stakeholders on the LID Manual <u>following any revisions and on an annual basis thereafter.</u> "	Comment incorporated.
D.8. Hydromodification (Flow/Volume/Duration) Control Criteria (D.8. in draft Order)				
127	Sebastopol Healdsburg Windsor	D.8.	Requiring an individual site to consider its impacts on "accelerated downstream erosion, ...flooding and public nuisance conditions, ...protect stream habitat" is not reasonable in a MS4 system where the runoff from the development is comingled and buffered by the runoff from every other site tributary to the particular point of discharge, unless the site in question discharges directly into the waterway being considered.	"Consider" in this context is not intended to imply each project would actually have to determine the exact outcome the project would have on receiving water in regards to hydromodification. It is intended to have applicable projects address hydromodification controls in order to address these concerns. To clarify, the term "consider" has been changed to "address." Compliance with the hydromodification plan will meet this requirement.
128	Sebastopol Healdsburg Windsor	D.8.a	Clarify Language. "...with one acre or more of impervious surface to discuss potential hydromodification impacts to receiving water directly downgradient of their project." "...minimize flooding and public nuisance conditions, encourage, and protect stream habitat..."	See comment number 127.
129	Santa Rosa SCWA	D.8.a.	Please consider the following revision to clarify applicability of Hydromodification requirements: "Each Co-Permittee, either collaboratively or individually, shall develop and implement a Hydromodification Control Plan which requires all new development and	Comment incorporated.

			redevelopment projects with <u>creating or replacing</u> one acre or more of impervious surface, <u>and not exempt per section D.4.b of this Order.</u> to consider potential hydromodification impacts to receiving water."	
130	Santa Rosa SCWA	D.8.b.-e.	Move items "b." through "e." under item "a."	Comment incorporated.
131	Sebastopol Healdsburg Windsor	D.8.e.i	i. shall read as "Maintain infiltration based on natural site conditions;"	Comment incorporated.
132	Sebastopol Healdsburg Windsor	D.8.f	Last sentence shall read, "The Hydromodification Control Plan shall be implemented in applicable projects after the approval of the Hydromodification Plan."	Comment incorporated.
D.9. Offset Mitigation Program D.8. in draft Order				
133	Sebastopol Healdsburg Windsor	D.9.a	Revise the first sentence to read: "Each Co-Permittee, using a collaborative approach or individually, may develop and implement an offset mitigation program..."	Comment not incorporated. The intent is to require all Co-Permittees to develop and implement an offset program. A justification for this requirement is included in the Fact Sheet.
134	Russian Riverkeeper	D.9.	Request for a public process for a list of mitigation project approval would be feasible for public participation.	Comment incorporated. The Order has been modified to include a requirement for the offset mitigation projects to be publicly noticed on our website for 21 days prior to Regional Water Board Executive Officer's approval.
D.10 Retrofit Areas of Existing Public Development (D.9. in draft Order)				
135	Santa Rosa SCWA	D.10.	Please clarify that these requirement apply to publicly owned land only.	Correct. Clarification was made throughout this section to clarify these requirements apply to public land.

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136	Sebastopol Healdsburg Windsor	D.10.a	Add clarifying language that the requirement to retrofit areas of existing development is related to the offset program.	The Order does state "projects may be implemented through the Offset Mitigation Program." Offset, however, is not necessarily the only funding opportunity for retrofit projects.
137	Sebastopol Healdsburg Windsor	D.10.a	Add: "...to retrofit areas of existing public development." Municipalities cannot retrofit private property, only redevelopment projects.)	Comment incorporated.
138	Sebastopol Healdsburg Windsor	D.10.a.i	Add: "...identify existing public development..." (Municipalities cannot retrofit private property, only redevelopment projects.)	Comment incorporated.
139	Sebastopol Healdsburg Windsor	D.10.a.ii	Add: "...defined as any existing public development..." (Municipalities cannot retrofit private property, only redevelopment projects.)	Comment incorporated.
140	Cloverdale	D.10.b.	Request the due date of the project list be changed from one year to two years.	Comment not incorporated. The task is essentially a brainstorm of potential project that could incorporate retrofit opportunities. This task does not require significant effort and therefore remains due one year following the effective date of the Order.
141	Sebastopol Healdsburg Windsor	D.10.c	Add the word "preliminary" before "list". "Develop a preliminary list..." This is to communicate that the list of projects does not have to include budgets, scopes, etc.	Comment incorporated.
142	Sebastopol Healdsburg Windsor	D.10.c	This section seems to require the Co-Permittee to raise public funds to install improvements on private properties. The legality of this requirement needs to be explored.	There are no requirements in section VI.D.9. that require municipalities to make improvements to private land.

Mitigation Funding (Deleted) D.11. in draft Order				
143	Santa Rosa SCWA		Propose removing this section as the intent of this section is addressed under the "Offset Mitigation Program" and the "Retrofit Areas of Existing Development" requirements.	Comment incorporated.
144	Sebastopol Healdsburg Windsor		e. shall read as "Mitigation projects are funded and implemented as legally allowed." (Mitigation projects cannot be built first.)	See comment number 143.
D.11 Maintenance Declaration				
145	Santa Rosa SCWA	D.11.	Please add the following language to provide clarity as a maintenance declaration would not be necessary for a CoPermittee owned facility: <u>"These provisions do not apply to public projects and/or BMPs owned and maintained by the CoPermittee."</u>	Comment incorporated. Order now reads: "a. Each Co-Permittee shall require that all new private development and redevelopment projects subject to post-construction BMP requirements."
146	Santa Rosa SCWA	D.11.a.	Consider the following addition: "Each Co-Permittee shall require that all new development and redevelopment projects subject to post-construction BMP requirements provide verification of maintenance provisions for LID BMPs, treatment control BMPs, and hydromodification control BMPs by way of a legally binding maintenance declaration <u>that shall be recorded and run with the land</u> . The BMP maintenance declaration shall ensure that the BMPs remain fully functional and that all areas identified for treatment will discharge to the treatment BMP system."	Comment incorporated.

147	Santa Rosa Sebastopol Healdsburg Windsor	D.11.b.	Please make the following correction: "Verification at a minimum shall include the developer's <u>recorded maintenance declaration signed agreement</u> accepting responsibility for maintenance until the responsibility..."	Comment incorporated.
D.14. Post-Construction BMP Implementation and Enforcement				
148	Sebastopol Healdsburg Windsor	D.14	Add superscript: "...no later than the next likely rain event ⁵ ."	Comment incorporated.
149	Sebastopol	D.14. Footnote	The link to NOAA website is inoperable.	Link corrected.
150	Sebastopol Healdsburg Windsor	D.14.Foot note	Edit footnote. Change " <u>precipitation</u> " to "runoff"	Comment not incorporated. Compliance is required by the next likely rain event, which is based on the chance of rain, not runoff.
VI. Special Provisions, E. State Conformity				
151	Sebastopol Healdsburg Windsor	E.1.a.	Delete: "...on the site hydrograph and receiving water by a change in runoff flow..."	Comment incorporated.
152	Sebastopol Healdsburg Windsor	E.1.d	The term, "discharge of storm water to cause harm to the biological integrity of the water ways and water bodies" needs further definition.	The intent of this section is to assess how storm water from a proposed project would cause harm to receiving water in terms of impacting plants and aquatic life.
VI. Special Provisions, F. Development Construction				
153	Sebastopol Healdsburg Windsor	F.1.a.i.	i. " <u>Prevents</u> Requires contractors to prevent illicit construction-related discharges of pollutants into the MS4 and receiving waters;" The City cannot be responsible, but can require it).	Comments not incorporated. This section of the Order is requiring Co-Permittee's to develop, implement, and enforce a Development Construction Program which will achieve these four outcomes. This language has been retained from Order No. R1-2009-0050. Additionally, Co-Permittees are legally responsible for the quality of storm water and
154	Sebastopol Healdsburg Windsor	F.1.a.ii	ii. "Requires contractor to implement and maintain..." (City cannot be responsible, but can require it).	

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155	Sebastopol Healdsburg Windsor	F.1.a.iii	iii. "Reduce contractor to construction site charges..." (City cannot be responsible, but can require it).	non-storm water discharged from their system to waters of the U.S. Please see discussion in the Fact Sheet.
156	Sebastopol Healdsburg Windsor	F.1.a.iv	iv. "Require contractor to construction site discharges..." (City cannot be responsible, but can require it).	
157	Santa Rosa SCWA	F.2.c.	Request that the turbidity limit be revised to be 250 NTU or less to be consistent with the statewide Construction General Permit.	Comment not incorporated. 50 NTU is consistent with the previous Order, is intended to be more stringent than the CGP due to the threat to water quality of hillside grading during the rainy season, is intended to be strict to discourage grading of these projects during the rainy season and/or ensure effective BMPs are in place.
158	Sebastopol Healdsburg Windsor	F.2.c.ii	ii. Replace word "ensure" as the Town cannot ensure compliance, but can measure compliance. " Ensure that the storm event daily average of total suspended solids discharged from the site is 250 mg/L or less;"	"Ensure" has been removed.
159	Sebastopol Healdsburg Windsor	F.2.c.ii and iii	Board staff needs to explore the correlation between the limit of 100 mg/l total suspended solids in para ii and the limit of 50 NTU in para iii. Also, the current Storm Water Construction Permit (SWRCB Order No. 2009-0009-DWQ) at Section 1.H.56 requires a turbidity limit of 250 NTU for runoff from construction sites. The turbidity level of this draft permit should be 250 NTUs rather than the proposed 50 NTUs.	The goal for hillside grading during the rainy season for TSS has been removed. The goal for 50 NTU has been retained.

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160	Santa Rosa SCWA	F.2.c.ii.	Please remove this provision as total suspended solids measurements must be done in a laboratory and will not provide the type of immediate information needed in the field. The following provision requires turbidity measurements which provides the same type of information immediately in the field.	Comment incorporated.
161	Sebastopol Healdsburg Windsor	F.2.c.iii	iv. Should read as "Ensure the field pH of the discharge from the site is between 6.5 and 8.5."	Comment incorporated.
162	Santa Rosa SCWA	F.2.d.	Consider the following clarification: "If an exception is granted by a Co-Permittee, a monitoring program must also be required to be conducted by the project proponent to demonstrate BMP effectiveness and compliance with the above provisions goals ."	Comment incorporated, except for changing the word goal to provisions.
163	Santa Rosa SCWA	F.3	To maintain consistency with the Construction General Permit consider the following clarification to the section heading: "Requirements for Constructions Sites that cause less than one acre of land disturbance ."	Comment not incorporated. This Order makes a distinction of projects less than one acre or greater than one acre, independent of land disturbance. This approach has been retained from the previous Order.
164	Sebastopol	F.3.a	Suggested change: "Each Co-permittee shall require....erosion and sediment control BMPs from Table 8 or equivalent to prevent erosion..." See comments above re Table 7, and availability of CASQA Handbook.	Comment incorporated.
165	Sebastopol Healdsburg Windsor	F.3.a.Table 8	Edit "4" footnote. "4 Or as updated or renewed or equivalent." (Add for flexibility of any other BMPs)	The word "equivalent" was added to the text of the section. It is not necessary to duplicate the word in the footnote.
166	Santa Rosa SCWA	F.4.	To maintain consistency with the Construction General Permit consider the following clarification to the section heading: "Requirements for Constructions Sites that cause one acre or more of land disturbance ."	Comment not incorporated. This Order makes a distinction of projects less than one acre or greater than one acre, independent of land disturbance. This approach has been retained from the previous Order.

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167	Sebastopol Healdsburg Windsor	F.4.b	Add: "...(and any other municipal authorization to move soil from >1 acre sites, remove vegetation, and/or construct..."	Comment not incorporated. Section VI.F.4 is titled "Requirements for Construction Site One Acre or More." Therefore, subsections VI.F.4.a-e all apply to site greater than one acre. Further clarification is not necessary.
168	Santa Rosa SCWA	F.4.c.	Since all project that cause 1 acre or more of ground disturbance must obtain coverage under the statewide Construction General Permit (CGP), please clarify how the addition of this section changes the CoPermittees role the implementation of the CGP. Request that the language is clarified to state that if a CGP requirement is not met or an exceedance occurs that the Regional Board has the lead enforcement role and that support and enforcement of local ordinances is provided by the municipality.	The Co-Permittees are required to regulate discharges into regulated MS4s from construction sites using their municipal legal authority (40 CFR 122.26 (d)(1)(ii)). Municipalities are responsible for discharge from their MS4 to waters of the United States, and they must have adequate legal authority to control pollutants entering their MS4. These sites have been identified by U.S. EPA for dual regulation and are under a statewide permit as well. The Co-Permittees are not required to enforce the statewide general permit. We do not agree with the comment that states that the Regional Water Board has the lead enforcement role. However, joint enforcement may be appropriate and the Order has been modified to reflect this as appropriate.
169	Santa Rosa SCWA	F.4.c.i.(b)-(f)	Please move these requirements under item (a).	Comment incorporated.
170	Sebastopol Healdsburg Windsor	F.4.c.i.(d)	Subpara (d) should be reworded to read, "A Storm Water Pollution Prevention Plan (SWPPP) is developed pursuant to the State Water Board's Construction General permit, and shall be submitted prior to the issuance of a grading permit for the project. "	See comment number 171.

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171	Santa Rosa SCWA	F.4.c.i.(e)	Consider the following correction: "The SWPPP erosion and sediment control plan is developed and certified by a Qualified SWPPP Developer (QSD)"	Comment not incorporated. Co-Permittee's may elect to substitute SWPPP for an erosion and sediment control plan, but this language is intended to be consistent with local municipality language used in municipal code.
172	Sebastopol Healdsburg Windsor	F.4.c.i.g	Remove: "The construction site operators have existing coverage under applicable..."	Comment incorporated.
173	Sebastopol Healdsburg Windsor	F.4.d.ii.Table 9	Footnote, add to: "Or as updated, or renewed or equivalent."	The word "equivalent" is included in the text of the section. It is not necessary to duplicate the word in the footnote.
174	Sebastopol Healdsburg Windsor	F.4.e.i.(a)	The first sentence should be revised to read, "Each Co-Permittee shall develop and implement, as deemed necessary by the co-permittee, a prioritization system..." [This requirement will unnecessarily create work for the City. All construction sites are inspected and tracked each year.]	The Order now reads: " <u>A Co-Permittee does not need to develop or implement a prioritization system if all projects are inspected at the frequency specified in section VI.F.e.ii.</u> "
175	Santa Rosa SCWA	F.4.e.ii-footnote 9	The "rainy season" of "October 1-April 30" used here is different than the time of year "November 1-April 30" used on page 40 of this Order. Consider adding "rainy season" to the definitions section and using the same date range.	Technically, section VI.F.2. does not reference November 1st to April 30th as the rainy season, but rather a time frame in which grading shall be restricted. To avoid confusion, the November 1st date has been changed to October 1st. Additionally, the definition of "rainy season" has been added to Attachment A.

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176	Santa Rosa SCWA Rohnert Park	F.4.e.ii.(a)-(c)	<p>Please consider the following revision " (a) All projects must be inspected once no later than between September 1 and November 1 of each calendar year, or;</p> <p>(b) All projects must be inspected within no later than 48 hours of after the first half inch 0.25 inches of accumulated rain event at the start of the rainy season unless this timeframe can't be met due to the normal business hours of the CoPermittees; and"</p>	<p>All projects are required to be inspected at least twice annually: once prior to the rainy season and once within the first half inch rain event at the start of the rainy season. This is to inspect for proper installation of BMPs prior to any rain and an inspection after the first half inch rain event to inspect proper function of BMPs. Because these inspections have separate functions, intention would be lost requiring one or the other.</p>
177	Santa Rosa SCWA Rohnert Park	F.4.e.ii.(b)	<p>Please provide a consistent definition of a "rain event" as the "first half in of rain" use here is different than the "0.25 inches in a 24 hour period" used on page 62 of this Order. Alternatively, "rain event" could be added to the definitions section.</p>	<p>Attachment A now includes a definition of "likely rain event" which reads: any weather pattern that is forecast to have a 50% or greater probability of producing precipitation in the project area. Each Co-Permittee shall obtain a copy of rain forecast information from the National Weather Service Forecast Office e.g. by entering the zip code of the project's location at http://www.srh.noaa.gov/forecast. The "likely rain event" definition does not apply to a qualifying storm event for monitoring purposes. Such qualifications are defined as necessary when a minimum amount of rain is required for monitoring.</p>
178	Cloverdale Rohnert Park	F.4.e.ii.b.	<p>The City requests that the time to implement noted in this section be amended to allow for inspections to occur with "2 working days as determined by the co-permittee."</p>	<p>Definition of "business day" added to Attachment A.</p>

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179	Santa Rosa SCWA	F.4.e.ii.(c)	Please consider moving item (c) to the top of the list and making it item (a) as it applies in all cases.	Item "c" does not apply to all cases. It only applies to projects deemed to be a high threat to water quality as determined by the Co-Permittee.
180	Sebastopol Healdsburg Windsor	F.4.e.iii.a	"Be performed to ensure document that all necessary erosion and sediment..." (City can document, but cannot legally ensure.)	Comment not incorporated. The Co-Permittees have a responsibility to ensure that constructions are brought into compliance. The term "ensure" is used with the intent that the Co-Permittees shall work with the construction project until compliance with BMPs is achieved, including the use of progressive enforcement. This requirement has been retained from Order No. R1-2009-0050.
181	Sebastopol	F.5	Section requires that Progressive Enforcement Policy shall be implemented "...within a reasonable time period but no later than the next likely rain event." Clarification is required as to what constitutes "the next likely rain event" in terms of who predicts it (NOAA?) and what it is, such as 50% chance of rain.	Attachment A now includes a definition of "likely rain event" which reads: any weather pattern that is forecast to have a 50% or greater probability of producing precipitation in the project area. Each Co-Permittee shall obtain a copy of rain forecast information from the National Weather Service Forecast Office e.g., by entering the zip code of the project's location at http://www.srh.noaa.gov/forecast .
182	Sebastopol Healdsburg Windsor	F.5	Shall read "...Progressive Enforcement Policy to ensure so that construction sites are brought..." (If rain is next day, cities cannot ensure this.)	Order now reads: "...Progressive Enforcement Policy to ensure require that construction sites are brought..."

183	Santa Rosa SCWA	F.5.	Please define "next likely rain event." For consistency with the statewide Construction General Permit, consider defining it as 50% chance or greater of rain per the NOAA website. This definition is provided in a footnote on page 38 of this Order, but it is unclear if it would apply here as well. Consider adding this definition to the Definitions section of this Order.	Attachment A now includes a definition of "likely rain event" which reads: any weather pattern that is forecast to have a 50% or greater probability of producing precipitation in the project area. Each Co-Permittee shall obtain a copy of rain forecast information from the National Weather Service Forecast Office e.g., by entering the zip code of the project's location at http://www.srh.noaa.gov/forecast .
184	Santa Rosa SCWA	F.5.	Consider the following clarification: "Each Co-Permittee shall implement their Progressive Enforcement Policy to ensure that construction sites are brought into compliance with all storm water requirements within a reasonable time period but no later than the next likely rain event. <u>If the next likely rain event is occurring or predicted to occur in less than 24 hours, the CoPermittees have 1 business day (as defined by the municipalities normal business hours) to ensure the construction site comes fully into compliance as long as the impact to water quality is mitigated as soon as possible.</u> "	Attachment A now includes a definition of "likely rain event" which reads: any weather pattern that is forecast to have a 50% or greater probability of producing precipitation in the project area. Each Co-Permittee shall obtain a copy of rain forecast information from the National Weather Service Forecast Office e.g., by entering the zip code of the project's location at http://www.srh.noaa.gov/forecast .
VI. Special Provisions, G. Public Agency Activities				
185	Sebastopol Healdsburg Windsor	G	Change title to "Public Agency Facilities and Activities Program"	Comment not incorporated. This title is consistent with the previous permit and other MS4 permits in the State.
186	Sebastopol Healdsburg Windsor	G.1	Insert into paragraph, "...and implement a Public Agency Facilities and Activities Program to minimize...Public Agency Facilities and Activities Program consist of the following..."	Comment not incorporated.
187	Sebastopol Healdsburg Windsor	G.1.b	Clarifying language needed.	Unable to address comment without a specification on what language needs clarification.

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188	Sebastopol Healdsburg Windsor	G.1.e	"Vehicle and Equipment Washing Management"	Comment incorporated.
189	Sebastopol Healdsburg Windsor	G.2.a.xiv	Clarify, why are fire stations of concern? Vehicle washing?	VI.G.2.a is a list of facilities that may have onsite activities that are a potential source of storm water pollution. Fire stations may have these activities, such as fueling, vehicle and/or equipment washing, maintenance of firefighting equipment, handling of foam and other firefighting chemicals, storage of hazardous materials, etc. Facilities only need to be included if the Co-Permittee determines activities onsite are a potential source of storm water and non-storm water pollution.
190	Sebastopol Healdsburg Windsor	G.2.a.xvi	Clarify why public golf courses must be inventoried and why they are considered priority sources of storm water pollution. Is it pesticides the Regional Water Board is concerned about?	Sources of pollution at golf courses include fertilizers pesticides, and herbicides, which may be a source of storm water pollution to receiving water. Nutrients in fertilizers are a pollutant of concern related to the impairment of the Laguna de Santa Rosa. .
191	Sebastopol Healdsburg Windsor	G.2.b	b. duplicate to 4ai remove I and ii. Iv. Potential sources of storm water pollution	Section VI.G.2. is referring to the fields of information needed for the inventory. VI.G.4. is related to information needed in the facility pollution prevention plan. Requirements are not duplicative.
192	SCWA	G.3.- Table 10	Please add language similar to that on page 40 item 3.a. regarding the use of judgment to select effective BMPs.	Comment incorporated.
193	Sebastopol Healdsburg Windsor	G.3.b	Edit sentence as follows: "Each Co-Permittee shall conduct oversight of periodic inspections contractor activities to ensure these BMPs are implemented and maintained." (The city cannot cost effectively conduct oversight to ensure implementation and maintenance at all	Comment not incorporated. If a contractor is hired to conduct public agency activities, the Co-Permittee is still responsible for permit compliance and therefore, must work with the contract to ensure compliance. Regional Water Board staff does not agree that this cannot be

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			contracted activities. The cannot require the BMPs and periodically inspect.)	accomplished with "periodic inspections."
194	Sebastopol Healdsburg Windsor	G.3.c	c. Duplicate first sentence to 3a and then remove, keep second.	Comment incorporated.
195	Santa Rosa	G.3.c.	Please add language similar to that on page 40 item 3.a. regarding the use of judgment to select effective BMPs: "Effective source control activities listed in Table 10 shall be implemented at Co-Permittee owned or operated facilities, or job sites, unless the pollutant generating activity does not occur. <u>This list of BMPs may not be applicable in all cases in its entirety and judgment is necessary to implement site appropriate BMPs, but the CoPermittees will ensure that an effective combination of BMPs are used.</u> Each Co-Permittee shall require the implementation of additional BMPs, if the BMPs are found to not adequately protect water quality standards."	Comment incorporated.
196	Sebastopol Healdsburg Windsor	G.4	Issue of Concern: A separate SWPPP for every facility would take significant staff time, which the Town does not currently have.	The Order gives the Co-Permittee flexibility on compliance with this requirement. The Co-Permittee may write one "master" FPPP and then include specific information for each facility within the plan. Or the Co-Permittee may group similar facilities and write one plan for each facility group. There is no intent to require an individual plan for each facility.
197	Sebastopol Healdsburg Windsor	G.4.a	Edit Sentence: "...(FPPP) for to include each facility (or group of facilities)..."	Comment incorporated.

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198	Santa Rosa SCWA	G.4.a	Please specify what manual/standards this table references.	Reference is to the Caltrans Storm Water Quality Handbook Maintenance Staff Guide, Appendix B. This reference has been added to the Order.
199	Santa Rosa SCWA	G.4.a	Please clarify that Facility Pollution Prevention Plans are only required for listed facilities, not for all activities listed on Table 10 that may occur out in the field.	Facility Pollution Prevention Plans are required for all facilities listed in the Public Facility Inventory (VI.G.2).
200	Sebastopol Healdsburg Windsor	G.4.a.i	Sentence should read as: "Facility information including name of facility, address, supervisor contact information;"	Comment incorporated.
201	Sebastopol Healdsburg Windsor	G.4.a.i	Insert: "Types of storm water pollutant generating activities..."	Comment incorporated (VI.G.4.a.ii.)
202	Santa Rosa SCWA	G.5.a	Please clarify that Public facility inspections are only required for listed facilities, not for all activities listed on Table 10 that may occur out in the field.	Inspection requirements are for those facilities listed in the Public Facilities Inventory (VI.G.2.a)
203	Sebastopol Healdsburg Windsor	G.5.b	Add: "...and any follow up actions needed as a result of the inspection."	Comment incorporated.
204	Sebastopol Healdsburg Windsor	G.5.iii	remove "iii" - too detailed, covered already in 5a.ii.	Comment incorporated.
205	Sebastopol Healdsburg Windsor	G.7.a	Match the definition in Appendix A, remove from here.	Comment incorporated.
206	Sebastopol Healdsburg Windsor	G.7.a.i	Sentence should read as: "Pesticides are minimized and are applied according to established guidelines;"	Comment not incorporated. To meet the intent of the Order, Co-Permittee's must evaluate the need for pesticides and then only use in the event they are deemed necessary.

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207	Sebastopol Healdsburg Windsor	G.7.a.vi	Remove: "(including beneficial insects)" - too detailed - if City is minimizing use, they shouldn't have to be required to use a specific biological method.	Comment incorporated.
208	Sebastopol Healdsburg Windsor	G.7.a.vii	Shall read as follows "...commitments and timelines to reduce the use of pesticides if needed that cause impairment..."	Comment not incorporated. If a Co-Permittee has already met this requirement, no further implementation is necessary and compliance has been achieved.
209	Santa Rosa SCWA	G.7.a.vii.(d)	Recommend removing the requirement to "Demonstrate reductions in pesticide use" as it is very open ended.	Order now reads: "Report reductions in pesticide use."
210	Sebastopol Healdsburg Windsor	G.7.a.vii.d	Add at end of sentence: ",until minimized."	Requirement VI.G.7.a.vii.d removed.
211	Sebastopol Healdsburg Windsor	G.7.b.ii	Add: "...or immediately after a rain event, or when runoff is possible."	Comment is not incorporated. The intent is to prevent pesticide or fertilizer application whenever it rains, not just when runoff is possible.
212	Sebastopol Healdsburg Windsor	G.7.b.iii	Read as follows: "Ensure pesticides are not applied within the MS4 storm drains."	Comments not incorporated. This Order requires Co-Permittees to reduce pollutants in storm water to the maximum extent practicable and to meet water quality standards. Pesticides are identified as a pollutant of concern and are subject to be reduced to the maximum extent practicable.
213	Santa Rosa SCWA	G.7.b.iii.	Since pesticide application is regulated at the State level, it may not be possible for the City to restrict the application to exclude portions of the MS4 system such as roadside ditches. Recommend removing this requirement.	Applying pesticides directly to the MS4 is in direct conflict with the basic principles of this Order. If this requirement is in direct conflict with other regulations, such regulations must be submitted in writing for our evaluation and approval.

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214	Sebastopol Healdsburg Windsor	G.7.b.vi	Implement procedures to minimize fertilizers that could impact the storm water in a negative way. This is not related to storm water and pesticide minimization use is covered in other sections of this permit.	Comment not incorporated. Unclear on comment intent. Section VI.G.7.b.vi. is related to implementing procedures to encourage the retention and planting of native or drought-tolerant vegetation to reduce water, pesticides, and fertilizer needs. Comment is related to implementing procedures to minimize fertilizers that could impact storm water in a negative way.
215	Santa Rosa SCWA	G.8.a.	Given that this draft Order is expected to become effective approximately January 2016, it is requested that these provisions be revised to take effect " <u>prior to the rainy season following the effective date</u> " to allow for the development and implementation of an electronic tracking system.	The Order now reads: VI.G.8.a.i.f- The Storm Drain Maintenance Program shall be implemented by each Co-Permittee no later than October 1, 2016.
216	Santa Rosa SCWA	G.8.a.i.b)	Consider the following clarification: "Visual monitoring of prioritized Co-Permittee owned open channels and other drainage structures for debris at least annually <u>before the start of the rainy season;</u> "	Comment incorporated.
217	Santa Rosa SCWA	G.8.a.i.c)	Please clarify if the inclusion of this requirement grants the CoPermittees any authority to carry out ditch/channel maintenance or if additional permits are required from the Regional Board.	A water quality certification is required for ditch/channel maintenance if the maintenance is being conducted in a wetland.
218	Santa Rosa SCWA	G.8.b.i.	Please make the following change to reflect the fact that the number of storm drain labels that are missing or need replacement at any given time is always an estimate: " By the end of the five year term of this Order, Each Co-Permittee shall label all storm drain inlets in parking lots, gutters and streets that they own with a legible "no dumping" message <u>through the use of proactive approach with the goal of labeling all</u>	The Order has been modified to read: " By the end of the five year term of this Order, each Co-Permittee shall label all unlabeled storm drain inlets in parking lots, gutters, and streets that they own with a legible "no dumping" message through a proactive approach with a goal of labeling all public storm drain inlets in parking lots and within the public right of way by the end of the five year term of this Order."

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			<u>public storm drain inlets in parking lots and within the public right of way by the end of the five year term of this Order."</u>	
219	Sebastopol Healdsburg Windsor	G.8.b.ii	Shall read as "Each Co-Permittee shall, to the best of their ability, record and re-stencil or re-label..." (15-days could be difficult, please make this a goal not a mandatory deadline.)	The Order has been modified to read: "Each Co-Permittee shall track all storm drains with illegible stencils or labels and record and re-stencil or re-label these storm drain inlets at a quarterly frequency. with illegible stencils or labels within 15 days of discovery.
220	Santa Rosa SCWA	G.8.b.ii.	Recommend removing this requirement as storm drain labels can't be applied during wet or cold weather.	The Order has been modified to read: "Each Co-Permittee shall track all storm drains with illegible stencils or labels and record and re-stencil or re-label these storm drain inlets at a quarterly frequency. with illegible stencils or labels within 15 days of discovery.
221	Sebastopol Healdsburg Windsor	G.9.a.iii	Read as: "If possible, arrange for temporary screens to be placed on storm drain inlets; or"	The Order has been modified to read "Arrange for temporary covers to be placed on storm drain inlets." This allows flexibility to the Co-Permittee to find feasible methods of compliance.
222	Sebastopol Healdsburg Windsor	G.9.a.iv	Read as: "Clean out storm drain inlets, trash receptacles, and grounds as needed in the event area prior to the next <u>non</u> event."	Comment not incorporated. Unclear what an example of a "nonevent" would be.

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223	Sebastopol Healdsburg Windsor	G.9.b.i	remove examples "(such as transit stops or schools)" Note that local cities/ City do not have jurisdiction over schools or transit stops.	Comment not incorporated. While the Co-Permittees may not have jurisdiction over schools or transit stops, trash is still prohibited to enter the MS4. Therefore, Co-Permittees need to work with these other jurisdictions to implement BMPs to address trash. This requirement has been retained from Order No. 2009-0050.
224	Sebastopol Healdsburg Windsor	G.9.b.ii	Fix to make attainable - sentence should read: "Each Co-Permittee, <u>where authority exists</u> , shall clean out trash receptacles and maintain as necessary to prevent trash overflow."	Comment not incorporated. Co-Permittee would not be expected to implement the permit outside their authority.
225	Santa Rosa SCWA	G.9.c	It has been found that "no dumping" signs are an ineffective method for preventing illegal dumping. Recommend the following revision: "Each Co-Permittee shall <u>develop a method to promote proper disposal practices by residents and the ability to have enforcement tools to address illegal dumping.</u> post signs with prohibitive language discouraging illegal dumping at selected public access points to creeks and channels where dumping has occurred."	Item removed. Requirement to promote proper disposal of trash is already in the Order (VI.B.2.a.ii.(f))
226	Russian Riverkeeper	G.10.	Street sweeping leaving almost more behind than they pick up.	The Order requires the Co-Permittees to have an effective street sweeping program. If a Co-Permittee's program is not effective, it is a potential violation of this Order. The Order includes a requirement for all Co-Permittees to track and record the amount of waste collected as a result of street sweeping. This requirement is intended to provide baseline information about the amount of waste prevented from going into the MS4 with the implementation of the BMP and to assess

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				effectiveness of the BMP. As this data is developed, it will be available to the public.
227	Sebastopol Healdsburg Windsor	G.10.a.i.	Delete the word "plan" from these items. It is unnecessary to develop plans for each task.	Comment incorporated.
228	Santa Rosa SCWA	G.10.a.i.(c)	Propose removing this section in favor of increased year round street sweeping frequency. Consistent requirements are much easier when working with a waste hauler contract and are more likely to be achievable.	Comment incorporated.
229	Sebastopol	G.10.a.iii	Suggested change in second sentence: "The proposed program shall be submitted no later than the end of the first year of of following the effective date of this Order.	Comment incorporated.
230	Santa Rosa SCWA	G.10.c	Consider removing this language in favor of referencing the BMPs list in Tables 8,9, or 10. Providing a single list of BMPs needed for all activities will ensure greater consistency in implementation.	Comment not incorporated. U.S. EPA has repeatedly found that more specific storm water permits requirements are more effective. These tables have been retained from Order No. R1-2009-0050.
231	Sebastopol Healdsburg Windsor	G.10.c	Note: No increase in sweeping frequency before the wet season is necessary when a twice-weekly sweeping program already exists for high trash areas and bi-weekly for low trash areas. Change language to read "Increase street sweeping frequency just before the wet season if	Comment does not match with referenced section VI.G.10.c. Street sweeping must be effective. Frequency is not only factor for effectiveness. Street sweepers must have access to the curb, and require parking restrictions on sweeping days to be effective.

			dry season sweeping in high trash areas is less twice weekly and in low trash areas less than weekly."	Speed of operation and type of equipment also impacts effectiveness.
232	Sebastopol Healdsburg Windsor	G.10.c.ii	Read as: "Install appropriate BMPs at all susceptible storm..." (Let City or contractor choose appropriate BMPs.)	Comment incorporated.
233	Sebastopol Healdsburg Windsor	G.10.c.iii	Read as: "Prevent the discharge of release agents such as, soybean oil, other oils, or diesel to the MS4 or watercourses;"	Comment incorporated.
234	Russian Riverkeeper	G.12	Require that all Municipal Employee and Contracted Municipal Employee Trainings held as part of the Co-Permittees requirements under this Order be proven to have occurred via evidence submitted to Board staff.	Comment incorporated.
235	Russian Riverkeeper	G.12.	Increase the priority for MS4s to ensure that their own facilities are in compliance as a first step of public outreach and education as that example is critical to public participation. Example of herbicides being sprayed in the rain, keep parking lots clean, don't allow City staff to blow yard waste into streets and creeks.	Section VI.G requires Co-Permittees to develop and implement BMPs at publicly owned or operated facilities or job sites. This includes employee training. If these BMPs are not implemented to meet the terms and conditions of this Order, this would constitute a violation of this Order. Regional Water Board staff will look further into this issue to further evaluate compliance with this section of the Order.
236	Sebastopol Healdsburg Windsor	G.12	Change "annually" to "periodically" (Allow City to determine appropriate training schedule of their employees.)	Comment not incorporated. Annual training is consistent with the previous Order, other MS4 permits, and is a feasible frequency.
VI. Special Provisions, H. Illicit Connections and Illicit Discharge Elimination				

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237	Sebastopol Healdsburg Windsor	H.2.a	Remove sentence: "Co-Permittees with this task already completed do not need to re-create their maps, but are required to keep them up-to-date." (This is understood throughout the permit)	Comment incorporated.
238	Santa Rosa SCWA	H.2.a.	Please make the following revision: "Each Co-Permittee shall create and maintain an up-to-date and accurate outfall map <u>showing all publically owned outfalls within their jurisdiction.</u> "	Comment incorporated.
239	Sebastopol	H.3.a	Suggested change: "Each Co-Permittee shall field screen <u>inspect</u> previously un-screened -un <u>inspected</u> storm drain outfalls..."	Comment incorporated.
240	Santa Rosa SCWA	H.3.a.	Consider the following revisions: "a. Each Co-Permittee shall <u>conduct field inspections of outfalls from the MS4 system</u> screen previously un-screened storm drain outfalls for illicit discharges/non-storm water flows that meet either of <u>if the outfall meets any of</u> the following criteria: i. All <u>The</u> storm drain outfall pipes <u>is</u> 36 inches in diameter or greater; and or ii. All portions of the MS4 system that <u>The storm drain outfall</u> is 50 years or older in age, Or i. Outfalls that were screened <u>The storm drain outfall was inspected</u> during the Order No. R1-2009-0050 <u>term and was</u> that were identified as having a non-storm water discharge not comprised of groundwater, surface water, natural spring, wetland, etc."	Comment incorporated.
241	Sebastopol Healdsburg Windsor	H.3.a.i	replace " and " with "or"	Comment incorporated.

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242	Sebastopol	H.3.a.ii	Suggested change. "ii. All portions of outfalls from the MS4 system that is are 50 years or older in age, OR iii. Outfalls that were screened inspected during the Order No. R1-2009-0050..."	Comment incorporated.
243	Santa Rosa SCWA	H.4.	Please provide a definition of "illicit discharge" as we receive a wide variety of calls ranging from grass clippings on a creek trail to paint being washed into a storm drain.	Illicit discharge is defined in both the Attachment F Fact Sheet and Attachment A definitions.
244	Sebastopol	H.4.a.i	Suggested change "i. Each Co-Permittee shall respond within one by the end of the next business day of following discovery..."	Comment incorporated.
245	Sebastopol Healdsburg Windsor	H.4.a.i	Add language that indicated when immediate action is needed. Add at end of sentence: "that threatens human health or the receiving water."	Comment not incorporated. VI.H.4.a.i requires a response to illicit discharges by the end of the next business day. In some cases, the only way to determine the threat to human health or the receiving water is with an initial response. Therefore, Co-Permittee's need to respond to all suspected discharges within the same time frame.
246	Sebastopol Healdsburg Windsor	H.4.b.i	Suggested change: "Each Co, Permittee, upon discovery...shall initiate an investigation within 7 business days,..."	Comment incorporated.
247	Sebastopol Healdsburg Windsor	H.4.b.i	Comment: This is for connection not discharge, which is covered in previous section.	Agreed.
248	Healdsburg Windsor	H.4.b.i	Comment: Give City time to notify owners of connection. "I" should read as: "Each Co-Permittee, upon discovery or upon receiving s report of a suspected illicit connection, shall initiate an investigation within 10 business days, to determine the source of the connection, and the responsible party for the connection."	Comment not incorporated. A week to begin an investigation is adequate.

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249	Santa Rosa SCWA	H.4.b.i.	Please make the following edits to be consistent with page 18 item g. : "Each Co-Permittee shall respond <u>initiate</u> within one business day of discovery or a report of a suspected illicit discharge. <u>The initial investigation shall include, at a minimum, a limited inspection of the location to confirm validity of the complaint and to determine if the occurrence is causing a violation of municipal storm water ordinances and, if necessary, the consequent corrective action.</u> "	Comment not incorporated. VI.H.4.b. is related to illicit connections. This comment relates to illicit discharge. It is unclear if the comment is intended for the illicit connection response requirements or the illicit discharge response requirements.
250	Santa Rosa SCWA	H.4.b.ii.	It is proposed that illicit discharges and connections responded to equally. Consider the following alternative provision: <u>"Illicit discharges and connections that pose an immediate threat to water quality must be responded to within one business day and resolved as soon as possible. Illicit discharges and connection that do not pose any immediate threat must be responded to within 7 business days and resolved prior to posing a threat to water quality, but no more than 180 days."</u>	Comment considered. Regional Water Board staff is recommending these two response requirements stay separate. Illicit discharges need to be responded to in a short time frame due to the potential nature of an illicit discharge. Illicit connections have a long time frame for response due to the circumstances of these situations usually needing time to be corrected.
251	Sebastopol Healdsburg Windsor	H.5.a	Edit: "...reports of illicit discharges, illicit non-storm water discharges, illicit trash, and debris, and spills that may be..."	The Order now reads: unauthorized non-storm water discharge
252	Sebastopol Healdsburg Windsor	H.5.b	Comment: b. is prime example of overall comment on page 1	Comment noted.
253	Sebastopol Healdsburg Windsor	H.5.c	Add: "...and/or Spill Response sections, as appropriate outlined in H4 and H5."	Comment not incorporated. "as appropriate" is necessary language, as not all complaints will warrant a follow up as described in sections VI.H.4 and VI.H.5

254	Santa Rosa SCWA	H.6.b.-c.	Consider the following revisions: "b. Initiate the investigation of all spill complaints received within one business day <u>(as defined by the normal business hours of the CoPermittees)</u> of the incident report or 24 hours if there is an immediate threat to public health or the environment; c. Respond to spills requiring containment <u>or if there is an immediate threat to public health or the environment</u> within 2 hours of the incident report;	Comment incorporated.
255	Sebastopol Healdsburg Windsor	H.6.d	Comment: To comply with other emergency response laws, insane way. Should read as: "Reportable Quantity illicit discharge or non-storm water discharge spills that may endanger public health or the environment shall...and the California Emergency Management Agency (CalOES), who will notify the Regional Water Board."	VI.H.6.d has been modified to read "Illicit discharge and non-storm water discharge spills that may endanger public health or the environment..." The term "Reportable Quality" was not incorporated because the term is undefined. We are not clear on the term "insane way" and therefore, unable to provide a response to this portion of the comment.
256	Sebastopol Healdsburg Windsor	H.6.e	Comment: remove...duplication of "d"	Comment incorporated.
257	Santa Rosa SCWA	H.6.e.	Please define "impact on receiving water quality."	Reference to this term deleted to incorporate comment number 256.
VI. Special Provisions, I. Special Projects				
258	Santa Rosa SCWA	I.	Please make the following addition to clarify that the specifics necessary to conduct these special studies are to be specified by the CoPermittees: <u>"The Workplans developed by the CoPermittees and approved by the Regional Board Executive Officer shall provide the necessary details to implement the following Special Projects unless otherwise specified in</u>	Comment incorporated.

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			<u>this Order.</u>	
259	SCWA	I.	Please clarify that the completion of these studies may extend beyond the permit term.	Confirmed.
260	Russian Riverkeeper	I.2.	All Co-Permittees shall develop a workplan to address pathogens in storm water runoff.	<p>Comment noted. This Order requires that all Co-Permittees develop and distribute residential educational materials to address animal waste.</p> <p>Regional Water Board staff required the City of Santa Rosa and the County of Sonoma to conduct this work based on documented exceedances of water quality standards for indicator bacteria (iterative process).</p> <p>As part of the draft Russian River Watershed Pathogen Indicator Bacteria Total Maximum Daily Load (TMDL) all Co-Permittees will be required to prepare and implement a Bacteria Load Reduction Plan (BLRP). These plans are similar to what is required of the City of Santa Rosa and the County of Sonoma in this Order. These two Co-Permittees are being required to start addressing pathogens as a source of storm water pollution on an earlier schedule than required by the TMDL.</p>
261	Santa Rosa SCWA	I.1.-4.	Please add the following step as item ii for all special projects: <u>"Conduct field monitoring, investigation, or research to confirm the source(s) identified are significantly impacting water quality;"</u>	Comment incorporated.

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262	Santa Rosa SCWA	I.1.-4.	Please add the following to each section: "A proposed implementation schedule, <u>which may extend beyond the end of the fiver year term of this Order.</u> "	Comment incorporated.
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263	Santa Rosa SCWA Healdsburg Sebastopol Windsor Rohnert Park	I.4.b.	Request the due date of the trash assessment workplan be changed from 3 months to one year.	<p>The Trash and Litter Assessment is a priority project for the Co-Permittees to complete. The recently adopted State Board "trash amendment" is anticipated to be incorporated onto this Order in the fall of 2017. Regional Water Board staff needs the findings from the trash and litter assessment in advance of incorporating the trash amendment into this Order. Regional Water Board staff is considering additional requirements above those required in the trash amendment to effectively address the concern with trash in receiving water. The findings from the assessment will better inform decisions on if additional requirements are needed and if so, locations in which trash is an elevated concern. Therefore, the schedule set forth for the trash assessment workplan is in conjunction with the anticipated incorporation of the trash amendment and leaves very little flexibility.</p> <p>To alleviate some concern, an additional 3 months has been granted to allow for the preparation of the workplan. However, Regional Water Board staff stands firm that the sampling takes place during the 2016/2017 fiscal year and reported within 90 days of completion.</p>
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VI. Special Provisions, K. Report of Waste Discharge				
264	Sebastopol Healdsburg Windsor	K.7,8,9,	7,8,9: These are in annual reports and shouldn't have to be duplicated in the Row D. 9: Should be separate and not part of Row D.	<p>The Report of Waste Discharge needs to be a "stand alone" document which provides all necessary information needed to apply for coverage under a new permit. The list in section VI.K is considered all the minimum information needed to process a permit renewal application.</p> <p>However, to provide flexibility on this item, the Order has been modified to read: "The application shall include the following minimum components, unless otherwise approved by Regional Water Board staff:"</p>
Attachment E: Monitoring and Reporting Program				
General Comments				
265	Russian River Keeper		Both "outfall" (wet weather and dry weather sampling requirements) as well as "Receiving Water" monitoring should be conducted within ALL Co-permittees jurisdictions.	<p>Agreed. However, Regional Water Board staff has decided to focus monitoring efforts on the Laguna de Santa Rosa Watershed. This is a priority watershed in this Order due to the nature of the Laguna impairments and the urbanized footprint of the watershed. Regional Water Board staff began discussing monitoring with Laguna watershed MS4s as early as 2012. We also had focused monitoring meetings with the Laguna MS4 Permittees in early 2014. This provided the Laguna MS4s with ample time to prepare for upcoming monitoring requirements. The MS4 Permittees outside the Laguna have not been given the same opportunities to prepare for monitoring requirements that the Laguna MS4s have been given. We do plan to phase these Co-Permittees into the monitoring program in the</p>

				next permit term. Additionally, the Russian River indicator bacteria TMDL will trigger monitoring requirements for all Russian River MS4 Permittees. Such requirements may be incorporated into this permit term depending on the implementation schedule for the TMDL.
266	Russian River Watershed Association		Requests member agencies continue to be involved in the MRP development process to ensure that the proposed regional monitoring project conforms to the above goals.	Information about the regional monitoring has been added to the last page of Attachment F: The Fact Sheet.
267	SCWA		The SCWA does not have the land use authority to control the quality of storm water discharges to its channels, the SCWA requests that it be removed from the monitoring and report program (Specifically, from receiving water monitoring and chronic toxicity monitoring sections).	Comment not incorporated. The SCWA is a Co-Permittee in the MS4 Order whom conducts activities in and adjacent to channels that have the potential to be pollutant generating activities that may have an impact to water quality. Additionally, such activities include the use of herbicides, which may be a contributor to toxicity in receiving water. Additionally, the SCWA has participated in receiving water monitoring as part of the MS4 permit since 1997. Therefore, we have determined that participating in receiving water monitoring and chronic toxicity monitoring is appropriate and the SCWA will remain responsible for these activities.
268	Santa Rosa SCWA	General	Please clarify that the boundary of the Monitoring and Reporting Program is the Laguna watershed.	Confirmed.
II. Workplan				

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269	Santa Rosa SCWA	II.A.	Please make the following revision: "The Co-Permittees shall develop a work plan, <u>either collectively or independently</u> , to propose the scope of work to conduct the outfall monitoring, receiving water monitoring, chronic toxicity monitoring, and the bioassessment study as required in this MRP. "	Comment not incorporated. The Co-Permittees are required to develop a single workplan to implement the requirements of this MRP. The Co-Permittees have been given flexibility to propose a scope of work in the workplan, but are not given the flexibility to implement these requirements individually, as this would be ineffective.
270	Healdsburg Sebastopol Windsor	II.A	Clarify and fix. Make a table similar to that identified in E-9. "A" should read as: "The Co-Permittees shall develop a workplan proposing a scope of work to conduct outfall monitoring, receiving water monitoring, chronic toxicity monitoring, and an outfall receiving water chronic toxicity bioassessment study as required in this MRP..."	Comment not incorporated. There is no requirement for a "outfall receiving water chronic toxicity bioassessment study."
271	Healdsburg Sebastopol Windsor	II.A.1	Edits - 1. should read as follows: "Project Management: Include the project history and objectives, roles of each committee and each sampler, and responsibilities of the participants. Define goals, approaches to be used, and outputs." Comment: Also include a schedule	Comments not incorporated. The four elements required for the workplan are consistent with the U.S. EPA's Quality Assurance Project Plan requirements. Co-Permittees may expand on this information by providing additional information as necessary in the workplan.
272	Santa Rosa SCWA	II.A.1.	Please make the following revision: "Project Management: This is to <u>section shall</u> address the basic area of project management, including the project history and objectives, roles, and responsibilities of the participants. These elements are to <u>This section should</u> ensure that the project <u>Monitoring and Reporting Program</u> has a defined goal, that the participants understand the goal and the approach to be used, and that the planning outputs have <u>process has</u> been documented."	Comments not incorporated. The four elements required for the workplan are consistent with the U.S. EPA's Quality Assurance Project Plan requirements. Co-Permittees may expand on this information by providing additional information as necessary.

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273	Healdsburg Sebastopol Windsor	II.A.2	Edits - 2. should read as follows: "Data Generation and Acquisition: Include all aspects of the project design and implementation, appropriate methods tabulation, maps of proposed sampling locations and proposed schedules, summarization, and interpretation."	Comments not incorporated. The four elements required for the workplan are consistent with the U.S. EPA's Quality Assurance Project Plan requirements. Co-Permittees may expand on this information by providing additional information as necessary.
274	Santa Rosa SCWA	II.A.2.	Please make the following revision: "Data Generation and Acquisition: This is to <u>section is the scope of work and shall</u> address all aspects of project <u>Monitoring and Reporting Program</u> design and implementation. Implementation of these elements <u>to</u> ensure <u>at a minimum</u> that appropriate methods for sampling, measurement and analysis, data collection or generation, data management, and quality control activities are properly documented."	Comments not incorporated. The four elements required for the workplan are consistent with the U.S. EPA's Quality Assurance Project Plan requirements. Co-Permittees may expand on this information by providing additional information as necessary.
275	Healdsburg Sebastopol Windsor	II.A.3	Edits - 3. should read as follows: "Assessment and Oversight: Include operating procedures, quality assurance, and quality control activities." Comment: Include standard.	Comments not incorporated. The four elements required for the workplan are consistent with the U.S. EPA's Quality Assurance Project Plan requirements. Co-Permittees may expand on this information by providing additional information as necessary.
276	Santa Rosa SCWA	II.A.3.	Please make the following revision: "Assessment and Oversight: This is to address <u>section shall describe all</u> associated quality assurance and quality control activities, <u>timelines, deliverables, and milestones</u> . The purpose of assessment is to ensure that the <u>Monitoring and Reporting Program</u> workplan is implemented as described."	Comments not incorporated. The four elements required for the workplan are consistent with the U.S. EPA's Quality Assurance Project Plan requirements. Co-Permittees may expand on this information by providing additional information as necessary.

277	Healdsburg Sebastopol Windsor	II.A.4	Edits - 4. should read as follows: "Data Validation and Usability: After the data collection or generation phase of the project is completed, include data validation procedures, visual interpretation if needed, usability of data, and conclusions and recommendations for further assessment if needed. Indicate how the project objectives were achieved."	Comments not incorporated. The four elements required for the workplan are consistent with the U.S. EPA's Quality Assurance Project Plan requirements. Co-Permittees may expand on this information by providing additional information as necessary.
278	Santa Rosa SCWA	II.A.4.	Please make the following revision: "Data Validation and Usability: This is to <u>section shall</u> address the quality assurance activities that occur after the data collection or generation phase of the project is completed. <u>Implementation of these elements <u>Evaluation of data and comparison against water quality objectives</u> ensures that the data conform to the specified criteria, thus achieving the <u>project Monitoring and Reporting Program</u> objectives."</u>	Comments not incorporated. The four elements required for the workplan are consistent with the U.S. EPA's Quality Assurance Project Plan requirements. Co-Permittees may expand on this information by providing additional information as necessary.
III. Monitoring Requirements				
279	Santa Rosa SCWA	III.	Please add the following language above item A.: <u>"The Workplan, developed by the CoPermittees and approved by the Regional Board Executive Officer, shall specify the necessary details to fully implement the following monitoring requirements unless otherwise specified in this Order."</u>	Comment not incorporated. The suggested change is wordy and redundant. Additionally, Regional Water Board staff is not clear on what the phrase "unless otherwise specified in this Order" means.
280	Sebastopol	III.A	Please clarify whether the MRP applies only to outfalls which are tributary to the Laguna de Santa Rosa. The Sebastopol permit boundary takes in areas in the westerly portions of City, which are tributary to Atascadero Creek.	Yes, Co-Permittees are only required to implement outfall monitoring to outfalls which are tributary to the Laguna de Santa Rosa.

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290	Santa Rosa SCWA	III.A.1.a.	Please make the following revision: "Characterize the discharge of storm water runoff <u>and non-storm water flow</u> from the MS4 system in both wet weather and dry weather in the Laguna de Santa Rosa Watershed."	Comment incorporated.
291	Santa Rosa SCWA	III.A.1.b.	Please make the following revision: "Characterize the discharge of storm water runoff in multiple land use drainage area."	Comment incorporated.
292	Santa Rosa SCWA	III.A.1.b.	Specify which land uses, or reference where they are identified. Specify how a land use of a tributary area is determined (more than 50% of the area is designated as a particular land use?). Recommend that a methodology that is consistent with those used in TMDL development.	The Co-Permittees have the flexibility to determine these criteria.
293	Santa Rosa SCWA	III.A.1.c.	Please reference which water quality standards need to be met and for what constituents.	See Attachment F: The Fact Sheet for the water quality standards applicable to this Order.
294	Santa Rosa SCWA	III.A.2.a.	Please consider the following version of the language to provide clarity: " Each outfall shall be sampled for the following constituents at least twice a year during wet weather flows and twice a year during dry weather flows within a fiscal year. <u>Wet weather outfalls identified in the Workplan shall be sampled for the following constituents at least twice per wet weather season. Dry weather outfalls identified in the Workplan shall be sampled for the following constituents at least twice per dry season.</u> "	Language was added to clarify samples are to be collected twice during the fiscal year.
295	Sebastopol	III.A.2.a	Suggested change: "a. Each <u>identified</u> outfall shall be sampled..."	Comment incorporated.

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296	Santa Rosa SCWA	III.A.2.c.	Consider revision: "For every grab sample collected and every composite sample where feasible , pH, temperature, and dissolved oxygen (DO) shall be measured in the field ."	Comment not incorporated. Field parameters of pH, temperature, and DO need to be collected with every grab and composite sample. These are standard parameters collected routinely at monitoring locations. Additionally, pH is needed to assess compliance with the water quality standard for ammonia.
297	Santa Rosa SCWA	III.A.2.d.	Please consider the following revision: "For every outfall sample collected and analyzed for copper, lead, and zinc, a representative receiving water grab sample shall be collected and analyzed for hardness (mg/L CaCO ₃)."	Comment incorporated.
298	Santa Rosa SCWA	III.A.2.f.	Should Bacteroides be reported in MPN or copies per 100 mL of sample?	The requirement to monitor for Bacteroides has been removed from this MRP. Bacteroides was included as a monitoring requirement to be consistent with the Russian River Indicator Bacteria Pathogen TMDL. However, Bacteroides is no longer being used as a TMDL target or waste load allocation as drafted in the TMDL. Enterococci has been added to the MRP.
299	Santa Rosa SCWA	III.A.3.	Specify which land uses, or reference where they are identified. Specify how a land use of a tributary area is determined (more than 50% of the area is designated as a particular land use?). Recommend that a methodology that is consistent with those used in TMDL development.	The Co-Permittees have the flexibility to determine these criteria.

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300	Santa Rosa SCWA	III.A.4.a.	Please make the following additions: "...a total of <u>at least</u> 0.25 inches must fall during a rain event to be a qualifying rain event <u>that will be evaluated for possible sample collection.</u> <u>However, it is understood that rainfall intensity, duration, site characteristics, hold times, and time of day are all factors that may contribute to the CoPermittees ability to collect a viable sample.</u> "	Comment not incorporated. Regional Water Board staff understands the complexity of outfall monitoring. However, the monitoring requirements are consistent with other NPDES permits and are necessary to demonstrate compliance with this Order. These requirements are reasonable and achievable. Regional Water Board staff expects Co-Permittees to comply with these requirements regardless of the various complexities.
301	Santa Rosa SCWA	III.A.4.d.	Consider revision: " Grab sample procedures <u>Field measurements</u> shall be used for pH, temperature, dissolved oxygen and <u>grab samples shall be collected for</u> pathogen indicators."	Comment incorporated.
302	Healdsburg Sebastopol Windsor	III.A.2.c	Comment: Don't need dissolved oxygen on outfalls - they will be high no matter what and will provide unusable data	Comment not incorporated. DO is a routine sampling parameter, which is easily measured and does not create a burden to the Co-Permittee. There are water quality objectives for DO and a demonstration of compliance with the objective is necessary.
303	Sebastopol	III.A.3.	Please clarify the meaning of the words "land use drainage area". Each of Sebastopol's outfalls into the Laguna carry storm water from multiple types of land uses. Also, per question above, is it the Board's intent that the City only monitor outfalls to the Laguna de Santa Rosa?	The Co-Permittees have the flexibility to determine this criterion.

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304	Santa Rosa SCWA	III.A.4.e.	Please make the following revisions: "For all other pollutants, samples shall be flow weighted composites, collected during <u>within</u> the first 24-hours of a <u>qualifying rain event, where feasible. storm or for the duration of the storm event if it is less than 24 hours.</u> " This allows the CoPermittees to develop the appropriate and most feasible method of sample collection in the Workplan and to take into consideration the constraints of the particular site, the runoff conditions, and the constituents being sampled.	Comment not incorporated. Definition of qualifying rain events is identified in III.A.4.c. Regional Water Board staff believes it is important to address sampling protocols for storms less than 24 hours.
305	Santa Rosa SCWA	III.A.4.f.	Please make the following clarification: "...a minimum of three sample aliquots taken in each hour of discharge <u>with adequate depth</u> for the entire discharge or for the first three hours of discharge <u>with adequate depth</u> , with each aliquot being separated by a minimum of fifteen minutes with each hour of discharge <u>with adequate depth.</u> "	Comment not incorporated because adequate depth is an undefined term.
306	Sebastopol	III.A.5.b.	Suggested Change: Dry weather outfall sampling shall be conducted at least within? 72 hours after a rainfall event of 0.1 inches. Clarify whether this requirement applies regardless of the amount of previous precipitation during the "dry weather" period.	Dry weather outfall sampling must happen when there has been no rain for 72 hours or more. In other words, dry weather sampling can only take place when there has been no rain for 72 hours, regardless of the amount of rain prior to the 72 hours (or more) of no rain.
307	Santa Rosa SCWA	III.B.2.a.	Please clarify if flow needs to be measured in the receiving water. If so, please provide acceptable estimation methods.	Flow has been removed from section III.B.2.a.
308	Healdsburg Sebastopol Windsor	III.B.2.a	bullet point: Human Bacteroides	See comment number 298.

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309	Santa Rosa SCWA	III.B.2.b.	Please make the following revision: "For every grab sample collected, pH, temperature, and dissolved oxygen (DO) shall be measured in the field. "	Comment not incorporated. Field parameters of pH, temperature, and DO need to be collected with every grab and composite sample. These are standard parameters collected routinely at monitoring locations. Additionally, pH is needed to assess compliance with the water quality standard for ammonia.
310	Santa Rosa SCWA	III.B.2.d.	Should Bacteroides be reported in MPN or copies per 100 mL of sample?	See comment number 298.
311	Santa Rosa SCWA	III.B.2.d.	Please add the following language (consistent with 4.g. on page E-5): " Flow may be estimated using U.S. Geological Survey methods at sites where flow measurement devices are not feasible. "	Flow has been removed from section III.B.2.a.
312	Santa Rosa SCWA	III.B.3.	Please clarify what is meant by "in conjunction with outfall locations." Do these samples need to be collected during the same rain event? Or within a certain distance of outfalls?	The purpose of selecting receiving water locations in conjunction with outfall locations is to better correlate the outfall data with receiving water data. This is an opportunity to study the potential impact the discharge has on receiving water. Flexibility has been given to the Co-Permittees to determine the appropriate manner in which to conduct this sampling, but consideration should be given to how to best collect the data to meet the objectives of the receiving water monitoring.
313	Santa Rosa SCWA	III.B.3.	Please make the following clarification: "In developing the Receiving Water Monitoring program locations, the Co-Permittees shall select receiving water monitoring locations in conjunction with outfall locations as identified in the Workplan. "	Comment incorporated.

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314	Santa Rosa SCWA	III.C.1.	Please make the following clarification: "Determine if storm water and non-storm water flows from the MS4 are causing or contributing to chronic toxicity in receiving water within the Laguna de Santa Rosa Watershed."	Comment not incorporated. Non-storm water flows may contribute to chronic toxicity and will remain an objective of the chronic toxicity monitoring.
315	Santa Rosa SCWA	III.C.2.b.	Specify how a land use of a tributary area is determined (more than 50% of the area is designated as a particular land use?). Recommend that a methodology that is consistent with those used in TMDL development.	The Co-Permittees have the flexibility to determine these criteria.
316	Healdsburg Sebastopol Windsor	III.C.2.a	Clarify - a. should read as: "Samples shall be collected and analyzed from receiving water monitoring locations to evaluate toxicity that could be coming from the MS4 discharge of storm water into the receiving waters."	Comment not incorporated. Only receiving water will be tested for toxicity. If toxicity is identified, further sampling is necessary to assess if the discharge from the MS4 is causing or contributing to receiving water toxicity.
317	Santa Rosa SCWA	III.C.5.	Reference to 100% storm drain outfall samples should be removed since all chronic toxicity samples are to be collected in receiving waters. Please make the following revision: "...Each sample shall be subject to determination of "Pass" or "Fail" and "Percent Effect" from a single effluent concentration chronic toxicity test at the in-stream waste concentration IWC) (100% receiving water or 100% storm drain outfall, as applicable)..."	Comment not incorporated. Chronic toxicity testing of storm drain outfalls may be part of the Toxicity Identification Plan as a way to determine if storm water /non-storm water is contributing to the toxicity. Although outfall sampling is not required, the reference to outfalls will remain in section III.5.c to provide flexibility.
318	Santa Rosa SCWA	III.C.6.	Consider making this an item (a) under "v. Quality Assurance and Additional Requirements" as it would seem that this would only be carried out if toxicity was identified. Alternatively, add language stating that " <u>If toxicity is identified through the process specified above, then</u> the CoPermittees shall..." Please specify timeframe by which this would	Comment not incorporated. Co-Permittees are required to develop a TIP as part of the workplan. MRP clearly states when the TIP and TRE will be implemented.

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			need to be submitted.	
319	Santa Rosa SCWA	III.C.6.a.i.	Would toxicity be confirmed with a persistence test or follow-up sample?	Two consecutive "failed" results.
320	Healdsburg Sebastopol Windsor	III.C.6	Clarify limitation of plan - Add to end of first sentence: "...identified toxicity in the receiving water from the sources in the MS4 discharge water."	Comment not incorporated. A TIP will need to be implemented with identification of chronic toxicity in receiving water. It is through the TIP process the Co-Permittees will determine if discharges from the MS4 are causing or contributing to the toxicity.
321	Santa Rosa SCWA	III.C.7.	<p>1. Consider making this an item under "Toxicity Identification Plan" as it would seem that this would only be carried out if toxicity was identified.</p> <p>2. Alternatively, add language stating that "<u>If toxicity is identified through the process specified above and a Toxicity Identification Plan has been created and implemented, then the CoPermittees shall</u> within 60 days..."</p> <p>3. The timeframe to submit a toxicity reduction plan within 60 days will limit the substance of the plan.</p> <p>4. These plan requirements are in excess of the standard Toxicity Evaluation Identification methods outlined by the EPA. What is the basis for these additional requirements? Could add significant and unmanageable costs if triggered on each site on each sampling event.</p>	<p>1. Comment noted. See "2" below.</p> <p>2. Comment not incorporated. This suggested change is redundant to the current language in the Order.</p> <p>3. Comment not incorporated. No alternative suggested.</p> <p>4. TIE methods have been altered from standard implementation because this MRP requires chronic toxicity testing in receiving water, not the effluent discharge, as the standard was written for. The TIE includes protocols to evaluate the contribution of the discharge of storm water and/or non-storm water has on the identified toxicity. Otherwise, Regional Water Board staff believes these requirements are consistent with other NPDES permits. Without specific examples of where the commenter identifies requirements being</p>

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				"in excess", staff is unable to further evaluate this concern.
322	Healdsburg Sebastopol Windsor	III.C.7.c	Add: "If it can be demonstrated that the discharge from the MS4..."	Comment incorporated.
323	Healdsburg Sebastopol Windsor	III.D.1	Clarify which agencies.	County of Sonoma, City of Cotati, City of Rohnert Park, Town of Windsor, and City of Sebastopol.
324	Healdsburg Sebastopol Windsor	III.D.2.a	add: "...Order during dry weather, and at one creek reach per jurisdictional boundary."	Comment incorporated.
325	Healdsburg Sebastopol Windsor	III.D.2.b	Add at end of sentence: "...procedures developed by SWAMP (or an equivalent):"	Comment not incorporated. Co-Permittees are required to use SWAMP procedures. This requirement has been retained from Order No. 2009-0050.

326	Santa Rosa SCWA	III.D.2.a.	Please confirm that Santa Rosa is not included in this section.	Confirmed.
IV. Reporting Requirements				
327	Santa Rosa SCWA	IV.A.1.a.-b.	Please make the following revisions: "a. For monitoring conducted between January and June <u>October 1 and March 31</u> , data shall be reported to the Regional Water Board no later than September 1 <u>July 1</u> of that calendar year. b. For monitoring conducted between July and December <u>April 1 and September</u> 30, data shall be reported to the Regional Water Board no later than March 1 <u>January 1</u> of the following calendar year.	Comment incorporated.
328	Healdsburg Sebastopol Windsor	IV.A.2	Table - Monitoring Results - Description - Add for clarification: "... (see below for 'Monitoring Results' [IV.A.3] for more details)..."	Comment not incorporated.
329	Santa Rosa SCWA	IV.A.3.	This section would seem to apply to the reporting of all results and as such should be revised to be B.	Comment not incorporated. Section IV.A.3 are requirements within VI.A.
330	Santa Rosa SCWA	IV.A.3.	Please specify what "numerical limitations, performance goals, and receiving water limitations" need to be met and for what constituents. Alternatively please reference where these are specified.	See Attachment F: The Fact Sheet for the water quality standards applicable to this Order.
331	Santa Rosa SCWA	IV.A.3.e.	This is a concern. A variety of factors can affect ML levels. Labs are expected to evaluate and modify MDLs and associated MLs on a regular basis. The new MUR rules for determining MDLs if approved will raise MDLs and MLs for some tests. Also if for some reason we have to sub out samples sub out labs may have higher MLs than we do. There may not be time to obtain approval prior to running the samples due to hold times.	Comment noted. Meeting MLs is a standard requirement in NPDES permits.

332	Healdsburg Sebastopol Windsor	IV.A.3.e	Remove specific person and submit to Regional Board only. Edit: "The Co-Permittees must submit documentation from the laboratory to the Regional Water Board Executive Officer for approval prior to..."	Comment not incorporated. It is more appropriate for the Executive Officer than the full Board to approve an alteration in MLs.
333	Healdsburg Sebastopol Windsor	IV.B.1.c	Remove specific labeling. Too detailed. "Detailed map of reach creek reach studied,..."	Comment incorporated.
V. Special Studies				
334	Healdsburg Sebastopol Windsor	V.B.1.b	Please clarify there are too many of these BMPs.	Co-Permittees have been given the flexibility to decide what post-construction BMPs/combination of BMPs they would like to study.
335	Healdsburg Sebastopol Windsor	V.B.2	Add comma/change word: "For each study, the Co-Permittees shall...effectiveness of each storm water program study."	Comment not incorporated.
336	Santa Rosa SCWA	V.	This entire section seems like it should fall under "III. Monitoring Requirements" on page E-2. It would then become a new item "E".	Comment not incorporated. V. Special Studies was created as additional elements to standard monitoring requirements.
337	Santa Rosa SCWA	V.A.3.	Please make the following clarification: "Samples shall be collected and analyzed for total phosphorus, total nitrogen, and ammonia. Samples shall be also be collected and measured field measured for pH, temperature and DO."	Comment incorporated.

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338	SCWA	V.B.1.	Please remove section from the Monitoring and Reporting Program. This is not the responsibility of a permittee but rather the entity that requires the permittee to require the use of BMPs (ie. the Regional Board).	We disagree. The requirement to assess BMPs for effectiveness is in line with the iterative process which includes BMP development, implementation, and assessment to promote consistent compliance with water quality standards (see section V. of the Fact Sheet-Effluent Limitations and Iterative Process).
339	Healdsburg Sebastopol Windsor	V.B.1.	Too many things due in first year. Change " one year " to "Two years." Add to end of this sentence for clarification: "The status of the studies shall be reported in each annual report after approval of workplans."	Comment not incorporated. One year to develop the workplan is reasonable. Flexibility has been given to the Co-Permittees to determine the schedule for implementation.
Attachment F: Fact Sheet				
340			State Water Board Order WQ 2015-0075	Regional Water Board staff updated the Fact Sheet with a finding regarding precedential Order WQ 2015-0075, which was adopted on June 16, 2015, during the public comment period of this Order.
341			Russian River Watershed Impairments	Regional Water Board staff updated Table F-3 Russian River Watershed Impairments in the Attachment F: The Fact Sheet. The updates were update to be consistent with the North Coast Region's 2012 Clean Water Action Section 303(d) List, approved by the U.S. EPA on June 26, 2015.