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Regional Water Quality Control Board
North Coast Region
5550 Skylane Blvd.
Santa Rosa, CA

**Subject: Proposed Renewal of Waste Discharge Requirements, Order No.
R1-2008-0106, NPDES No. CA0025054, WDID No. 1B96074SSON
For The City of Santa Rosa, the County of Sonoma, and the Sonoma County Water Agency**

**Storm Water (Wet Weather) and Non-Storm Water (Dry Weather) Discharges
from Municipal Separate Storm Sewer Systems - Initial Comments**

General

Coast Action Group appreciates that the Regional Board recognizes the necessity for taking such action as described in the proposed project, Stormwater NPDES for Sonoma County and the City of Santa Rosa, and making an effort to move forward with such policy. The proposed Stormwater NPDES is appropriate and indicated by the degraded condition of the Laguna de Santa Rosa, Russian River (and its tributaries), and other noticed impaired listed water bodies in the City of Santa Rosa and County of Sonoma.

The Regional, and State, Water Quality Control Board(s) have the responsibility to manage the State's water resources to meet Water Quality Objectives and protect the Beneficial Uses described in the Basin Plan. Impaired listing status and degraded resources necessitate this proposed Stormwater NPDES Permit and related action plans.

The regional planning bodies, Sonoma County and the City of Santa Rosa, have not successfully addressed issue through their own regional planning mechanisms (i.e. General Plans and GP updates, and Zoning Code, Ordinance, Stormwater Plans, and NPDES permits. The proposed Stormwater NPDES Permit, including water resource conditions assessment, authorities, MEPs, BMPs, and protection guidelines will serve to clarify and indicate what actions these planning bodies should employ regarding the management these resources (protect surface waters, wetlands, and riparian areas) their specific areas of responsibility.

Impaired Waterbodies and the Basin Plan

The Stormwater NPDES Permit make accurate Findings (causes and necessity, authority (statutory regulations), area of responsibility, Stormwater Management Plan description and characteristics - including MEPs and BMPs (from various sources), and SRA-SUSUMP (and modifications).

The intent of the Stormwater NPDES permit is to reduce pollution from the various sources, noted in the permit, in compliance with the Basin Plan (Including Anti-Degradation language - and other State and Federal mandates) WQ Objectives and Beneficial Use designation and protection via use of the standards set forth in the Stormwater NPDES permit - with the final objective of meeting Water Quality Standards.

Basin Plan Anti-degradation Policy: "Controllable water quality factors shall conform to the water quality objectives contained [in the Basin Plan]. When other factors result in the degradation of water quality beyond the levels or limits established [in the Basin Plan] as water quality objectives, then controllable factors shall not cause further degradation of water quality. Controllable water quality factors are those actions, conditions, or circumstances resulting from man's activities that may influence the quality of waters of the State and that may reasonably be controlled."

The fact that degradation that has occurred under existing permits, programs, and Basin Plan prohibitions indicates that additional control language in the form of this permit is necessary.

BMPs

The above mentioned regional planning authorities and mechanisms often mention use of BMPs to protect water quality values. However, a description of what actually constitutes a BMP is usually missing in the planning authority's lexicon.

Recommendation: The Regional Board provide complete description of what BMPs for various land use operations that potentially effect surface waters, streams and wetlands might look like.

Information for the BMP assessment or formulation can be obtained from:

"Riparian Setbacks: Technical Information for Decision Makers"
http://www.crwpp.org/pdf_files/riparian_setback_paper_jan_2006.pdf

"Riparian Buffer Width, Vegetative Cover, and Nitrogen Removal Effectiveness: A Review of Current Science and Regulations", <http://www.epa.gov/ada/download/reports/600R05118/600R05118.pdf>

Ordinance and General Plans

Both, Sonoma County and the City of Santa Rosa have failed to adopt ordinance and planning guidelines that sufficiently deal with construction, agricultural land use practices - and - business operation practices that sufficiently limit pollutant runoff to surface waters during storm events. Such ordinance, business, and land use pollutant control and resource protection language shall be developed by the County of Sonoma and the City of Santa Rosa to comply with the Stormwater and NPDES objectives and requirements.

Note: Attached are comments by Coast Action Group on proposed Sonoma County Grading Ordinance for discussion of control of construction and agricultural impacts to surface waters.

Pollutant Offset Trading

The City of Santa Rosa has request that the Regional Board consider pollutant offset trading for to meet compliance discharge standards. Such offset trading should not be considered if the City fails to make substantial progress with their Stormwater Control Implementation Program. Stormwater discharge impacts to the Laguna de Santa Rosa are by far the largest input of N and P. Without progress in Stormwater Plan implementation any pollutant trading program is useless.

Economics

Economic analysis for the implementation of projects for water quality resource protection is difficult. It is almost impossible to determine the costs over the range of possible actions that may need to be taken. Variability of range of actions is unknown and almost impossible to estimate. Assessing monetary value to accrued benefits of such policy is similarly vague. Their are accrued benefits to near stream landowners, fisher people, water users, recreationists, fish and wildlife values that would have to be accounted for. What is the value of clean water?

The proposed NPDES does call for financial responsibility to support needed programs.

The bottom lines is it is the responsibility of the Regional Board, under State Water Code and the regional Basin Plan, to take action that assures the protection of Beneficial Uses and attainment of Water Quality Objectives/Standards.

Other references to review for appropriate regulatory guidelines are:

Coho Recovery Guidelines (DFG) - DFG has specific land use recommendations to control pollutant impacts in for areas in Sonoma County - Russian River, Gualala River, and other coho water bodies in the County of Sonoma. This document should be referenced in this permit process.

Alan Levine

For Coast Action Group