

Notes and Comments

Proposed Renewal of Waste Discharge Requirements, NPDES No. CA0025054 for the City of Santa Rosa, the County of Sonoma, and the Sonoma County Water Agency¹

1. Pages 36, 42. Exceedance or violations of water quality objectives. *Exceedance or violations of water quality objectives (and standards) are addressed in various locations in the permit including:*

Prohibition A.2 - Discharges from the MS4, which cause or contribute to exceedances of receiving water quality objectives for surface waters are prohibited.

Receiving Water Limitations B.1 - Discharges from the MS4 that cause or contribute to a violation of water quality standards are prohibited. [Emphasis added]

Provision C. Part 1, 2. - Each Permittee shall comply with the requirements of 40 CFR 122.26(d)(2) and implement programs and control measures so as to reduce the discharges of pollutants in storm water to the MEP and achieve water quality objectives.

Comments:

- How do these terms differ: “exceedance” vs. “violation”?
- How are exceedances and violations defined?
- Does the Regional Board expect immediate implementation of the iterative steps in the MS4 permit (B.3.)?

2. Page 61. New Development Projects.

(a) Development projects subject to Permittee conditioning and approval for requiring the design and implementation of post-construction treatment controls to mitigate storm water pollution, prior to completion of the project(s), are: ...

(7) Streets, roads, highways, and freeway construction of 5,000 square feet or more of impervious surface area.

The wording should be changed to state that permittees will not be constructing state highways, and freeways, and that requirements for these facilities are covered under the Caltrans permit.

3. Pages 61, 62. “4. Redevelopment Projects

(a) Redevelopment projects subject to Permittee conditioning and approval for the design and implementation of post-construction treatment controls to mitigate storm water pollution, prior to completion of the project(s), are:

(1) Land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site in development categories identified in Special Provisions Part 4.3.

(2) Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, the entire project must be mitigated to protect water quality from storm water flows.

(3) Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated to protect water quality from storm water flows, and not the entire development.

¹ The draft permit is posted

(b) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways, is not considered a routine maintenance activity. [Emphasis added]

While these requirements do not pertain to the Caltrans, we do have concerns because these requirements may not be technically feasible or cost effective in the highway environment due to the constrained nature of rights-of-way (ROW) in developed areas. Frequently, only sections of pavement are replaced within a larger linear footprint and do not alter original line, hydraulic capacity, or the original purpose of the facility. We feel this activity should not trigger treatment or post-construction controls when such controls are not feasible within the ROW.

4. Page 63. LID required for projects. Provision 3(b) requires development of an LID manual. It would be just as effective and less costly if the permit allowed the adoption of an existing manual, such as the one being developed by CASQA.
5. Page 64. Section 4. Hydromodification. It would be efficient and cost-effective if the permit allowed and encouraged collaboration with other permittees to meet requirements and made provisions for exceptions (e.g., hardened channels).
6. Page 71. Development Construction Program. The permit has not justified provisions that are more restrictive than those contained in the Construction General Permit. Because having two sets of prescriptive requirements for the same construction activity adds confusion and could hinder compliance, we suggest the permit defer to the CGP. For example, the prohibition on grading during wet season on "steep" slopes should not be required if the site is adequately controlled. For some projects, it is not feasible to stop work during the wet season.
7. Page 72. Grading Prohibition Variance (numeric limitations). The TSS and turbidity limits are less than the amount of these pollutants that arise in the background from natural areas and therefore seem unnecessary. (TSS cannot exceed 100 mg/L; turbidity no more than 50 NTU).
8. Pages 72-74. The BMP Tables include Caltrans BMPs and associated numbers. In Table 7, Stockpile Management is WM-3, not WM-2.
9. Page 74. BMPs at Construction sites. Not all listed BMPs will be applicable to all sites. For example, since the requirement for a "local" SWPPP is a duplicate of CGP requirements, it should not be included in the permit.
10. Page 83. Maintenance

3. Vehicle Maintenance/Material Storage Facilities/Corporation Yards Management/Long Term Maintenance Programs ...

(b) Each Permittee shall obtain coverage under the Construction General Permit no later than (7 days after Order adoption date) for long-term maintenance programs including maintenance of flood control channels (such as vegetation removal), maintenance or replacement of streets, sidewalks, roads, and any other project that the Permittee undertakes including all Capital Improvement Projects (CIP) if either 1 or more acres of land are disturbed by grading, clearing or excavation activities for an individual project or cumulatively as part of several projects involving a soil disturbance. [emphasis added]

This will result in inappropriate mandated coverage under the CGP for “routine maintenance” for which the CGP was not developed. If these projects are to be regulated, separate agreements should be developed.

11. Page 64. Section 4. Hydromodification. It would be efficient and cost-effective if the permit allowed and encouraged collaboration with other permittees to meet requirements and made provisions for exceptions (e.g., hardened channels).
12. Attachment C, definition of Pre-developed condition.

Pre-Developed Condition means native vegetation and soils that existed at the site prior to first development. The pre-developed condition may be assumed to be an area with the typical vegetation, soil, and storm water runoff characteristics of open space areas in Sonoma County unless reasonable historic information is provided that the area was atypical.

This definition is in Attachment C to the proposed permit. It is utilized to determine hydromodification. Please clarify the source of the definition and how it is determined.

Monitoring Program

13. Page 2. The permit requires monthly receiving water monitoring upstream and downstream. This is an expensive requirement; monitoring of this type should only be done for TMDL implementation purposes.
14. Page 2. Aquatic Toxicity Monitoring is required for wet weather. Toxicity Identification Evaluation (TIE) and Toxicity Reduction Evaluation (TRE) are potentially very expensive and often inconclusive, leading to additional monitoring. To make this less burdensome, it could be implemented once during the permit cycle.
15. Page 4. Numerous special studies are required:
 - a. Temperature Monitoring
 - b. Bacteria Monitoring
 - c. Visual Flow Monitoring
 - d. Atmospheric Deposition. The Permittees shall identify a site, appropriate methods, and install a monitoring station to collect one year of data of nitrogen deposition. Sampling will include wet and dry collection methods to quantify the total amount of deposition.
 - e. Kelly Farm Nutrient Monitoring
 - f. BMP Effectiveness Special Study
 - g. Volunteer Monitoring Programs

These studies exceed the requirements of NPDES permits, which are intended to be focused on compliance rather than scientific studies.