

October 22, 2008

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North Coast Regional Water Quality Control Board
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Santa Rosa, CA 95403

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Subject: Comments on Draft Order No. R1-2008-0106, Waste Discharge Requirements for the City of Santa Rosa, the Sonoma County Water Agency, and the County of Sonoma

The following are our comments regarding Draft Order No. R1-2008-0106:

FINDINGS

10. The permit area is expanded to include all of Sonoma County within the NCRWQCB's jurisdiction and the new permit will apply to "storm water runoff and non-storm water discharges that enter the Permittee's MS4's" **How will the RWQCB work with other entities' discharges into the Permittee's MS4's without requiring the other entities to follow this Order's requirements?** It could happen that water quality goals are not met because of discharges or runoff from other entities over which the Permittees lack jurisdiction.
18. The finding states that storm water can be a significant source of sediment in urban waterways by "direct transport of large volumes of sediment from impervious urban landscape(s)..." However, finding #14 states that during development "naturally vegetated, pervious surfaces are converted to impervious surfaces..." **How do impervious, paved areas create sediment?** Granted, some sediment will be tracked onto parking lots and other impervious surfaces, but doesn't sediment typically come from water flowing over partially vegetated or bare ground? On the other hand, undeveloped tributary areas can also create large sediment loads – the Colorado River comes to mind; it was a big muddy river before it was dammed.
26. Aren't discharges from industries and businesses covered by the General Industrial Activities Storm Water Permit? It's confusing to have them also covered by this permit.
40. "The permit also requires preferential consideration of Low Impact Development (LID) techniques...with a goal of maintaining or reproducing the pre-development hydrologic system. ...Hydrologic functions of storage, infiltration and ground water recharge...are maintained through the use of integrated and distributed small scale storm water retention and detention areas, reduction of impervious surfaces..." **While some LID practices may be able to be incorporated into development design, it may not be as simple as it first appears.** Techniques developed in for the east coast, where it rains throughout the year, or southern California, with its permeable soils, may not be applicable for northern California.

For example, the single-family example on the LID website shows lot sizes of close to 10,000 square feet with large yard setbacks. However, new typical Sonoma County urban lot sizes are closer to 4,000 square feet or less with only 400-500 square foot rear yards, 5'

side yard setbacks and 10' front yard setbacks. Smaller lot sizes and setbacks combined with clayey soils make bioretention difficult in Sonoma County.

LID's "Zero lot line" example also shows large lots (the septic system areas alone are larger than many recently created lots in Santa Rosa!) and common areas for bioretention. I believe that by State law an area owned in common by more than four lots requires the formation of a homeowners' association with all the additional costs required to set up and maintain the association. And homeowners' associations can be dissolved..

Cisterns are a great idea to store water for re-use but, since it rains only in the winter and spring in northern California, the water would be stored for months before it could be used for irrigation. In areas of the country where it rains throughout the year, cisterns can be filled and emptied multiple times per month. And stagnant water is, of course, a breeding ground for mosquitoes.

49. If the Permittees cannot enforce discharges associated with industrial and construction activities, **who is responsible for enforcing the General Permits for industrial and construction activities? Shouldn't that be the entity responsible for inspecting industrial and construction sites?**
76. The table shows mercury as a pollutant in Lake Sonoma. **Is this naturally occurring mercury and, if so, is there anything to be done about it?** The tributary area for Lake Sonoma has very little urban development.
89. "... the Order requires that BMPs will be implemented to reduce the discharge of pollutants in storm water and achieve water quality objectives and standards." **It is possible that the water quality standards will not be met even though implemented BMP's reduce the discharge of pollutants.**
90. "...the Permittees shall implement all necessary control measures to the maximum extent practicable to reduce pollutants..."

A. DISCHARGE PROHIBITIONS

Table 2

"Type of Discharge: ...irrigation runoff" **Does this mean that a permit will be needed for all irrigation systems, just in case there's some runoff?**

B. RECEIVING WATER LIMITATIONS

1. Since there are no TMDL's, **where are the water quality standards described?** I did not see any Monitoring Program in this Order.
2. Again, where are the quality standards described?

C. SPECIAL PROVISIONS

Part 4 – Planning and Land Development Program

3. "Permeable pavements shall be considered impervious for this section if they have subdrains to preclude infiltration into underlying soils." Subdrains used in Sonoma County BMP's are not there to preclude the water from infiltrating into the soil. The drains are to prevent water that has not percolated into the soil (due to clay's low infiltration rates) from becoming stagnant or over-saturating the soil which can result in "pumping" soil. The drains can be located to maximize the soil/water contact time and, therefore, possible infiltration.

Section 3(a)(6): When including the drive aisle to access the spaces, 5000 square feet is only about 9 -13 parking spaces.

4. These provisions inhibit rather than encourage re-development projects. Redevelopment projects in urban settings are usually on constrained sites without room for land-intensive BMP's like swales, detention/retention ponds and possibly even bio-retention areas. It is also not unusual for redevelopment areas to contain contaminated soils which would preclude the use of any sort of infiltration. Developers would most likely find it much easier to build on previously un-developed sites outside the City center where there are not the constraints already existing on redevelopment sites.
(b) "Impervious surface replacement, such as the reconstruction of parking lots and roadways, is not considered a routine maintenance activity." Due to the clayey soils found in many parts of Sonoma County, it is not unusual to find deteriorated pavement that needs to be replaced, especially at the end of the rainy season. **Perhaps a square footage limitation (5000 sf?) could be used to distinguish between reconstruction of isolated areas and complete road or parking lot reconstruction.**

Part 5 – New Development/Redevelopment

2. Possible typo: "...where increased recharge could offset the need to transport water...the dischargees (?) will flag these areas..."

"Any excess surface discharge..." **What constitutes "excess surface drainage"?**
3. While implementing LID practices is a laudable goal, it represents a paradigm shift in the way development projects are conceived, designed, approved and constructed. I think it will take a massive re-education program and commitment from not only land planners and developers, but also land owners, end users, architects, engineers, landscape architects, soils engineers, contractors and reviewing agencies to name a few.
4. (c) "Existing single-family structures are exempt from the hydromodification control requirements unless such projects disturb one acre or more of land." **This refers to remodeling/additions to homes?** Part 4, section 4(c) exempts single family structures from the redevelopment requirements "unless such projects create, add, or replace 10,000 square feet of impervious surface area."
5. (b)(1)(A)(ii) **Why is this method limited to projects that disturb 5 acres or less?**

Part 6 – Implementation of New Development/Redevelopment Post-Construction BMPs

1. (a)(1)(B) “Written conditions in the sales or lease agreement which require the property owner or tenant to assume responsibility for BMP maintenance...” **How will this get transferred to future owners, especially if the property is being sold without a realtor involvement?**
2. (c) **How will inspectors gain access to private property, i.e. single family lots?** LID recommends “small-scale hydrologic controls to more closely reflect predevelopment hydrologic functions” and it is likely that controls will be located inside fenced yards.

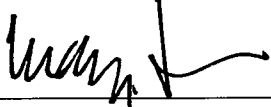
Part 8 – Development Construction Program

Shouldn't this section be a part of the General Construction Permit?

2. (b) “If grading operations...are not completed before the onset of the wet season beginning **October 1st**...” conflicts with Part 8, section 2 (a)(1) which states “No grading shall occur between **November 1**-April 15 (wet season).”
3. Even though the text states that larger construction sites much use the BMPs selected for smaller sites, some BMPs are repeated in the tables for the larger sites.
4. (a) “Each Permittee shall require the implementation of the BMPs in Table...” **Are ALL the BMPs required?** Soil binders, for example, are rarely used in Sonoma County, and geotextiles/mats may not be appropriate for flat sites.
6. (a)(1)(A) The project SWPPP is supposed to be a livable, changing, and evolving document through the life of the project. It will add an unnecessary burden if all revisions are required to be reviewed and approved by the local agency.
7. (a)(1)(A)(iii)(1) “The BMPs not selected for implementation are redundant or not deemed applicable to the proposed construction activity.” It is possible that BMPs not considered appropriate at one point in time become appropriate earlier or later in the construction process. Obviously some BMPs are never going to be used on a site – temporary batch plants, or working over water if there is no stream. However, it is helpful if the SWPPP includes the fact sheets for all possible BMPs (like Soil Binders even if hydroseeding has been selected in the SWPPP) so that the contractor has the most tools available to use in preventing erosion and controlling sediment.

Very truly yours,

Brelje & Race Engineers



Mary-Jane Stimson