

SACRAMENTO



STORMWATER  
QUALITY  
PARTNERSHIP

March 25, 2015

Mrs. Elizabeth Lee

Central Valley Regional Water Quality Control Board

11020 Sun Center Drive, Suite 200

Rancho Cordova, CA 95670-6114

[submitted via email only to RB5S-NPDES-Comments@waterboards.ca.gov](mailto:RB5S-NPDES-Comments@waterboards.ca.gov)

**SUBJECT: TENTATIVE ORDER FOR WASTE DISCHARGE REQUIREMENTS FOR THE CITIES OF CITRUS HEIGHTS, ELK GROVE, FOLSOM, GALT, RANCHO CORDOVA, SACRAMENTO, AND COUNTY OF SACRAMENTO (PERMITTEES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), ORDER NO. R5-2015-XXXX, NPDES PERMIT NO. CAS082597**

Dear Mrs. Lee:

The Sacramento Stormwater Quality Partnership (Partnership) appreciates this opportunity to provide comments on the Tentative Order (TO) for Waste Discharge Requirements for the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES No. CAS082597, Order No. R5-2015-XXXX) permit.

We understand that the Tentative Order is proposed as a limited term renewal (applicable for 18 months) primarily intended to provide an option for the Partnership to participate in the Delta Regional Monitoring Program (Delta RMP) in lieu of conducting some of the local water quality monitoring as specified in the Monitoring and Reporting Program. Also, we understand that activities/studies conducted in the fourth permit term are deemed complete and will not be subject to this order. Additionally, the Permittees submitted a completed Report of Waste Discharge (ROWD) on March 15, 2013 requesting reissuance of waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) area-wide MS4 permit to discharge storm water runoff from storm drains within their jurisdictions. The ROWD was deemed complete on November 22, 2013. Included with the ROWD were the Permittees' Long Term Effectiveness Assessment and proposed changes to their Storm Water Management Plans (also known as Stormwater Quality Improvement Plans or SQIPs). Due to the limited term of this Order, the proposed amendments to the SQIP provided in the 2013 ROWD are not incorporated in this Order. The Permittees must continue implementing the SQIP approved by the Regional Water Board on January 29, 2010 (Resolution No. R5-2010-0017), and as modified in the 2010, 2011, 2012, 2013, and 2014 Annual Reports and Annual Work plans submitted during the fourth permit term.

The Partnership supports the development and implementation of regional monitoring programs and has been actively participating in the Delta RMP as the Steering Committee representatives

*The Sacramento Stormwater Quality Partnership is a joint program of the County of Sacramento and the Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento.*

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(primary and back-up) for Phase I MS4s as well as funding the Technical Advisory Committee (TAC) co-chair and one TAC member. For twenty years, the Partnership has successfully collaborated with the Sacramento Regional County Sanitation District (SRCSD) and other parties on river monitoring through the Coordinated Monitoring Program (CMP) that the Delta RMP should build from and replace. The Partnership intends to continue Delta RMP participation and funding assistance.

We appreciate Regional Water Board Staff's preparation of this limited term NPDES permit renewal to support the Delta RMP. The limited term NPDES permit renewal will allow improvements to the efficiency and efficacy of monitoring programs as the Regional Permit is developed and support the wide-based collaborative science that is now missing in the Delta.

We fully support the adoption of the Tentative Order; however, we are requesting the modifications indicated on **Attachment A**, we have a few recommended modifications that are primarily clarifications on the intent of the NPDES permit language. We would like to continue to work productively with the Regional Water Board staff to address the comments that we have included in **Attachment A**. Furthermore, we have also included an updated Sacramento Urbanized Area and Monitoring Map as shown in **Attachment B**.

In closing, the Partnership appreciates the opportunity to comment on the Tentative Order and we hope that our comments will assist you in the adoption process. If you have any questions or anything you would like to discuss, please contact Dana Booth of Sacramento County Department of Water Resources at 916-874-4389 or Sherill Huun of the City of Sacramento at 916-808-1455.

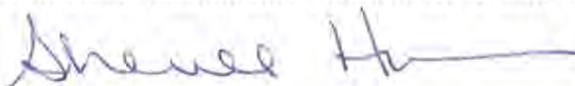
Sincerely,

(On behalf of the Sacramento Stormwater Quality Partnership)

Dana Booth, Sacramento Stormwater Quality Partnership

A handwritten signature in blue ink that reads "Dana Booth". The signature is written in a cursive style with a long horizontal line extending to the right.

Sherill Huun, Sacramento Stormwater Quality Partnership

A handwritten signature in blue ink that reads "Sherill Huun". The signature is written in a cursive style with a long horizontal line extending to the right.

CC: Dave Tamayo, Sacramento County  
Sarah Staley, City of Folsom  
Brit Snipes, City of Rancho Cordova  
Chris Fallbeck, City of Citrus Heights  
Kyle Ericson, City of Sacramento  
Dalia Fadl, City of Sacramento  
William Forrest, City of Galt  
Juan Chavez, City of Elk Grove  
Fernando Duenas, City of Elk Grove  
Genevieve Sparks, Central Valley Regional Water Quality Control Board

## Attachment A

### Recommended Modifications to Tentative Order R5-2015-XXXX

The Permittees request the following edits to the Tentative Order so that it accurately reflects the current status of the stormwater program. The Tentative Order language is shown in italics with recommended edits in underline-strikethrough editing format.

#### **Finding 5-9 (page 2)**

Please update the population numbers to the 2010 Census numbers as follows:

County of Sacramento- 1,418,788 (or 1.42 million)

City of Sacramento- 466,488

City of Folsom- 72,203

City of Galt- 23,647

City of Citrus Heights- 83,301

City of Rancho Cordova- 64,776

City of Elk Grove- 153,015

#### **Finding 64 (pages 15-16)**

*The overall goals of the Permittees' SQIP are to: a) reduce the degradation of waters of the State and Waters of the United States (U.S.) by urban runoff and protect their beneficial uses; and b) ~~develop and~~ revise, as necessary, and implement an effective SQIP that is well understood and broadly supported by regional stakeholders.*

#### **Provision 2 (page 32-33)**

*The Permittees must continue implementing the SQIP approved by the Regional Water Board on 29 January 2010, and SQIP modifications contained in the 2010, 2011, 2012, 2013, and 2014 Annual Reports and Annual Work Plans. The SQIPs and Annual Work Plans include an implementation schedule containing identifiable milestones, performance standards, and a compliance monitoring and reporting program.*

#### **Provision 10.a.ix. (page 42)**

*Permittees having a fire protection agency within their jurisdictional control shall ~~develop and~~ implement a response plan to minimize the impact of fire fighting flows to the environment.*

#### **Provision 27.a.vi. (page 56)**

*The Permittees ~~shall~~ coordinated with the Pesticide Plan component of the SQIP with pesticide monitoring data, to the extent that pesticides in sediments ~~are~~ were identified as causing or contributing to receiving water impacts. In the fourth permit term, ~~the~~ Permittees shall conducted sediment monitoring as part of the incorporated a Sediment Monitoring program into the Pesticide Plan as part of the SQIP. The Sediment Monitoring ~~program shall~~ included*

*information as specified in the Monitoring and Reporting Program of the fourth permit term. Sediment monitoring is not required under this Order.*

### **Provision 29.b (page 57)**

*The Permittees ~~shall~~ tracked the long-term progress of their SQIPs towards achieving improvements in receiving water quality and submitted this information as part of the March 15, 2013 ROWD/LTEA.*

### **Provision 29.c (page 57)**

*The Permittees ~~shall~~ used the information gained from the program effectiveness assessment to improve their SQIPs and identify new BMPs, or modification of existing BMPs. This information ~~shall be~~ was reported as part of the March 15, 2013 ROWD/LTEA. ~~within the Annual Reports consistent with this Order.~~ Due to the limited term of this Order, the proposed amendments to the SQIP provided in the 2013 ROWD are not incorporated in this Order.*

### **Provision 30. (page 57)**

*Monitoring and Reporting Program: The Permittees shall comply with the Monitoring and Reporting Program which is part of this Order, and any revisions thereto approved by the Board or as this Order allows by the Executive Officer. Because the Permittees operate facilities which discharge waste subject to this Order, the Monitoring and Reporting Program is necessary to ensure compliance with these waste discharge requirements.*

### **Attachment A Permit Area Map**

Please see the updated Permit Area Map attached to this document as Attachment B.

### **MRP I. (page 1)**

*The Executive Officer may allow revisions appropriate to implement Regional Monitoring Programs ~~and reduce~~ in lieu of all or part of the local water quality monitoring requirements in this Order in lieu of the regional monitoring efforts.*

### **MRP I.B. (page 2)**

*...It shall include a compilation of deliverables and milestones completed during the previous fiscal year, and a discussion of Outcome Level 1 program effectiveness relative to performance standards defined in the SQIPs.*

### **MRP I.B.4. (page 2)**

*To comply with Provisions C.1 and C.2 (Receiving Water Limitations) of this Order the Permittees shall compare receiving water data with applicable water quality standards. Data collected through a regional monitoring program is not required to be assessed by the Permittees through the NWQE, though data collected by a regional monitoring program may be considered in evaluating any observed exceedances.*

#### **MRP I.B.4. (page 3)**

*Monitoring data collected as part of this MRP shall be submitted in electronic format. Monitoring data collected as part of a regional program shall be compiled and submitted to the appropriate data centers (e.g., CEDEN) according to that program's protocol and not through this Order.*

#### **MRP I.B.5. (page 3)**

*The primary questions that must ultimately be assessed for each program element include the following:*

#### **MRP I.B.10. (page 4)**

*An evaluation of the long-term trends in MS4 discharges and receiving water quality. Several factors ~~need to be~~ were considered when evaluating trends, such as changes in sample collection methods, data quality differences, and changes in analytical methods.*

#### **MRP II. (page 7)**

*During the period of participation in the RMP, the Permittees shall continue to report any individually ~~local~~ conducted local water quality monitoring data in the Annual Report consistent with Provision I.B.4, Monitoring and Reporting Program.*

#### **MRP II.B.2.b (pages 9-10)**

*Report of Water Quality Exceedance (RWQE) preparation during ~~the~~ a previous permit term included development of a work plan to address the cause and nature of dissolved oxygen (DO), pH, and temperature exceedances in several urban tributaries. ~~Multiple steps in the work plan have been completed. The Phase III update report (September 17, 2009) recommended additional sample collection and sensor deployment only if necessary to provide context for ongoing urban tributary sample collection. The Permittees continued to implement the work plan elements and begin Phase II upon adoption of fourth permit term. Much of the work was performed in Morrison Creek although, other creeks were identified. The work plan and any updates to the plan were included in the SQIP.~~*

#### **MRP II.B.2 (page 10) addition of text**

The Permittees may propose an alternative plan for the urban tributary monitoring specified under Provision II.B.2 of the MRP as if that alternative plan had been submitted as part of their Annual Monitoring Plan. In addition to requirements under Provision 1.A of the MRP, the alternative plan shall specify goals and objectives, and modifications to monitoring locations, sampling method and frequency, and constituents, as applicable. The proposed plan shall be compatible with SWAMP protocols. The Permittees shall implement the alternative plan for urban tributary monitoring once approved by the Executive Officer.

#### **MRP II.B.3 (page 10) section should be "II.C" rather than "II.B.3" under receiving water monitoring**

3C. Urban Discharge Monitoring

### **MRP II.B.3 (page 10)**

*The Permittees may propose ~~and implement~~ an alternative plan for the urban discharge monitoring specified under Provision II.C of the MRP as if that alternative plan had been submitted as part of their Annual Monitoring Plan submittal for and approved by the Executive Officer approval. In addition to requirements under Provision 1.A of the MRP, the alternative plan shall specify goals and objectives, and modifications to monitoring locations, sampling method and frequency, and constituents, as applicable. The proposed plan shall be compatible with SWAMP protocols. The Permittees shall implement the alternative plan for urban discharge monitoring once approved by the Executive Officer.*

### **MRP II.B.3 (page 10)**

*In coordination with local water quality Receiving Water Monitoring, in two of every three years, samples shall be collected during three storm events and one dry season monitoring event.*

### **MRP II.D (page 11)**

*Further water column toxicity monitoring activities will not be required under this Order until the evaluation with recommendations is approved by the Executive Officer complete.*

### **MRP II.E.1 (page 13)**

*Sediment toxicity resulting from pyrethroid pesticides was ~~recently~~ identified in ~~a study performed through~~ multiple Statewide Ambient Monitoring Programs (SWAMP) and other monitoring in the Sacramento area (Roseville, CA) and statewide urban tributaries. ...*

*Monitoring was completed during the fourth permit term, so further sediment monitoring activities will not be required under this Order until the evaluation with recommendations is approved by the Executive Officer ~~complete.~~*

*Any sampling of sediment performed by the Permittees shall be consistent with SWAMP Quality Assurance Management Plan (QAMP) protocols.*

### **MRP II.E.2 (page 13)**

*The Permittees shall ~~review and amend~~ continue to implement the Pesticide Plan component of the SQIP where sediment concentrations are identified as causing or contributing to receiving water impacts. ~~if pesticides in sediments are identified as causing or contributing to receiving water impacts.~~*

*~~The Pesticide Plan shall address the following elements:—~~*

- ~~a. Identification, development, implementation and assessment of BMPs to address controllable discharges of sediment bound contaminants that may be linked to sediment toxicity to the MEP;—~~*
- ~~b. Development and adoption of policies, procedures, and/or ordinances to implement BMPs;—~~*
- ~~c. A time schedule for implementation and assessment.—~~*

## **MRP II.F. (page 14)**

*The purpose of this requirement is to fully evaluate biological data collected under ~~the~~ a previous MRP in order to assess...*

*Further bioassessment monitoring activities will not be required under this Order until the evaluation with recommendations is approved by the Executive Officer ~~complete~~, and the monitoring effort is adapted in consultation with SWAMP's bioassessments workgroup. ~~If applicable, an updated bioassessment monitoring plan shall be included in the SQIP.~~*

## **MRP II.G.2. j (page 17)**

*The Work Plan was approved by the Executive Officer on 7 November 2013. The approved Work Plan evaluates the performance of a Proposition 84 Grant funded green parking lot project. ~~and~~ ~~†~~The Permittees are required to provide a progress report on the study by October 2015, or at a later date as approved by the Executive Officer to better coordinate with the Grant reporting requirements.*

## **MRP II-Sampling Summary (page 18): please rename to MRP II.H.1**

*The monitoring program shall implement the sampling summary shown in Table A and as described in the applicable "MRP Section Reference" and the other provisions of this MRP that include Executive Officer approval of participation in regional monitoring programs or alternative annual monitoring plans in lieu of parts of this MRP.*

## **TABLE A (page 19)**

The Permittees request that the Table A "Constituent List" and "Frequency" columns be revised for consistency with the Monitoring and Reporting Program requirements in II.B., II.C., II.D., II.E., and II.F.:

### Constituent List Column:

#### **First row (II.B.1.)**

~~No pyrethroids in water column, pending evaluation.~~

#### **Second row (II.B.2.)**

~~No pyrethroids in water column, pending evaluation.~~

#### **Third row (II.C.)**

~~No pyrethroids in water column, pending evaluation.~~

### Frequency Column:

#### **Fourth row (II.D.)**

~~2 Wet, 1 Dry per year~~

~~Monitoring shall be conducted in two out of five years.~~

Further water column toxicity monitoring activities will not be required under this Order until the evaluation with recommendations is approved by the Executive Officer.

**Fifth row (II.E.)**

1 Wet, 1 Dry per year

Wet event to be performed directly following a wet weather urban tributary event, and no later than April

Monitoring was completed during the fourth permit term, so further sediment monitoring activities will not be required under this Order until the evaluation with recommendations is approved by the Executive Officer.

The Permittees request that the following additional footnote be inserted to apply to the entire Table A:

The Executive Officer may allow modifications or replacement of these activities through participation in a regional monitoring program or other alternative monitoring program proposed by the Permittees as described in the relevant MRP section.

**MRP IV. (page 21)**

*All monitoring activities performed by the Permittees shall meet the following requirements:*

**MRP Table B. (page 27)**

*~~The following analysis would only be required if monitoring results from the studies investigating the Pelagic Organism Decline in the Delta indicate these concentrations are present and of concern in Sacramento Permittee discharges~~*

**Fact Sheet IV.A. (page 12)**

*The Permittees' SQIPs<sup>14,15</sup> submitted with the Report of Waste Discharge in June 2007 describe the 18-year history and evolution of the Sacramento program, including a summary of accomplishments and findings. The SQIPs were adopted by the Regional Water Board 29 January 2010 (Resolution No. R5-2010-0017).*

*In September 2008, the Regional Water Board adopted the fourth Sacramento area-wide MS4 permit (Order No. R5-2008-0142). Permittees included the County of Sacramento and Cities of Citrus Heights, Elk Grove, Galt, Folsom, Rancho Cordova, and Sacramento. The SQIPs were adopted by the Regional Water Board 29 January 2010 (Resolution No. R5-2010-0017). On 15 March 2013, the Permittees submitted a ROWD to the Central Valley Water Board requesting permit re-issuance. The ROWD included proposed amendments to the SQIP based on a completed Long Term Effectiveness Assessment.*

**Fact Sheet V. (page 15)**

*Missing comma: The County of Sacramento in association with the cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento submitted a SQIP that was adopted by the Regional Water Board on 29 January 2010.*

... The Permittees must continue implementing the SQIP approved by the Regional Water Board on 29 January 2010 (Resolution No. R5-2010-0017), and as modified in the 2010, 2011, 2012, 2013, and 2014 Annual and Annual Work Plans Reports.

### **Fact Sheet V.H. (page 30)**

To address low impact development (LID) and hydromodification, this Permit requires the Permittees revise their Development Standards and associated technical guidance (a.k.a. Stormwater Quality Design Manual) and, upon approval by the Regional Board, implement ~~submit~~ a Hydromodification Management Plan (HMP).

The Following language appears to be from the construction element and seems out of place, the Permittees request that it be deleted:

#### **~~Status of the Sacramento Program~~**

~~Since the initiation of the program in 1990, the Permittees have completed the following work:~~

~~Established the legal authority to prohibit nonstormwater discharges and enforce those prohibitions through the adoption of local land grading and erosion control and stormwater ordinances~~

~~Established and continued implementation of inspections, reporting procedures and enforcement to achieve compliance on construction sites.~~

~~Conducted employee training with regard to review, inspection and enforcement~~

~~Provided outreach and guidance to the development community through workshops and brochures on local and State requirements~~

~~Established and maintained tracking databases and maps to assist with investigations and identification of problem areas~~

### **Fact Sheet VI.B. (page 34)**

Receiving water monitoring for rivers and urban tributaries is required to analyze for constituents listed in Table B, ~~except for pyrethroids/pyrethrins pesticides in water.~~

### **Fact Sheet VI.B. (page 35)**

~~Multiple steps in ~~the~~ work plan ~~have been~~ was completed in multiple steps.<sup>34 35 36 37</sup> The Permittees recommended that further investigation is only needed to provide context for future grab samples. ~~were required to continue to implement the work plan elements and begin Phase II under the fourth permit term.~~ Further implementation of the work plan to address the cause and nature of dissolved oxygen, pH, and temperature exceedances in several urban tributaries will not be required under this Order ~~until~~ unless the evaluation with recommendations is complete are further evaluated and the Executive Officer requests additional information.~~

Footnote 37: The final report was submitted as part of the October 1, 2009 Annual Report. Laurenson, Walker, Chetal. Annual Report. Phase III Investigation Results - Morrison Creek pH, Dissolved Oxygen, and Temperature. Memorandum to Delia McGrath, City of Sacramento and Ken Ballard, Sacramento County. September 17, 2009.

**Fact Sheet VI.C. (page 40)**

*The phase-out of the sale of diazinon and chlorpyrifos for most residential and commercial uses resulted in an increase in the use of pyrethroid pesticide use in urban and residential areas. Monitoring of sediment quality and urban runoff/discharges was performed during the third Permit to characterize sediment/water quality conditions, determine the significance of the increase in urban pyrethroid usage, and assess management practice effectiveness. Monitoring was completed during the fourth permit term, so further sediment monitoring activities will not be required under this Order until the evaluation with recommendations is approved by the Executive Officer.*

**Attachment B**  
**Updated Sacramento Urbanized Area and Monitoring Map**

