



THE CITY OF SAN DIEGO

September 7, 2010

Electronic Submission to: bneill@waterboards.ca.gov

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Dear Sirs:

Subject: City of San Diego Comments on the Tentative Municipal Storm Water Permit for Riverside County (NWU:749045:bneill)

The City of San Diego wishes to provide the Regional Water Quality Control Board with comments regarding the tentative Riverside County Municipal Storm Water Permit. We understand the need to continue moving forward with water quality improvements and want to work with you on permit revisions to maximize our water quality efforts in a cost effective and efficient manner.

If you have any questions or require more information, please don't hesitate to contact me at (858) 541-4328.

Sincerely,

Ruth Kolb
Program Manager

Enclosure: City of San Diego Comments on Draft Riverside County Municipal Permit
(Tentative Order No. R9-2010-0016)

cc: Tony Heinrichs
Kris McFadden
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CITY OF SAN DIEGO COMMENTS ON DRAFT RIVERSIDE COUNTY MUNICIPAL PERMIT (TENTATIVE ORDER NO. R9-2010-0016)

Permit Section	Permit Page	Section Title/Topic	Reason for Proposed Changes/Comments	Comments/Proposed Changes
FINDINGS				
D.3.	10	Construction & Existing Development	Make findings consistent with JRMP.	Provide separate sections for Construction vs. Existing Development.
D.3.c.	11	Construction & Existing Development	Definition of "urban stream" contradicts 40CFR 122.	Provide clearer definition as to what an "urban stream" is.
DISCHARGE AND LEGAL PROVISIONS				
B.2.	18	Non-Storm Water Discharges	Discharge category found to be a source of pollutants requires implementation of appropriate control measures to prevent the discharge of pollutants to the MS4.	Should state: Implement appropriate control measures to reduce the discharge of pollutants to the MEP .
B.2.foot note 8	19	Non-Storm Water Discharges	Discharges into MS4 require authorization from owner and operator of the MS4 system, specifically for uncontaminated pumped ground water, foundation drains, and water from crawl space pumps.	Support change, and recommend that dischargers are required to obtain authorization prior to the commencement of the discharge.
B.3.a.	19	Non-Storm Water Discharges	States that building fire suppression system maintenance discharges contain waste and must be prohibited.	Not clear what waste the discharges contain and the basis for prohibiting it.
B.4.	19	Non-Storm Water Discharges	Must identify and control any non-prohibited discharge that creates water quality problems.	Should define what is meant by control the discharge.
C.2.c.	20	Non-Storm Water dry weather Numeric effluent limitations	This requires the Copermitttee to determine whether a discharge type should be exempt.	This is the responsibility of the Regional Board.
C.4.	21	Non-storm water dry weather numeric effluent limitation	Copermitttees must develop monitoring plans to sample a representative percentage of major outfalls and identified stations within each hydrologic subarea.	Make consistent with 40CFR.
C.5 Tables 3a.1, 3.a.2	22	Non-Storm Water dry weather Numeric effluent limitations	The NELs as defined are receiving water standards. This would apply receiving water standards to the water within the MS4. Some of the NELs are not appropriately applied. (Fecal Coliform 400 for AMEL, this is a single sample standard not an average standard).	There needs to be a way to account for receiving water quality.

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C.5.a.	22	Discharges to inland surface waters	Non-storm water discharges from MS4 to inland surface waters	What about when an MS4 flow discharges to dry sediment and not to actual water?
C.5.	22	Table 3.a.1	Need to define WARM & COLD water for DO effluent limitations.	Should use > < with specific temperatures.
C.5.a.	22	Table 3.a.1	Fecal coliform AMELs are inappropriate for multiple reasons.	Imposes AB411 standards for Rec 1 waters on non-storm water, non-recreational flows. If it must be applied then B should move to Instantaneous Maximum column.
C.5.a.	22	Table 3.a.1	Enterococcus inappropriately set to Ocean Plan Designated beach area standards.	This is non-storm water, non-recreational flow. Why is it being held to beach standards when 5+ years of paired sampling data do not indicate strong links between even higher levels of bacteria than being allowed, and detected AB411 exceedances.
C.5.a.	22	Table 3.a.1	MDEL limits.	Where are MDELs defined in 40CFR?
C.5.a.	22	Table 3.a.1	Table 4.a.1 does not list an instantaneous maximum for Fecal Coliform .	Should list a maximum if less than 5 samples collected in 30-day period.
C.5.a.	22	Table 3.a.1	Table 4.a.1 subject storm drain flows to the very stringent AB-411 Rec-1 Criteria standards.	The maximums should be adjusted to attainable limits.
C.5.a.	22	Table 3.a.1	Turbidity.	What is the justification for turbidity limitations in Region 9 being so much lower than other regions in the state?
C.5.a.	22	Non-Storm Water Dry Weather Numeric Effluent Limitations	..freshwater criteria are based on site-specific water quality data (receiving water hardness).	Should be changed to effluent water hardness.
C.5.a	22	Table 3.a.1	pH.	6.5-8.5 for freshwater 6-9 for saline waters – based on?
D.1.	23	Storm water Action Levels	This requires “implementation of all necessary storm water controls and measures to reduce...” when there is no evidence of a receiving water exceedance. The assessment point is “end-of-pipe” and SALs do not have any justification for applicability.	This seems to require an action when there is no evidence of a receiving water violation.
D.Table 4	23	Storm water Action Levels	Metals SALs are in direct contradiction with statement on “table 3.a.2: Priority Pollutants” page 22	Contradiction between NEL section and SAL in terms of metals values.

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D.2.	23	Storm Water Action Levels	"...assessment points for determination of SAL compliance are all major outfalls...." Seems to contradict the following sentence "...monitoring plans to sample a representative percent of the outfalls...."	Sentences seem to contradict each other.
D.5.	25	Storm Water Action Levels	"...to have outfall storm water discharges meet all applicable water quality standards."	This applies receiving water standards to the storm drain.
F.1 – DEVELOPMENT PLANNING				
d(2)(d).	31	Hillside development category	It is not clear what is intended to be included this category. A steep hillside development with known erosion soil conditions would need to address erosion. Treatment control and hydromodification requirements are not justified.	Remove this from the Priority Development Project Categories, and define elsewhere in Section F.1 how these projects would need to include measures that protect slopes from erosion.
d(4)(c)(i).	33	Retention of 85 th percentile storm event	Retention of the 85 th percentile storm event does not mimic the natural hydrology. The amount of runoff under natural conditions is dependent on soil type and other factors.	Retention requirements should be revised with intent of matching hydrology under natural conditions.
d(7).	37	LID waiver program	It may be unrealistic for municipalities to implement the various processes required under this section within the amount of time allowed.	Provide a feasible time schedule for municipalities to put such a program in place.
F.2 – CONSTRUCTION				
d(1)(c)(i).	50	AST mandate	It is neither wise nor necessary to mandate use of a particular technology for managing sediment from construction sites. The Construction General Permit has adequate and more appropriate measures for ensuring sediment discharges will not create a pollution problem.	Remove the requirement that Copermitees mandate use of AST. Allow Copermitees to rely on the Risk based approach that was developed for the Construction General Permit, which does not mandate a particular technology.
e(2).	49	Inspection of Construction Sites	This section requires inspection of construction sites of 1 acre or more at least monthly	Propose language that is definitive and require construction site inspections monthly for sites of 1 acre or more
F.3.a – EXISTING DEVELOPMENT: MUNICIPAL ACTIVITIES				
(3).	55	BMP Implementation for Management of Pesticides, Herbicides and Fertilizers	Reduction of pesticides, herbicides, and fertilizers into the storm water to the MS4 and receiving waters.	Support inclusion of "storm water" and "and receiving waters" in the opening paragraph.

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(6)(b)(i).	56	Operation and Maintenance of Municipal Separate Storm Sewer System and Structural Controls	Inspecting and cleaning all MS4 facilities between May 1 and September 30 is infeasible for those Copermitees that have tens of thousands of structures.	Inspection and removal of accumulated waste at least once a year between May 1 and September 30 of each year for <u>all MS4 facilities that receive or collect high volumes of trash and debris.</u>
(7).	54	Infiltration From Sanitary Sewer to MS4/Provide Preventative Maintenance of Both	Sections (a) and (b) are redundant.	Delete Section (b) as the implementation of the provisions in Section (a) would maximize pollutant reductions by providing greater flexibility to Copermitees to manage their programs.
F.3.b – Existing Development: Commercial/Industrial				
F.3.c – EXISTING DEVELOPMENT: RESIDENTIAL				
F.3.d – RETROFITTING EXISTING DEVELOPMENT				
F.4 – ILLICIT DISCHARGE DETECTION AND ELIMINATION				
d.	67	Dry Weather Field Screening and Analytical Monitoring	Paragraph makes a reference to attachment E, which does not in fact contain a description of this particular program.	Include a description of the Dry Weather Field Screening and Analytical Monitoring Program in Attachment E.
e.	67	Investigation/Inspection and follow-up	...based on results of field screening ...	Field screening is not included as a component of any monitoring programs and should be removed from this sentence.
e.	67	Investigation / Inspection and Follow Up	References a monitoring effort that does not exist anywhere else in the permit (field screening)	The inconsistency in the permit for the different programs and the referenced sections need to be straightened out. Add description of referenced program to Attachment E.
e(1).	72	Develop response criteria for data	Contradictory paragraph. Numeric action levels must be developed, but “the criteria must consider numeric effluent limitation (see Section C)”.	The NELs from Section C or develop numeric action levels? Recommend selecting one criteria.
F.5 – PUBLIC PARTICIPATION				

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G. – WATERSHED RUNOFF MANAGEMENT PLAN				
G.2.	73	Watershed Water Quality Workplan	<p>The workplan is for development of a BMP strategy and implementation of BMPs to improve urban runoff water quality contributions to the receiving water. Calling it a "Water Quality" workplan is misleading because the regulated parties under this permit are not responsible for every contribution to every water body in the entire watershed.</p> <p>The requirements should focus on urban runoff contributions to the receiving waters for which the regulated parties are responsible.</p>	<p>Revise the section to state: The Watershed Workplan shall describe the Permittees' development and implementation of a collective watershed strategy to assess and prioritize the water quality problems due to runoff discharging to the watershed's receiving waters, identify and/or model sources of the highest priority water quality problem(s), develop a watershed-wide BMP implementation strategy to abate highest priority water quality problems and the relative contribution from runoff discharges, and a monitoring strategy to evaluate BMP effectiveness and changing water quality prioritization in the WMA.</p>
1.e.	72	Develop strategy to model and monitor improvements	<p>The use of the word "proper" for installation of BMPs is subjective and not defined by this permit. There may be many different ways to "properly" design and install a BMP, and the regulated parties may or may not choose to test different ways for each BMP to determine which works best.</p>	<p>Revise to state: Develop a strategy to model and/or monitor improvements in runoff discharge quality resulting from implementation of the BMPs described in the Watershed Workplan. The modeling and/or monitoring strategy shall generate the necessary data to report on the measured pollutant reduction that results from BMP implementation.</p>
H. – Fiscal Analysis				
I. – Total Maximum Daily Loads				
J. – Program Effectiveness Assessment				
K. – Reporting				
1.b.	77	Watershed Workplans	<p>The reference to a watershed workplan should use a consistent naming convention. It is referred to as a "Watershed Workplan" in Section K.1.b., and a "Watershed Water Quality Workplan" in Section G.2.</p>	<p>The reference to a watershed workplan should use a consistent naming convention.</p>
L. – MODIFICATION OF PROGRAMS				

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M. – PRINCIPAL COPERMITTEE RESPONSIBILITIES				
N. – RECEIVING WATERS MONITORING AND REPORTING PROGRAM				
O. – STANDARD PROVISIONS, REPORTING REQUIREMENTS, AND NOTIFICATIONS				
Attachments (A Through E)				
E. II. A.1.g, Table 1	5	Mass Loading Station Monitoring	Typo at the base of the table: "Nitrate and nitrate may be combined..."	Change to: "Nitrite and nitrate may be combined..."
E.II.B.1.b.	12	MS4 Outfall Monitoring	Comparing Metals SALs with CTR values	Question is if you can use the "1 hour maximum concentration" criteria in this way?
E.II.C.a. (1).	13	Dry weather non-storm water effluent analytical monitoring stations	"Stations must be all major outfalls" plus "other outfall points..."	This far exceeds CWA 500 point maximum for dry weather monitoring.
E.II.C. b.2.	13	Dry weather non-storm water effluent analytical monitoring stations	If flow is evident a 1 hour composite sample may be taken.	Should elaborate on sampling procedures for flowing outfalls.
E.II.C.b. (2).	13	Dry weather non-storm water effluent analytical monitoring stations	"if flow is evident a 1 hour composite sample may be taken"	There is no definition of what comprises a composite sample. This would significantly increase this program.