

CF/15-3.1-1 General - Sonoma Creek &
Tributaries (ID 486)
CF/43-0-25 State Water Resources Control
Board (SWRCB) (ID 1181)

July 20, 2017

Bill Hereth
Water Resource Control Engineer
State Water Resources Control Board
Division of Water Quality
1001 I St., 15th Floor
Sacramento, CA 95814
bill.hereth@waterboards.ca.gov

**RE: COMMENTS FOR STAFF CONSIDERATION ON PROPOSED AMENDMENT TO THE
SMALL MS4 GENERAL PERMIT (ORDER NO. 2013-001-DWQ)**

Dear Mr. Hereth:

The Sonoma County Water Agency (Water Agency) has reviewed the proposed Amendment to the Small MS4 General Permit (Order No. 2013-001).

The proposed Amendment to the Small MS4 General Permit, is adding the Water Agency to the *Sediment* and *Pathogens* Total Maximum Daily Loads (TMDLs) for Sonoma Creek. The Water Agency has identified deliverables/actions that present implementation difficulties.

The Water Agency, a non-traditional permittee, owns approximately 2,000 linear feet (LF) of channel in the Sonoma Creek Watershed (a total of approximately 1,200,000 LF excluding the tidal influenced area) within its Phase II Permit Boundary (see enclosed map).

The Water Agency does not have jurisdiction or land use authority to implement most of the proposed actions in the TMDLs. The Water Agency is a permittee of Order No. 2013-001 because it owns and maintains some of the flood control channels within the current permit boundary. The Water Agency's role is unique in that it is a flood control district, not a regulator nor has land use authority, and thus does not have the legal authority to enact ordinances, issue permits, regulate or inspect industrial or commercial facilities, impose controls on new development, or initiate enforcement actions. The Water Agency possesses only the legal authority granted to it by the Legislature in its enabling statute.

The Water Agency conducts maintenance along sections of Fryer and Sonoma Creeks in compliance with its approved Stream Maintenance Program (SMP). The Water Agency prepares a notification report to provide responsible agencies (California Department of Fish and Wildlife; National Marine Fisheries Service; North Coast Regional Water Quality Control Board; San Francisco Bay Regional Water Quality Control Board; United States Army Corps of Engineers; and United States Fish and Wildlife Service) with information regarding anticipated SMP projects each season.

Fact Sheet - Sonoma Creek Sediment TMDL:

1. *Sonoma Creek Sediment TMDL* proposed wording (page 61, para 2):
"The Sonoma County Water Agency has been a voluntary participant with proactive storm water control efforts, including enrollment under the previous 2003 Small MS4 permit (Order 2003-0005-DWQ). The Sonoma County Water Agency owns and operates its own roads and has some jurisdiction over stream-crossings within its service area. Therefore, the Agency is subject to the requirements of the TMDL."

The Water Agency does not own or operate any roads nor has any jurisdiction over stream crossings within the Sonoma Creek watershed.

The Water Agency proposes the following edit to the *Sonoma Creek Sediment TMDL* proposed wording (page 61, para 2):

The Sonoma County Water Agency has been a voluntary participant with proactive storm water control efforts, including enrollment under the previous 2003 Small MS4 permit (Order 2003-0005-DWQ). The Sonoma County Water Agency owns and operates approximately 2,000 linear feet of stream channel ~~its own roads and has some jurisdiction over stream-crossings within its service area.~~ the Sonoma Creek watershed. Therefore, the Agency participation is subject to the requirements of in the TMDL will be limited to the property identified in its approved Storm Water Management Plan."

2. Deliverables/Actions Required proposed wording (page 61, para 6):
"The TMDL-related requirements in this Order are based on the TMDL Implementation Plan. To implement the roads and stream crossings allocation, the TMDL Implementation Plan establishes a performance standard for the design, construction, and maintenance of rural roads to minimize road-related sediment delivery to streams. The Implementation Plan also requires entities responsible for paved roads, such as the City and County of Sonoma and Sonoma County Water Agency, to: (1) adopt and implement best management practices for maintenance of unimproved (dirt/gravel) roads, (2) conduct a survey of stream-crossings associated with paved public roadways, (3) develop a prioritized implementation plan for repair and/or replacement of high priority crossings/culverts to reduce road related erosion, and (4) protect stream-riparian habitat conditions."

The Water Agency does not own or operate any roads nor has any jurisdiction over the design, construction and maintenance performance standards of roadways nor has any jurisdiction over new or redevelopment projects within the Sonoma Creek watershed. Of the 94,433 acres within the Sonoma Creek Watershed Sediment Budget TMDL study area, the Water Agency owns approximately 4.25 acres within its Phase II permit boundary. However, the Water Agency will continue to protect stream-riparian habitat conditions with continued implementation of its approved Stream Maintenance Program.

The Water Agency proposes the following edit to the Deliverables/Actions Required proposed wording (page 61, para 6):

The TMDL-related requirements in this Order are based on the TMDL Implementation Plan. To implement the roads and stream crossings allocation, the TMDL Implementation Plan establishes a performance standard for the design, construction, and maintenance of rural roads

to minimize road-related sediment delivery to streams. The Implementation Plan also requires entities responsible for paved roads, such as the City and County of Sonoma and ~~Sonoma County Water Agency~~, to: (1) adopt and implement best management practices for maintenance of unimproved (dirt/gravel) roads, (2) conduct a survey of stream-crossings associated with paved public roadways, (3) develop a prioritized implementation plan for repair and/or replacement of high priority crossings/culverts to reduce road related erosion, and (4) protect stream-riparian habitat conditions.

Fact Sheet - Sonoma Creek Pathogens TMDL

1. *Sonoma Creek Pathogens TMDL* proposed wording (page 63, para 4-5):
"The Sonoma County Water Agency has been a voluntary participant with early storm water control efforts, including enrollment under the previous Small MS4 permit (Order 2003-0005-DWQ). The Sonoma County Water Agency owns and operates its own roads and has some jurisdiction over stream-crossings within its service area. The Agency is also enrolled under this Order and, as such, is subject to the requirements of the TMDL."

Phase II Entities:

The San Francisco Water Board has determined that the City of Sonoma, the County of Sonoma, and the Sonoma County Water Agency, Traditional Small MS4 permittees, are sources of "municipal runoff" subject to this Order and are responsible for implementing the requirements of this TMDL."

The Water Agency does not have jurisdiction over municipal runoff or land use authority to implement this proposed action as stated above under Sonoma Creek Sediment Fact Sheet.

The Water Agency proposes the following edit to the *Sonoma Creek Pathogens TMDL* proposed wording (page 63, para 4-5):

~~The Sonoma County Water Agency has been a voluntary participant with early storm water control efforts, including enrollment under the previous Small MS4 permit (Order 2003-0005-DWQ). The Sonoma County Water Agency owns and operates approximately 2,000 linear feet of stream channel its own roads and has some jurisdiction over stream-crossings within its service area. The Agency is also enrolled under this Order and, as such, is subject to the requirements of the TMDL. Therefore, the Sonoma County Water Agency participation in the TMDL will be limited to the property identified in its approved Storm Water Management Plan.~~

Phase II Entities:

~~The San Francisco Water Board has determined that the City of Sonoma, the County of Sonoma, and the Sonoma County Water Agency, Traditional Small MS4 permittees, are sources of "municipal runoff" subject to this Order and are responsible for implementing the requirements of this TMDL.~~

2. *Deliverables/Actions Required* proposed wording (page 64, para 2-3):
"The TMDL-related requirements in this Order are derived from the TMDL Implementation Plan that was adopted with the TMDL. The Implementation Plan for the pathogen TMDL requires parties responsible for municipal runoff (i.e., City and County of Sonoma and the Sonoma

County Water Agency) to comply with storm water management plans previously developed. The municipalities' management plans must be updated and/or amended as necessary to include actions that will lead to compliance with the requirements of this Order. The management plans must address: (1) public participation and outreach, (2) pet waste management, (3) illicit sewage discharge detection and elimination to reduce and eliminate fecal coliform discharges to Sonoma Creek, and (4) pollution prevention strategies. The Implementation Plan also requires the City and County of Sonoma and Sonoma County Water Agency to participate in evaluation of E. coli concentration trends in Sonoma Creek and its tributaries and to report annually on water quality monitoring results and progress made on implementation of human and animal runoff reduction measures. The implementation actions are expected to build on existing programs. The Permittee must report on its implementation actions in the Annual Report.

For the Sonoma County Water Agency, the TMDL implementation requirements of this Order are incorporated by reference to the Storm Water Management Plan approved under the previous 2003 Storm Water Permit (Order 2003-0005-DWQ). The Sonoma County Water Agency must comply with the compliance dates established in its previously approved Storm Water Management Plans."

The Water Agency does not have jurisdiction over municipal runoff or land use authority to implement this proposed action as stated above under Sonoma Creek Sediment Fact Sheet. However, the Water Agency will continue to collaborate with the City and County of Sonoma to address pathogen reduction.

The Water Agency proposes the following edit to the Deliverables/Actions Required proposed wording (page 64, para 2-3):

The TMDL-related requirements in this Order are derived from the TMDL Implementation Plan that was adopted with the TMDL. The Implementation Plan for the pathogen TMDL requires parties responsible for municipal runoff (i.e., City and County of Sonoma ~~and the Sonoma County Water Agency~~) to comply with storm water management plans previously developed. The municipalities' management plans must be updated and/or amended as necessary to include actions that will lead to compliance with the requirements of this Order. The management plans must address: (1) public participation and outreach, (2) pet waste management, (3) illicit sewage discharge detection and elimination to reduce and eliminate fecal coliform discharges to Sonoma Creek, and (4) pollution prevention strategies. The Implementation Plan also requires the City and County of Sonoma ~~and Sonoma County Water Agency~~ to participate in evaluation of E. coli concentration trends in Sonoma Creek and its tributaries and to report annually on water quality monitoring results and progress made on implementation of human and animal runoff reduction measures. The implementation actions are expected to build on existing programs. The Permittee must report on its implementation actions in the Annual Report.

~~For the Sonoma County Water Agency, the TMDL implementation requirements of this Order are incorporated by reference to the Storm Water Management Plan approved under the previous 2003 Storm Water Permit (Order 2003-0005-DWQ). The Sonoma County Water Agency must comply with the compliance dates established in its previously approved Storm Water Management Plans.~~

Attachment G – Region Specific Requirements, Region 2: San Francisco Regional Water Board

1. TMDL for Sonoma Creek *Sediment*, proposed Deliverable/Actions Required (page 5):
“Requirements for Sonoma County Water Agency for Implementing TMDL

1. *The Sonoma County Water Agency shall continue to implement actions as specified in the Storm Water Management Plan approved under the prior 2003 General Permit² including actions to attenuate peak flows and durations from new and redevelopment projects. Implementation requirements for implementation actions are incorporated herein by reference. The Sonoma County Water Agency may propose amendments to those Implementation Actions by submitting an updated Storm Water Management Plan to the Regional Water Board.*
2. *Report progress on implementation of sediment reduction measures in the Annual Report.*

The Load Allocation (LA) and Waste Load Allocation (WLA) specified in the Fact Sheet are incorporated by reference. The final compliance deadline for the WLA and LA is not specified in the TMDL.

Attenuation of peak flows and durations from new and redevelopment projects: Applicable Immediately”

The Water Agency does not have jurisdiction or land use authority to control or reduce any discharge of pollutants, including sediment, into Sonoma Creek, since it cannot control the quality of the stormwater discharged to its flood control channel via outfalls. However, the Water Agency will continue to implement its approved Stream Maintenance Program within the creek reaches that it owns.

The Water Agency proposes the following edit to the TMDL for Sonoma Creek *Sediment*, proposed Deliverable/Actions Required (page 5):

Requirements for Sonoma County Water Agency for Implementing TMDL

1. ~~The Sonoma County Water Agency shall continue to implement actions as specified in the Storm Water Management Plan approved under the prior 2003 General Permit² including actions to attenuate peak flows and durations from new and redevelopment projects. Implementation requirements for implementation actions are incorporated herein by reference. The Sonoma County Water Agency may propose amendments to those Implementation Actions by submitting an updated Storm Water Management Plan to the Regional Water Board.~~
2. ~~Report progress on implementation of sediment reduction measures in the Annual Report.~~

~~The Load Allocation (LA) and Waste Load Allocation (WLA) specified in the Fact Sheet are incorporated by reference. The final compliance deadline for the WLA and LA is not specified in the TMDL.~~

~~Attenuation of peak flows and durations from new and redevelopment projects: Applicable Immediately~~

2. TMDL for Sonoma Creek *Pathogens*, proposed Deliverable/Actions Required (pp 7-8):

“Requirements for Sonoma County Water Agency for Implementing TMDL

The Sonoma County Water Agency shall:

1. *Continue to implement actions as specified in the Storm Water Management Plan approved under the 2003 General Permit³.*
2. *Review annually and update as necessary the TMDL compliance actions to include specific measures to reduce pathogen loading.*
3. *Report progress on implementation of pathogen reduction measures in the Annual Report. The wasteload allocations identified in the Fact Sheet of this Order are incorporated by reference. A final compliance deadline for compliance with the WLA is not specified in the TMDL.”*

The Water Agency does not have jurisdiction over municipal runoff or land use authority to implement Sonoma Creek Pathogen TMDL deliverables and action items for the reasons stated above under Sonoma Creek Sediment TMDL items.

The Water Agency proposes the following edit to the TMDL for Sonoma Creek *Pathogens*, proposed Deliverable/Actions Required (pp 7-8):

Requirements for Sonoma County Water Agency for Implementing TMDL

The Sonoma County Water Agency shall:

1. Continue to implement actions as specified in the Storm Water Management Plan approved under the 2003 General Permit³.
2. ~~Review annually and update as necessary the TMDL compliance actions to include specific measures to reduce pathogen loading.~~
3. ~~Report progress on implementation of pathogen reduction measures in the Annual Report. The wasteload allocations identified in the Fact Sheet of this Order are incorporated by reference. A final compliance deadline for compliance with the WLA is not specified in the TMDL.~~

The Water Agency requests that the Water Board incorporate the Water Agency’s proposed edits to the Sonoma Creek Sediment and Pathogens TMDLs.

The Water Agency looks forward to continue to work collaboratively with Water Board staff. If you have any questions, please feel free contact Patricia Gothard, Water Agency Engineer III, at (707) 521-1837 or Pat.Gothard@scwa.ca.gov.

Sincerely,









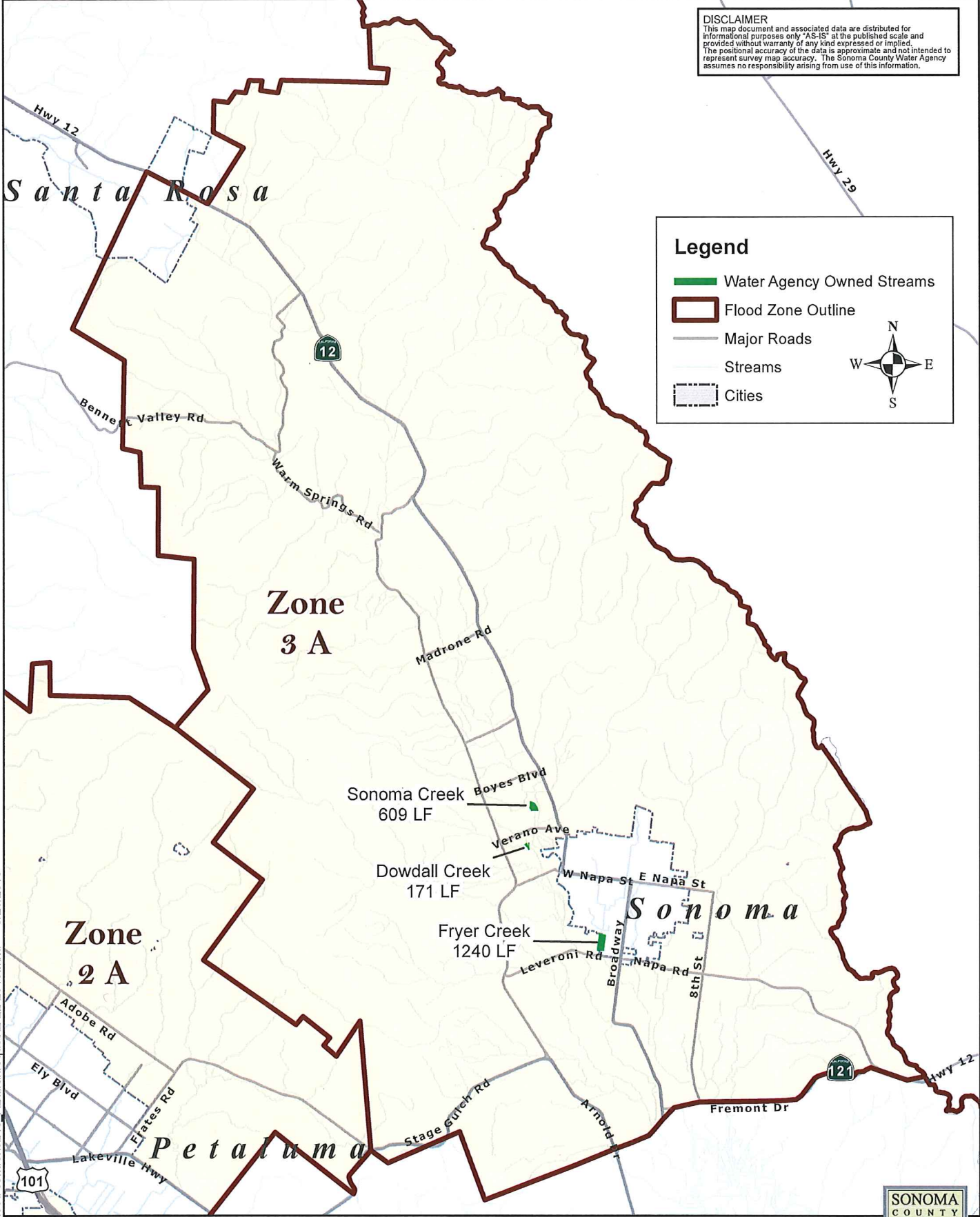
Kevin Booker, P.E.
Water Agency Principal Engineer

Enclosure: Water Agency Flood Control Channels Owned-in Fee, Flood Zone 3A Map
c: Fred Hetzel, SFBWQCB, Fred.Hetzel@waterboards.ca.gov

DISCLAIMER
 This map document and associated data are distributed for informational purposes only "AS-IS" at the published scale and provided without warranty of any kind expressed or implied. The positional accuracy of the data is approximate and not intended to represent survey map accuracy. The Sonoma County Water Agency assumes no responsibility arising from use of this information.

Legend

-  Water Agency Owned Streams
-  Flood Zone Outline
-  Major Roads
-  Streams
-  Cities

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Sonoma County Water Agency
 Water Agency Flood Control Channels that are Owned-in-Fee
 Flood Zone 3A

