

WARREN D. WILLIAMS  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
FAX 951.788.9965  
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
September 8, 2011



Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000

*Submitted via email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)*

Dear Ms. Townsend:

Re: Draft General National Pollutant  
Discharge Elimination System (NPDES)  
Permit for Storm Water Discharges from  
Small Municipal Separate Storm Sewer  
Systems (MS4s)

The Riverside County Flood Control and Water Conservation District (District) appreciates the opportunity to comment on the Draft General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (Draft Permit). The District serves as Principal Permittee for three NPDES Municipal Separate Storm Sewer System (MS4) Permits covering discharges from the District, the County of Riverside, the Coachella Valley Water District and the incorporated cities of Riverside County (collectively, "Permittees"). As Principal Permittee, the District has designed the MS4 water quality monitoring programs, and performs a majority of the water quality monitoring, analysis of data and reporting of data. This comment letter is provided on behalf of all the aforementioned Permittees.

Riverside County falls under the jurisdiction of three Regional Water Quality Control Boards (Regional Boards) - the Santa Ana, San Diego and Colorado River Regional Boards. As such, Riverside County is subject to three differing interpretations of the stormwater regulations, and would be subject to three differing interpretations of the Draft Permit. Further, based on the identified CDPs and Cities contained in the Draft Permit, several portions of the unincorporated County and some cities would be dually regulated by both Phase 1 and Phase 2 permits.

The Draft Permit proposes a significant expansion of the requirements of the existing Small MS4 Permit as well as the number of "small traditional MS4s." The changes increase the complexity of compliance, technical expertise needed to manage compliance and the number of facilities that will be subject to the Draft Permit. It is also troubling that, with the State in the fourth year of the most significant recession since the Great Depression, the costs of compliance with the Small MS4 Permit will greatly increase without a clear linkage to environmental benefits. The District does not believe that several of the changes are warranted by environmental need and is concerned that Phase II Permittees will not have the resources or expertise to meet the Draft Permit requirements.

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The District respectfully requests that the State Water Resource Control Board (State Board) set aside the Draft Permit and invest adequate time to understand the small traditional MS4s and specifically their operational limitations before initiating a revision by continuing to coordinate with the California Stormwater Quality Association (CASQA) and other groups representing these communities.

This letter is organized in three sections:

1. Recommended changes to the designation of Small Traditional MS4s in Riverside County
2. Support and concurrence with the comments developed by the California Stormwater Quality Association (CASQA)
3. Comments on those aspects of the Draft Permit that would most significantly affect Small Traditional MS4s in Riverside County.

#### **I. Recommended changes to the designation of Small Traditional MS4s in Riverside County**

The Draft Permit identifies the following Small Traditional MS4s in Riverside County:

##### Colorado River Region

- Banning city
- Bermuda Dunes CDP
- Blythe city
- Cathedral City
- Coachella city
- Desert Hot Springs city
- Desert Palms CDP
- Garnet CDP
- Indio city
- La Quinta city
- Mecca CDP
- Oasis CDP
- Palm Desert city
- Thousand Palms CDP

With the exception of Blythe, all of the cities listed are existing permittees on the Whitewater River Region Phase I MS4 permit area. In addition, with the exception of Mecca and Oasis, all of the CDPs in the Colorado River Region are unincorporated areas of Riverside County within the Phase I MS4 permit area. Riverside County is also a Permittee on the Whitewater River Region Phase I MS4 Permit. It is our understanding that the Colorado River Regional Board is coordinating with the State Board to reflect this information.

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Santa Ana Region

- Corona city
- East Hemet CDP
- Eastvale CDP
- El Sobrante CDP
- Glen Avon CDP
- Good Hope CDP
- Home Gardens CDP
- Lake Mathews CDP
- Lakeland Village CDP
- Mead Valley CDP
- Mira Loma CDP
- Nuevo CDP
- Pedley CDP
- Rubidoux CDP
- Sunnyslope CDP
- Temescal Valley CDP
- Valle Vista CDP
- Woodcrest CDP

The City of Corona is an existing Permittee in the Phase I MS4 permit issued by the Santa Ana Regional Board. All of the CDPs are also located in the Phase I permit area and are addressed by the County of Riverside, with the exception of the CDPs that were incorporated into the new Cities of Eastvale and Jurupa Valley (consisting of the Glen Avon, Mira Loma, Pedley, and Rubidoux CDPs). However, these Cities have expressed their intent to obtain coverage under the Phase I MS4 permit issued by the Santa Ana Regional Board. Therefore, none of these areas require separate coverage under the Draft Permit.

San Diego Region

The French Valley CDP is an unincorporated area of Riverside County, which is a Permittee on the Phase I MS4 permit issued by the San Diego Regional Board.

**II. Concurrence with CASQA Comments**

Riverside County supports the comments developed by California Stormwater Quality Association (CASQA), which are being submitted to you under separate cover. The Permittees agree with CASQA's significant concerns:

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- IDDE – The Draft Permit would require Phase II permittees to conduct field screening and monitoring within each priority area and conduct field screening and analytical monitoring at least annually. Follow-up investigations would be required if benchmarks are exceeded.
- Construction – Many of the requirements in the Draft Permit are already required under the Construction General Permit. The District sees no environmental or regulatory benefit to such redundancy and believes that elimination of such redundancy is a ripe opportunity for reducing the fiscal impact of the Draft Permit.
- Pollution Prevention/Good Housekeeping – The Draft Permit requires preparation of SWPPPs for "municipal hotspots". Although the requirements of a SWPPP are not defined, the District is concerned that the State Board would interpret this to be equivalent to a SWPPP required under the Industrial General Permit, which includes requirements for monitoring. Under the Phase I MS4 Permits, the Riverside County Permittees prepare "Facility Pollution Prevention Plans" or FPPPs that identify the significant pollutants and BMPs to be implemented at each municipal facility. However, as these facilities are not addressed in the Industrial General Permit, no monitoring is required. The Permittees in Riverside County have found this approach to be appropriate and effective for non-Industrial General Permit facilities and requests that the Draft Permit be revised to adopt this approach.
- Industrial/Commercial – An Industrial/Commercial inspection program was never anticipated under the Phase II rules.
- Post Construction – The Draft Permit requires a watershed characterization by 2014. By definition, small traditional MS4s are relatively small areas and each of those areas in Riverside County constitutes a small area of the watershed. The expectations and methodology of the watershed characterization are undefined, but are expected to be a significant undertaking. If such a watershed characterization is needed, this would more appropriately be performed by the Regional Board.
- Monitoring – Requirements for a monitoring were never anticipated under the Phase II rules.

The Permittees join CASQA in requesting that the Draft Permit be revised.

### **III. Additional Comments from Riverside County's Perspective**

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### Monitoring Requirements Are Inappropriate

The Draft Permit requires routine water quality monitoring for the Illegal Discharge Detection and Elimination (IDDE) and general compliance requirements. Monitoring is a relatively expensive undertaking and interpretation and application of the data would require a level of technical sophistication that is beyond the technical expertise and funding capability of small traditional MS4s. The District requests that the Draft Permit be revised to limit general IC/ID monitoring to visual inspections, with collection of samples only where there is evidence of an IC/ID and where a sample may be needed for enforcement.

As described above, the small traditional Phase II MS4s in Riverside County are predominately located in desert areas with limited precipitation, highly permeable soils and ephemeral receiving waters. Inasmuch as the Draft Permit is for point source discharges to receiving waters, requirements for monitoring under such circumstances is questionable.

### Public Education Requirements are Inappropriate

The Draft Permit establishes requirements for small traditional MS4s to conduct public education. Although it may be appropriate to require small traditional MS4s to cooperate in statewide and regional public education programs by assisting in the distribution of posters and flyers, development and implementation of public education programs is beyond the scale of small traditional MS4s.

### Greater Flexibility Needed

Although The District is supportive of the use of General Permits to provide for statewide consistency, reduce the State's administrative burden, and eliminate the need for permittees to develop a stormwater management plan (SWMP), more flexibility is needed to recognize location-specific conditions. Riverside County, alone, includes three recognized climactic areas that range from its coastally influenced western region to arid desert environments in the east that receive 3 inches of rainfall per year. The Draft Permit needs to provide flexibility within provisions related to monitoring, illegal discharge tracking, and inspection programs, among others, to recognize the unique environmental circumstances of variable climates throughout California, and build programs that are commensurate to their local environmental needs.

### **Conclusion**

The State of California is going through a period of unprecedented and prolonged economic recession and the affected small traditional MS4 permittees, including Riverside County, have been and continue to be focused on managing the crises on behalf of the citizens of the State. The recession has resulting in a significant and likely permanent, reduction in local government resources. Local government and state agencies must focus on developing regulations that are both protective of the environment, capable of growing local economies and reflective of the new limitations on local resources.



Ms. Jeanine Townsend

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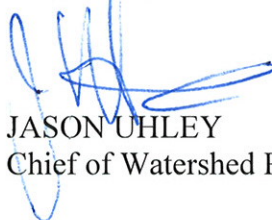
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The District requests that the Draft Permit be revised to address the concerns described above. In particular, we request that the requirements specified in the Draft Phase II permit be focused on the six minimum control measures identified in the federal regulations in a manner that recognizes the economic crises faced by the small traditional Phase II MS4 permittees. The objective of the NPDES MS4 permit program is to manage urban runoff in a manner protective of receiving water quality and that provides a clear path toward economically, technologically, and logistically attainable MS4 compliance.

The District thanks you for the opportunity to comment on the Draft Permit and appreciate your consideration of our comments. The District looks forward to participating in the further development of the Draft Permit in a process to resolve the issues raised in this letter, as well as those identified by CASQA. If you have any questions regarding these comments, please contact me at 951.955.1273.

Very truly yours,



JASON UHLEY  
Chief of Watershed Protection Division

ec: Riverside County MS4 Permittees  
Chair, State Water Resources Control Board  
Executive Director, State Water Resources Control Board  
Executive Officer, CRWQCB, Colorado River Basin Region  
Executive Officer, CRWQCB, San Diego Region  
Executive Officer, CRWQCB, Santa Ana Region

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