

City of Woodland

CITY MANAGER

300 FIRST STREET

WOODLAND, CALIFORNIA 95695

(530) 661-5800

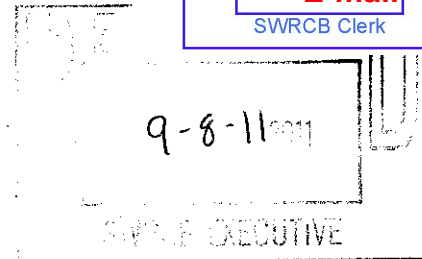
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September 7, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Comment Letter - Phase II Small MS4 General Permit

Dear Ms. Townsend and Members of the Board:

The City of Woodland respectfully requests that the State Water Resources Control Board consider the following comments on the Draft General NPDES Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (Draft Permit).

Overview

The City appreciates the need to protect and enhance water quality and believes that stormwater pollution prevention must be addressed on local, regional, and statewide levels. To be effective, however, state regulation must be flexible enough to allow adaptation to highly varied conditions that exist among MS4s—e.g., receiving water, topographic, soil, and weather conditions; economic, social, and land use circumstances; and infrastructure configurations, ages, and maintenance practices. Some of these differences are recognized in Draft Permit Finding 28: “California Small MS4 Permittees face highly variable conditions both in terms of threats to water quality from their storm water discharges and resources available to manage those discharges.” Nevertheless, the Draft Permit consists of highly prescriptive provisions that fail to account for these differences or allow for flexibility of program implementation, and states that these provisions are the “minimum acceptable elements of the municipal storm water management program” (Finding 32).

The Draft Permit emphasizes strictly defined practices over the promotion of desired outcomes, in conflict with California Water Code Section 13360, which states that “[n]o waste discharge requirement or other order of a regional board or the state board or decree of a court issued under this division shall specify the particular manner in which compliance may be had with that

requirement, order, or decree, and the person so ordered shall be permitted to comply with the order in any lawful manner.”

We agree with many other MS4s that the Draft Permit represents an inappropriate “one size fits all” approach to stormwater pollution prevention that will impose an extraordinary burden on MS4s—extensive new and costly requirements, which would be imposed regardless of local need and with no associated commitment of state funds. Local jurisdictions are restricted by the requirements of Proposition 218 from raising storm drain fees without the consent of the voters or property owners and from using the resources of other utility programs (e.g., sewer pretreatment) to address stormwater program needs. Woodland, like many other MS4s, therefore must rely on very limited General Fund monies to support stormwater programs. We are extremely concerned that the Draft Permit, if adopted, would have the unintended consequence of *hindering* useful stormwater pollution prevention efforts by requiring us to direct highly strained staffing and budget resources to wasteful efforts that provide little or no water quality benefit.

Woodland Conditions and Stormwater Program

Stormwater System

Woodland’s natural setting differentiates it from many other MS4s in that no waterways traverse or border the City. All runoff into the stormwater system is directed from west to east by gravity flow into three short open canals that converge at a lift station, where trash and sediment are removed. Flows are pumped from the lift station into a single outfall channel, which in turn feeds the Tule Canal in the Yolo Bypass. The Tule Canal also receives the City’s tertiary treated wastewater discharges and tailwater from agricultural lands outside the City’s jurisdiction. Virtually all of the dry-weather flows are diverted by downstream agricultural users.

Where soil conditions allow, the City encourages the use of low-impact development features to collect and infiltrate runoff. However, much of Woodland is underlain by heavy clay soils and a high water table, which make infiltration impractical, if not impossible.

Funding Limitations and Permit Costs

Proposition 218 severely constrains the City’s ability to raise dedicated funds for its stormwater program. In 2007, anticipating an extreme shortfall in funds needed to repair, maintain, and operate the stormwater system, the City of Woodland attempted to obtain voter approval to raise monthly storm drain fees from 48 cents to 5 dollars. The extensive public education and outreach campaign included a citizen’s Storm Drain Advisory Committee representing a broad cross-section of the community, including traditional opponents of tax and fee increases. Despite the committee’s advocacy for the increase and several months of concerted efforts at community education, the proposed fee increase was voted down. Consequently, the City has had to continue to rely on General Fund subsidies of storm drain operations ever since.

Like the State, the City continues to struggle with the effects of a recessionary economy. In the last three years, the City of Woodland has eliminated approximately 100 staff position, or one-fourth of its staff, to reduce General Fund costs in the face of severe revenue reductions. Positions have been eliminated in all departments and most divisions, including the fire and

police departments, code enforcement, parks maintenance, senior center and recreation, planning, and library.

The City estimates that meeting the draft Permit requirements would require one-time capital, consulting, and legal costs of approximately \$550,000 and approximately 1,500 staff hours for one-time start-up efforts; the addition of 4-5 full-time equivalent staff positions; and additional annual costs of approximately \$600,000 for consulting services, monitoring and lab test fees, and outreach and education materials and activities.

The City does not foresee a way to meet these staffing and expenditure requirements. Furthermore, the City does not believe these expenditures are necessary for a stormwater program to be effective.

Stormwater Program

Woodland implements an effective stormwater pollution prevention program despite our very limited resources. We focus our efforts where the greatest benefit can be achieved at a manageable cost. Our efforts include, but are not limited to:

- Staff training that maintains a commitment to good housekeeping practices and vigilance for illicit discharge conditions throughout Woodland;
- A regular maintenance program for the stormwater conveyance system;
- Rapid response to spills, discharges, and sanitary sewer overflows to prevent their entry into the storm drain system, with followup education and outreach and with enforcement action when needed;
- Bilingual public education and outreach efforts;
- Advocacy of site designs that incorporate biofiltration of runoff through grassy swales, landscaping, and detention basins;
- Regular cross-departmental coordination on illicit discharge and construction stormwater pollution prevention; and
- Close coordination between the stormwater program and industrial pretreatment, water conservation, and household hazardous waste collection programs to make effective use of combined resources and common messages.

In addition, the City has applied substantial effort toward removing green waste (i.e., yard waste piles) from streets as a component of our 2004 Storm Water Management Program, at a considerable cost in staff time from both the City and our contracted waste hauler and at increased cost to all residential waste customers. Woodland has also reduced the introduction of pollutants and trash into the stormwater system through weekly street sweeping service on all City streets in all residential and commercial/industrial areas, in City-maintained parking lots, and in many alleys.

Endorsement of CASQA and Coalition Comments

City staff participated in preparing the comments on the Draft Permit submitted by the California Stormwater Quality Association (CASQA) and the Statewide Stormwater Coalition. The City fully endorses the CASQA and Coalition comments and recommendations. As demonstrated by the extensive technical points, economic arguments, and legal analyses presented in those letters, the Draft Permit warrants careful reconsideration and rewriting in its entirety.

Additional Comments

Many of the concerns described in the CASQA and Statewide Stormwater Coalition comment letters apply directly to Woodland. Many Draft Permit provisions would provide no particular benefit to stormwater quality in Woodland while requiring thousands of hours of staff time and/or imposing unnecessary costs on the City. The CASQA and Coalition comments provide many examples of costly and inefficient Draft Permit requirements. We will not repeat those detailed concerns here, as they are competently represented in those letters. The following comments focus on a few issues for which we wish to highlight City-specific circumstances. These examples are offered to illustrate the counterproductive and confusing result of the prescriptiveness and inflexibility of the Draft Permit provisions as applied to the City.

The Draft Permit's TMDL requirements for Woodland (Attachment G) are inappropriate. Woodland is listed in Attachment G as subject to sampling and monitoring for diazinon and chlorpyrifos. These compounds are used almost exclusively in agricultural applications, with neither being registered for outdoor non-agricultural use. Their use within the City of Woodland is therefore highly unlikely, whereas they are much more likely to be employed on surrounding agricultural lands not under the City's jurisdiction. The Basin Plan states that "[c]ompliance with the load allocations [for these two compounds] will be determined where the nonpoint source discharges into the Sacramento or Feather Rivers." Woodland does not directly discharge to either river, and many discharges besides Woodland's stormwater system flows are conveyed to the Sacramento River system by the Tule Canal. Woodland has never been assigned a waste load allocation for these compounds. Because their dominant use is for agriculture, agricultural discharges were intended as, and should remain the focus of, TMDLs. We must conclude that the City's listing in Attachment G is an error, given that a mandate for the City to sample and test for these substances in its own discharges is illogical and does not follow the required Basin Plan Amendment process.

The prohibition on landscape irrigation runoff (B.4) is unrealistic and unenforceable. The City already aggressively promotes water conservation and discourages landscape overwatering through its water conservation program. City staff follows up on water waste complaints as time allows. Nevertheless, landscape runoff still occurs as a result of habit, poor soil conditions, and inefficiently designed systems (almost all older watering systems include sprinklers installed at the edges of the landscaped areas, designed to ensure total coverage but inevitably leading to overspray and runoff). We believe that our continuous education program, together with our ongoing project to switch all residences to consumption-based billing by 2012, will be the best means of substantially reducing instances of water waste through overwatering over the long term. In addition, Woodland is a flat Central Valley city with high summer

temperatures. Most observed instances of incidental overwatering have no effect on storm drain flows in Woodland because the runoff collects in gutters and evaporates before it can enter a drain inlet. Therefore, the monitoring and enforcement that would be required by the Draft Permit's prohibition on landscape runoff would not only be unreasonable given our limited staff resources and budget, but would dedicate resources to an effort that would far exceed any benefit to water quality.

The mandated trash reduction program (E.10) is unrealistic and ineffective.


Section E.10 requires the installation of trash capture structural controls to "significantly reduce trash discharged from at least 20 percent of" the jurisdiction's commercial/retail/industrial-zoned area. There are no especially trash-prone commercial areas of Woodland. If the City were required to target the Draft Permit's arbitrary minimum of 20 percent of commercial areas for the installation of trash capture structural controls, that designation itself would be highly arbitrary. Recent studies conducted in other jurisdictions have shown that much loose trash is associated with fast-food facilities. However, there is no correlation between the premises of fast-food restaurants in Woodland and the trash that results from customers' careless discarding of wrappers and other waste; this waste can be discarded anywhere and is rarely found accumulating at those businesses themselves. Furthermore, Woodland's weekly street sweeping regime captures a significant amount of trash that temporarily settles in gutters. Finally, all runoff in Woodland must pass through trash screens before it is pumped to the City's only outfall. Requiring new trash capture structural controls in commercial areas as described in the Draft Permit would be a misdirected, expensive, and wasteful effort.

Recommendations

The City of Woodland contributed to formulating the recommendations and solutions presented in the CASQA and Statewide Stormwater Coalition letters and we strongly endorse them. We also suggest that the Draft Permit revision process include compiling all permit requirements in a summary table with a single timeline that allows for easier identification of overlapping schedules, discrepancies, and redundancies that can be rectified before a second draft is issued. We also urge the Board to allow ample staff time for this important permit to be crafted with due care.

The City of Woodland has a sincere interest in continuing to work with the State Water Board to improve water quality in California. We look forward to a revised, workable permit that allows us to do so. We appreciate your consideration of these comments.

Sincerely,


Mark G. Deven
City Manager