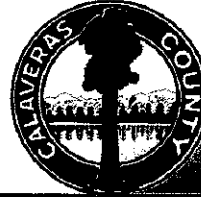


DEPARTMENT OF

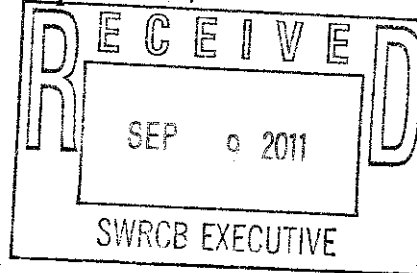
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Tom Garcia, P.E., Director

September 8, 2011



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

SUBJECT: Comment Letter - Phase II, Small MS4 General Permit

Please accept this correspondence as comments from Calaveras County on the State's Phase II, Small MS4 General Permit update. These comments are in support of the California Stormwater Quality Associations' comment letter to you. We agree with the more-detailed correspondence from CASQA and offer the following County-specific information in support of the comments made by CASQA.

Lack of Program Flexibility

Calaveras County is currently permitted as a Small MS4. The population of the County is approximately 45,000 residents, which includes only 18,500 households. Expected growth to 2035 will increase population to approximately 68,000 people. This population is dispersed in the County's 1,020 square miles in a rural environment. The storm water conveyance system consists of miles of roadside ditches and numerous cross culverts. Flows discharge to natural drainage ways. Although Calaveras County may meet the thresholds for permitting, the proposed permit does not take into consideration storm water practices in rural areas. The current permit allows jurisdictions to comply with established goals with programs tailored to unique locations and demographics. We have been successful in applying the requirements of the current permit with, among various items, a reduced incidence of violations from grading activities and a robust program for inspection of various facilities to ensure compliance. The proposed permit will require performing extensive studies, managing activities permitted under other state NPDES permits, increased inspections, and maintaining extensive databases. Combined, these represent a tremendous burden to the County with only minimal anticipated benefits to storm water quality.

Extensive Cost Liability

The County is able to meet current permit requirements cost effectively. The County's current storm water program is managed by three personnel which includes one inspector, one staff, and one manager on a part-time basis. The current budget for the program is approximately \$40,000, from the County's General Fund. By contrast, the proposed permit will require the County to drastically increase the number of personnel involved in the storm

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water program in order to implement the various elements, including inspection of industrial sites, database management, and similar expanded responsibilities. For example, we will be required to inventory and ensure implementation of BMPS for activities that have not previously been regulated such as charitable car wash areas, outside farmers markets, nurseries and greenhouses (Section E.11.a). Although we do not currently have personnel or funding available, the proposed permit specifically requires us to "secure the resources necessary to meet all requirements of this order" (Section E.4.d). The County simply does not have any secure sources of funding for the program. The current economic climate and the requirements of Prop 218 make it unrealistic that any additional funding will be available for some time to come. As noted in CASQA's correspondence, the requirements of the proposed permit are an unfunded mandate. For rural counties struggling to provide basic services, these permit requirements will not meet the intent of ensuring a cleaner environment, but may result in the failure of the efficient small programs currently in place. CASQA estimates a threefold increase in program costs. However, Calaveras County's costs for the program can easily increase tenfold. This cost is based on the additional personnel needed. This can add personnel cost in excess of \$150,000 per year. The County would also be required to hire consultants to perform the various studies necessary under the proposed permit at additional cost.

The County is able to meet current permit requirements with staff available. The proposed permit requires substantial ongoing monitoring and management of the program. However, development and implementation of the program will require additional people in order to perform various requirements such as mapping, training, inventory of various facilities, etc. Considering that we have over 3,500 culverts on approximately 740 miles of roadways, it will be a substantial effort to inventory all the outfalls, visually monitor all Permittee-owned open channels, detention basins, and other drainage structures for debris at least once per year and identify problem areas as required under Section E.9.g. Our road crews inspect many facilities on a yearly basis, and problem areas receive priority. With our current maintenance program, every facility in the County will have at least one review every few years. However, expecting that every facility be reviewed on an annual basis is currently not economically feasible.

Additional Undetermined Costs

Current public outreach have been shown to be effective. The cost to provide Community-based Social Marketing as required by Section E.5.b is unknown. In light of existing budget constraints, the County is not in a position to accept undetermined financial liability. Additionally, we consider the benefits of efforts, such as establishing pilot programs and passing an Efficient Landscape Ordinance to be uncertain at best. The permit areas in the County are noted for their historic character. Activities which could impair water quality in these areas are limited. Although we have some activities found in urbanized areas, the scale of those activities is very small. Note that, since such urban areas are surrounded by acres of natural vegetation, requiring an Efficient Landscape Ordinance would provide only very limited results.

Although the County is not currently widening roads, the proposed permit language may force the County to capture, infiltrate, and evapotranspire runoff from our road projects per Section E.12.b.3. Current roads are narrow with roadside drainage consisting of miles of drainage ditches. Storm water runoff currently has an opportunity to infiltrate without the need for capturing the storm water runoff. Meeting the proposed requirement will substantially increase the cost of projects. Since funding is limited, the result will be a reduction in our ability to increase the capacity of our roadways or abandonment of some maintenance projects if, for example we wish to add a paved shoulder to our roadway.

We hope that the Regional Water Quality Control Board will consider the unique physical and financial aspects of rural counties and allow them to continue to practice storm water management as is required under the current permit.

Sincerely,



Robert J. Pachinger, P.E.

Senior Engineer

R.C.E. #52667

RJP/tw

Via Email

cc: Jeanne Boyce, CAO
Tom Garcia, Public Works Director
Brian Moss, Environmental Management Agency Administrator
Rebecca Willis, Planning Director
Jeff White, Building Official
Scott Taylor, Chair CASQA