

Contra Costa Clean Water Program

Comments on Tentative Order—Stormwater NPDES Permit for eastern portions of Contra Costa County and the Contra Costa County Flood Control and Water Conservation District and for the Cities of Antioch, Brentwood, and Oakley

Attachment: Specific Requested Changes
Minor clarifications and corrections made August 26, 2010

Provision	Requested Change	Rationale
C.3.b.iii. <i>and</i> C.3.b.v. (2) Research study on Green Streets	Delete	Duplicative requirement and disproportionate burden. Instead, allow the five permittees to continue their current participation in the same study mandated by the Region 2 Municipal Regional Permit (R2 MRP); Region 5 staff to evaluate the results of that study in coordination with Region 2 staff.
C.3.c.i.(2)(b)(iv) <i>and</i> C.3.c.iii. (1) Harvesting and reuse criteria	Delete	Duplicative requirement and disproportionate burden. Instead, allow the five permittees to continue their current participation in the development of proposed criteria as mandated by the R2 MRP; Region 5 staff to evaluate the results of that study in coordination with Region 2 staff.
C.3.c.i.(2)(b)(v) <i>and</i> C.3.c.iii. (2) Report on experience determining feasibility of harvesting and reuse	Delete	Duplicative requirement and disproportionate burden. Instead, allow the five permittees to participate in an inter-regional analysis of experience implementing the criteria. Region 5 staff to evaluate the results of that analysis in coordination with Region 2 staff.
C.3.c.i.(2)(b)(vi) <i>and</i> C.3.c.iii. (3) Proposed model biotreatment soil media specifications and soil testing methods	Delete	Duplicative requirement and disproportionate burden. Instead, allow the five permittees to continue their current participation in development of proposed criteria as mandated by the R2 MRP. Region 5 staff to review the proposed criteria in coordination with Region 2 staff.

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C.3.c.i.(2)(b)(vii) and C.3.c.iii.(4) Minimum specifications for green roofs	Delete	Duplicative requirement and disproportionate burden. Instead, allow the five permittees to continue their current participation in development of proposed criteria as mandated by the R2 MRP. Region 5 staff to review the proposed criteria in coordination with Region 2 staff.
C.3.e.ii.(1) "Special Projects" that may receive LID treatment reduction credits	<p>Append to this paragraph the definition used by Permittees now (in the <i>Guidebook</i> referenced in Permittee local ordinances):</p> <p><u>Special Projects (development projects where the amount of runoff identified in Provision C.3.d. must be treated, but a portion of that runoff may be treated by filtration) may include:</u></p> <ul style="list-style-type: none"> • <u>Portions of sites which are not being developed or developed but which must be retrofit to meet treatment requirements under the "50% rule" (Provisions C.3.b.ii.(1)(c) and (d), C.3.b.ii.(3)(a) and (b), and C.3.b.ii.(4)(b)).</u> • <u>Sites smaller than one acre approved for lot-line to lot-line development as part of a municipality's stated objective to preserve or enhance a pedestrian-oriented "smart growth" type of urban design.</u> 	The Tentative Order sets up a parallel decision-making process, with the Region 5 Board and the Region 2 Board each receiving public comment and making independent decisions on the types of development that may be "Special Projects" and the LID treatment reduction credits for which these projects may be eligible. Instead, adopt a working definition based on current permittee policies. Region 5 staff to propose changes to the Region 5 Board following the Region 2 submittal and action by Region 2's Board.
C.3.e.ii.(2). Proposal for "Special Projects."	Delete	Delete the requirement for submittal of a "Special Projects" proposal per the comment above.
C.8.a.iii.(4) Water Quality Monitoring	Add the following: <u>"Contributing to regional collaborations involving the Bay Area Stormwater Management Agencies Association (BASMAA), provided that the monitoring requirements of this permit are attained by those collaborative programs and /or supplemental monitoring activities by the Permittees."</u>	Makes explicit that the five permittees' current participation in regional activities is a "regional monitoring collaborative" as defined in Provision C.8.a.

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<i>C.8. Numbering of sub-provisions</i>	<i>Please include C.8.b. as "intentionally left blank" and renumber the following subprovisions to match those in the R2 MRP.</i>	<i>This will facilitate coordination between the two permits.</i>
C.8.b.iii. Status Monitoring	Change to: "Permittees shall complete the Status Monitoring in Table 8.1 at least once during the permit term."	The change would bring this monitoring requirement in line with the level of effort required of Region 2 permittees under the parallel provision in the R2 MRP. This change would make it possible for Marsh Creek to be incorporated in the list of watersheds to be monitored in rotation through the regional monitoring collaborative that is implementing monitoring in Bay Area creeks pursuant to R2 MRP requirements.
C.8.c.i.(5) Stressor/Source Identification Project Cap	Change as follows: "Stressor/Source Identification Project Cap: Permittees who conduct this monitoring through a regional collaborative shall be required to initiate no more than one Stressor/Source Identification project during the Permit term_ in total, and at least two must be toxicity follow-ups, unless monitoring results do not indicate the presence of toxicity. If conducted through a stormwater countywide program, the Contra Costa Permittees shall be required to initiate no more than two (one for toxicity)."	Requirement appears to be self-contradictory as to the number of projects required.
C.8.c.ii. BMP Effectiveness Investigation	Change as follows: "If conducted through a stormwater countywide program, the East Contra Costa Permittees in the Central Valley Water Board Region shall be required to initiate <u>participate in</u> one BMP Effectiveness Investigation."	This change would allow coordination with other Contra Costa Clean Water Program municipalities and would restore equity between requirements for Region 5 and Region 2 permittees.
C.8.d. Pollutants of Concern and Long-Term Trends Monitoring	Add the following to the second paragraph: "The alternative approach may be an inter-regional effort designed to improve measurement and estimation of pollutant loads to the Bay/Delta from small tributaries."	This change would clarify that the Permittees may comply with this requirement through participation in the Small Tributaries Loading Strategy, a project currently under development to enable Region 2 permittees to comply with a parallel provision in the R2 MRP.

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<i>C.11.b.iii. Monitor Methylmercury</i>	<i>Change as follows: "The Permittees shall report monitoring results <u>or program status</u> annually beginning with their 2012 Annual Report.</i>	<i>It may not be possible to complete inter-regional monitoring program planning in time to have monitoring results to report in 2012.</i>
C.11.d.i. Pilot Project to Evaluate and Enhance Municipal Sediment Removal and Management Practices	Change as follows: "The Permittees shall <u>participate in a project to jointly</u> evaluate ways to enhance mercury load reduction benefits of operation and maintenance activities that remove or manage sediment. The purpose of this task is to implement these management practices at the pilot scale in one drainage <u>five drainages</u> inter-region-wide during this permit term.	This change would allow coordination with other Contra Costa Clean Water Program and Bay Area Stormwater Management Agencies Association municipalities and would restore equity between requirements for Region 5 and Region 2 permittees.
C.11.i.i. Methylmercury Exposure Reduction Program	Append the following to the end of the paragraph beginning "Task Description": " <i>Activities</i> may be performed by a third party if the Permittees wish to provide funding or this purpose. This requirement may be satisfied by a combination of related efforts through the Regional Monitoring Program or other similar collaborative efforts, as long as the efforts are consistent with the Exposure Reduction Strategy and fulfill the Exposure Reduction Workplan."	This change would make explicit that the permittees can implement this requirement in collaboration with Region 2 Contra Costa municipalities subject to similar requirements in the R2 MRP. (Both the R2 MRP and Tentative Order requirements are in fulfillment of State Board Order 2005-0060.)