

Central Valley Regional Water Quality Control Board
16/17 April 2015 Board Meeting

Response to Comments
for the
Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento,
and County of Sacramento
Municipal Separate Storm Sewer System (MS4)
Tentative Waste Discharge Requirements

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested parties regarding the tentative Waste Discharge Requirements (NPDES Permit No. CAS082597) renewal for the Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento, and County of Sacramento's (Permittees) Municipal Separate Storm Sewer System (MS4).

The tentative NPDES Order was issued for a 30-day public comment period on 23 February 2015 with comments due by 25 March 2015. The Central Valley Water Board received public comments regarding the tentative Permit by the due date from the Permittees. Some changes were made to the proposed Order based on public comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

PERMITTEES COMMENTS

Permittees Comment 1. Municipal Populations, Findings 5-9.

The Permittees request to modify language to clarify the municipal populations based on 2010 United States Census data in Findings 5-9.

RESPONSE: Central Valley Water Board staff does not concur with modifications to Findings 5-9.

The tentative Order cites the most current census data provided by the United States Census Bureau; 2013 estimates. It is more appropriate to cite the most recent 2013 census estimates, rather than the 2010 data requested by the Permittees.

Permittees Comment 2. Updating Storm Water Management Plan (SWMP) During Limited Term Permit, Finding 64.

The Permittees request to modify language to clarify that the SWMP (referred to as the *Storm Water Quality Implementation Plan* or SQIP) has already been developed, and may be revised, during the limited term permit in Finding 64.

RESPONSE: Central Valley Water Board staff concurs and Finding 64 of the tentative Order is modified as shown in strikeout/underline below:

64. The overall goals of the Permittees' SQIP ~~is are to: a)~~ reduce the degradation of waters of the State and Waters of the United States (U.S.) by urban runoff and protect their beneficial uses, ~~;~~ and ~~b) develop and~~ The Permittees revise, as necessary, and implement an effective SQIP that is well understood and broadly supported by regional stakeholders.

The core objectives are to:

- a. Identify and control those pollutants in urban runoff that pose significant threats to the waters of the State and waters of the U.S. and their beneficial uses;
- b. Comply with the federal regulations to eliminate or control, to the MEP, the discharge of pollutants from urban runoff associated with the storm drain system;
- c. Achieve compliance with water quality standards;
- d. Develop a cost-effective program which focuses on pollution prevention of urban storm water;
- e. Seek cost effective alternative solutions where prevention is not a practical solution for a significant problem; and
- f. Coordinate implementation of control measures with other agencies.

Permittees Comment 3. Implementation of Annual Work Plans, Provision D.2

The Permittees request to modify language to clarify that the schedules in the Annual Work Plans will be implemented as part of their SWMP during the limited term permit in Provision D.2.

RESPONSE: Central Valley Water Board staff concurs and Provision D.2 of the tentative Order is modified as shown in underline below:

2. The Permittees must continue implementing the SQIP approved by the Regional Water Board on 29 January 2010, and SQIP modifications contained in the 2010, 2011, 2012, 2013, and 2014 Annual Reports and Annual Work Plans. The SQIPs and Annual Work Plans include an implementation schedule containing identifiable milestones, performance standards, and a compliance monitoring and reporting program. The Permittees shall incorporate newly developed or updated BMPs and assessment tools/Performance Standards into applicable annual revisions to the SQIPs and adhere to implementation of the new/revised BMPs. The approved SQIPs shall serve as the framework for identification, assignment, and implementation of BMPs. The Permittees shall implement or require implementation of BMPs in the approved SQIPs to ensure that pollutant discharges from the MS4 are prevented or reduced to the MEP. The SQIPs shall contain the following components:
 - a. Program Management
 - i. Legal Authority
 - ii. Fiscal Analysis
 - b. Program Effectiveness Assessment
 - c. Program Elements
 - i. Construction
 - ii. Commercial/Industrial
 - iii. Municipal Operations
 - iv. Illicit (Illegal) Discharges
 - v. Public Education and Outreach
 - vi. Planning and New Development
 - vii. Monitoring Program (including Special Studies)

viii. Water Quality Based Program (Target Pollutant Program)

Each Permittee's SQIP includes a section that identifies all departments within the jurisdiction that conduct activities that may potentially impact urban runoff quality, and their roles and responsibilities under this Order. The annual report shall include an up-to-date organizational chart specifying these departments and key personnel responsible for issuance of enforcement actions.

Permittees Comment 4. Program Elements, Municipal Program, Provision D.10.a.ix

The Permittees request to modify language to clarify that the requirements to develop a response plan have already been completed to address emergency fire fighting flows in Provision D.10.a.ix.

RESPONSE: Central Valley Water Board staff concurs and Provision D.10.a.ix of the tentative Order is modified as shown in ~~strikeout~~/underline below:

- ix. Permittees having a fire protection agency within their jurisdictional control shall ~~develop and implement~~ a response plan to minimize the impact of fire fighting flows to the environment. BMPs must be implemented to reduce pollutants from non-emergency fire fighting flows (i.e., flows from controlled or practice blazes) identified by the Permittees to be significant sources of pollutants to waters of the State. The response plan and BMPs shall be updated and submitted with the Annual Reports.

Permittees Comment 5. Status of Pesticide Plan and Sediment Monitoring Program, Provision D.27.a.vi

The Permittees request to modify language regarding the current implementation status of the Pesticide Plan requirements in Provision D.27.a.vi, and would like changes to the plan implementation.

RESPONSE: Central Valley Water Board staff concurs with the proposed modifications to Provision D.27.a.vi of the tentative Order, and has included modifications consistent with requirements contained in Provision II.E.1 of the MRP. Provision II.E.1 of the MRP states sediment monitoring is not required under this tentative Order until an evaluation of sediment toxicity results with recommendation has been completed.

Provision D.27.a.vi is modified as shown in ~~strikeout~~/underline below:

- vi. The Permittees ~~shall coordinated with~~ the Pesticide Plan component of the SQIP with pesticide monitoring data, to the extent that pesticides in sediments ~~are~~ were identified as causing or contributing to receiving water impacts. In the fourth permit term, the Permittees shall conducted sediment monitoring as part of incorporate a Sediment Monitoring program into the Pesticide Plan as part of the SQIP. The Sediment Monitoring program ~~shall included~~ information as specified in the Monitoring and Reporting Program ~~of this Order of the fourth permit term.~~ Sediment toxicity monitoring is not required under this Order until the evaluation of sediment toxicity results with

recommendations is complete.

Permittees Comment 6. Tracking Progress of SWMP Implementation, Provision D.29.b

The Permittees request to modify language to clarify that the long-term progress of their SQIPs had been tracked and reported with their 2013 Report of Waste Discharge (ROWD).

RESPONSE: Central Valley Water Board staff concurs with the proposed modifications. Provision D.29.b is modified as shown in strikeout/underline below:

- b. The Permittees ~~shall tracked~~ed the long-term progress of their SQIPs towards achieving improvements in receiving water quality and submitted this information as part of the March 15, 2013 ROWD/LTEA.

Permittees Comment 7. Application of Program Effectiveness Assessment Results, Provision D.29.c

The Permittees request to modify language to clarify that the program effectiveness assessment results reported in their 2013 ROWD were used to amend their SQIPs and identify new BMPs, or modification of existing BMPs. The proposed modification also includes a statement that the proposed amendments to SQIPs are not incorporated into the Order since the tentative Order requires that the approved SQIPs be implemented and is not requiring new SQIPs.

RESPONSE: Central Valley Water Board staff concurs. In addition, language is added to clarify that demonstration of compliance with the respective SQIPs and the Order will be through the information and data supplied in the Annual Reports. Provision D.29.c is modified as shown in underline below:

- c. The Permittees ~~shall used~~ed the information gained from the program effectiveness assessment to improve their SQIPs and identify new BMPs, or modification of existing BMPs. This information ~~shall be~~ was reported as part of the March 15, 2013 ROWD/LTEA, within the Annual Reports consistent with this Order. Due to the limited term of this Order, the proposed amendments to the SQIPs provided in the 2013 ROWD are not incorporated into this Order.
- d. The Permittees shall continue to use the information gained from the program effectiveness assessment and reported in the Annual Report to demonstrate compliance with their respective approved SQIPs and this Order.

Permittees Comment 8. Revisions to Monitoring and Reporting Program, Provision D.30

The Permittees request to modify language to clarify the revision approvals for the Monitoring and Reporting Program, Provision D.30.

RESPONSE: Central Valley Water Board staff concurs and Provision D.30 of the Tentative Order is modified as shown below:

30. Monitoring and Reporting Program: The Permittees shall comply with the Monitoring and Reporting Program which is part of this Order, and any revisions thereto approved by the Board or Executive Officer. Because the Permittees operate facilities which discharge waste subject to this Order, the Monitoring and Reporting Program is necessary to ensure compliance with these waste discharge requirements.

Permittees Comment 9. Map, Attachment B

The Permittees request to the map in Attachment B be replaced with the map the Permittees provided.

RESPONSE: Central Valley Water Board staff concurs, noting that the Permittees' comment incorrectly refers to the map as Attachment B, but entitles the comment header and map with "Attachment A." The map will be replaced in Attachment A.

Permittees Comment 10. Monitoring and Response Program Requirements

The Permittees request 20 changes to the Monitoring and Reporting Program (MRP) requirements, Provisions I and II of this tentative Order.

a. Reduction of Local Water Quality Monitoring - Provision I

Comment: The Permittees request to modify regional monitoring program language specifying reduction of local monitoring requirements to "*in lieu of all or part of local water quality monitoring.*"

Response: Central Valley Water Board staff does not concur with the Permittees' suggested changes. The regional monitoring program option is intended to allow Permittees an opportunity to participate in a regional monitoring program and reduce some or all local water quality monitoring required in the MRP. Accepting the proposed changes alters the intent of providing a regional monitoring program option equivalent to a reduction in local water quality monitoring requirements described in this tentative Order.

b. Program Effectiveness Level Reported in Annual Reports - Provision I.B

Comment: The Permittees request to the following addition to the level of program effectiveness required in Annual Reports in Provision I.B.:

"...It shall include a compilation of deliverables and milestones completed during the previous fiscal year, and a discussion of Outcome Level 1 program effectiveness relative to performance standards defined In the SQIPs..."

Response: Central Valley Water Board staff concurs with the proposed modification. Provision I.B. of the tentative Order is modified as requested.

c. Exceedance Notification and Regional Monitoring Program Data - Provision I.B.4

Comment: The Permittees request to clarify that data collected through a regional monitoring program is not required to be assessed, only considered, when submitting exceedance notifications.

Response: Central Valley Water Board staff does not concur with the proposed modification. The proposed modification is duplicative of regional monitoring program language provided in the MRP which states in part:

RMP data is not intended to be used directly to represent receiving water quality for purposes of determining if a discharge is causing or contributing to an exceedance of any applicable water quality standards.

d. Submittal of Data Collected by Regional Monitoring Programs - Provision I.B.4

Comment: The Permittees request to clarify that monitoring data collected as part of a regional monitoring program will be submitted to the appropriate data centers.

Response: Central Valley Water Board staff does not concur with the proposed modification. The proposed modification is duplicative of requirements described under the regional monitoring program language (MRP, Provision II). This language only requires the Permittees to submit individually conducted water quality monitoring data with their Annual Report and states, in part:

During the period of participation in the RMP, the Permittees shall continue to report any individually conducted local water quality monitoring data in the Annual Report consistent with Provision I.B.4, Monitoring and Reporting Program.

e. Level of Effectiveness Assessment Conducted Annually - Provision I.B.5

Comment: The Permittees request to add the following to Provision I.B.5 to clarify the level of effectiveness assessments to be conducted will eventually be inclusive of all program management questions:

“...The primary questions that must be ultimately be assessed for each program element include the following:...”

Response: Central Valley Water Board staff concurs with the proposed modification. Provision I.B.5 of the tentative Order is modified as requested.

f. Status of Long Term Trend Evaluation of MS4 Discharges and Receiving Water Quality - Provision I.B.10

Comment: The Permittees request to clarify that specific factors were considered in their trend evaluation submitted as part of the 2013 Report of Waste Discharge.

Response: Central Valley Water Board staff concurs with the proposed modification. Provision I.B.10 of the tentative Order is modified as shown in strikeout/underline format below:

10. The ROWD at the end of the fourth permit term included:

An estimate of total pollutant loads attributable to urban runoff for target pollutants at each discharge monitoring station;

An evaluation of the long-term trends in MS4 discharges and receiving water quality. Several factors ~~need to be~~ were considered when evaluating trends, such as changes in sample collection methods, data quality differences, and changes in analytical methods.

An evaluation of significant correlations of target pollutants with other constituents, such as total suspended solids (TSS).

g. Regional Monitoring Program Language – Minor Edit - Provision II

Comment: The Permittees suggest deleting an extraneous word in the regional monitoring program language.

Response: Central Valley Water Board staff concurs with the minor edit. The regional monitoring program language in Provision II of the tentative Order is modified as shown in strikeout format below, which states in part:

...
During the period of participation in the RMP, the Permittees shall continue to report any individually ~~local~~ conducted local water quality monitoring data in the Annual Report consistent with Provision I.B.4, Monitoring and Reporting Program. In addition, with each submitted Annual Report, the Permittees' shall include 1) a statement that the Permittees are participating in the RMP in lieu of conducting the local monitoring program required by the permit, and 2) the Permittees shall continue to attach a copy of the letter originally submitted to the Regional Water Board describing the monitoring location(s) and constituents that will no longer be conducted individually.
...

h. Status of Work Plan to Address Cause/Nature of Exceedances - Provision II.B.2.b

Comment: The Permittees request to clarify the status of urban tributary sample collection completed, or in progress, and implementation of the work plan.

Response: Central Valley Water Board staff concurs with the proposed modification. Provision II.B.2.b of the tentative Order is modified as shown in strikeout/underline format below:

- b. Report of Water Quality Exceedance (RWQE) preparation during the a previous permit term included development of a work plan to address the cause and nature of dissolved oxygen (DO), pH, and temperature exceedances in several urban tributaries. ~~Multiple steps in the work plan have been completed. The Phase III update report (September 17, 2009) recommended additional sample collection and sensor deployment only if necessary to provide context for ongoing urban tributary sample collection. The Permittees continued to implement the work plan elements and begin Phase II upon adoption of fourth permit term. Much of the work was performed in Morrison Creek although, other creeks were identified. The work plan and any updates to the plan were included in the SQIP.~~

i. **Urban Tributary Monitoring – Alternative Plan Proposal - Provision II.B.2**

Comment: The Permittees request that language is added to allow an alternative urban tributary monitoring plan to be submitted as part of their Annual Monitoring Plan.

Response: Central Valley Water Board staff does not concur with the proposed modification. The tentative Order provides two options for the Permittees to modify monitoring requirements whether they elect for the regional monitoring program option or remain with the Monitoring Program described in Provision II of the MRP. If the Permittees chose to remain with the monitoring requirements described in the tentative Order, Provision I.A requires the Permittees to submit an Annual Monitoring Plan which may include an alternative urban tributary monitoring plan. Alternatively, the Permittees may elect to participate in a regional monitoring program which provides an opportunity to propose reductions in local water quality monitoring that could include an alternative urban tributary monitoring plan.

j. **Urban Discharge Monitoring – Minor Edit - Provision II.B.3**

Comment: The Permittees suggest replacing “3. Urban Discharge Monitoring” with “C. Urban Discharge Monitoring.”

Response: Central Valley Water Board staff concurs with the minor edit. Provision II.B.3 of the tentative Order is modified as shown in strikeout/underline format below:

~~3.C.~~ **Urban Discharge Monitoring**

k. **Urban Discharge Monitoring – Alternative Plan Proposal - Provision II.B.3**

Comment: The Permittees request to modify language to require the proposal of, not implementation of, an alternative urban discharge monitoring plan. The Permittees request that the alternative urban discharge monitoring plan would not be submitted with the Annual Monitoring Plan or require Executive Officer approval.

Response: Central Valley Water Board staff does not concur with the proposed modification. The tentative Order provides two options for the Permittees to modify

monitoring requirements whether they elect for the regional monitoring program option or remain with the Monitoring Program described in Provision II of the MRP. If the Permittees chose to remain with the monitoring requirements described in the tentative Order, Provision I.A requires the Permittees to submit an Annual Monitoring Plan which may include an alternative urban discharge monitoring plan. Alternatively, the Permittees may elect to participate in a regional monitoring program which provides an opportunity to propose reductions in local water quality monitoring that could include an alternative urban discharge monitoring plan.

I. Urban Discharge Monitoring – Minor Edit - Provision II.B.3

Comment: The Permittees request to replace “receiving water monitoring” with “local water quality monitoring.”

Response: Central Valley Water Board staff does not concur with the proposed modification. “Local Water Quality Monitoring” is a new term that is introduced as part of the regional monitoring program language in the tentative Order. Local water quality monitoring is both receiving water and urban discharge monitoring. For clarification, Provision II is modified in part to provide a definition of local water quality monitoring as shown in underline below:

“...During the period of participation in the RMP, the Permittees shall continue to report any individually local conducted local water quality monitoring data in the Annual Report consistent with Provision I.B.4, Monitoring and Reporting Program. In addition, with each submitted Annual Report, the Permittees’ shall include 1) a statement that the Permittees are participating in the RMP in lieu of conducting the local monitoring program required by the permit, and 2) the Permittees shall continue to attach a copy of the letter originally submitted to the Regional Water Board describing the monitoring location(s) and constituents that will no longer be conducted individually.

Local Water Quality Monitoring

The monitoring program shall address:...”

m. Water Column and Sediment Toxicity Evaluations - Provisions II.D and II.E.1

Under these sections, the Permittees are not required to conduct water column toxicity or sediment toxicity monitoring until an evaluation of toxicity analyses completed to date is complete.

Comment: The Permittees request to modify: 1) language to require Executive Officer approval on the toxicity analysis evaluations prior to resuming monitoring; and 2) the description and compatibility requirements of monitoring studies performed under the Statewide Ambient Monitoring Program (SWAMP).

Response: Central Valley Water Board staff does not concur with the proposed modifications, for the following reasons:

- Request for Executive Officer approval is duplicative of Provision I of the tentative Order, which requires approval of the Regional Water Board or Executive Officer for any modifications of the MRP.
- Studies performed by SWAMP, a program tasked with assessing surface water quality statewide, identified sediment toxicity resulting from pyrethroid pesticides in the Sacramento Area. Provision II.E.1 of this Tentative Order requires sediment sampling conducted by the Permittees to be consistent with SWAMP protocols which includes the Quality Assurance Management Plan. The SQIP also states that sediment monitoring protocols will conform to SWAMP Quality Assurance Management Protocols on page 2.4-6.

Staff notes that proposed modifications to Provision II.E.1 include extraneous text requiring Executive Officer approval not in the tentative Order (“...*is approved by the Executive Officer...*”).

n. Pesticide Plan - Provision II.E.2

Comment: The Permittees request to replace “review and amend” with “continue to implement,” and propose modifications removing Pathogen Plan requirements.

Response: Central Valley Water Board staff concurs with the proposed modification, noting that text (“...*if pesticides in sediments are identified as causing or contributing to receiving water impacts...*”) was erroneously added to the tentative Order and struck out as part of the Permittees comment. With the exception of the struck out text, Provision II.E.2 of the tentative Order is modified as shown in strikeout/underline format below:

2. The Permittees shall ~~review and amend~~ continue to implement the Pesticide Plan component of the SQIP, if pesticides in sediments are identified as causing or contributing to receiving water impacts.

~~The Pesticide Plan shall address the following elements:~~

- ~~a. Identification, development, implementation and assessment of BMPs to address controllable discharges of sediment-bound contaminants that may be linked to sediment toxicity to the MEP;~~
- ~~b. Development and adoption of policies, procedures, and/or ordinances to implement BMPs;~~
- ~~c. A time schedule for implementation and assessment.~~

o. Bioassessment Monitoring - Provision II.F

Comment: The Permittees request to modify language to require Executive Officer approval on the analysis evaluations prior to resuming monitoring. The Permittees

request to delete text requiring an updated bioassessment monitoring plan to be included in the Permittee's SQIP, if applicable.

Response: Central Valley Water Board staff does not concur with the proposed modifications. Request for Executive Officer approval is duplicative of Provision I of the tentative Order, which requires approval of the Regional Water Board or Executive Officer for any modifications of the MRP. In addition, an updated bioassessment monitoring plan may be necessary pending an evaluation of results since the Permittees have not conducted bioassessment monitoring during the last permit term.

p. Water Quality Based Programs – Total Mercury and Methylmercury Analyses - Provision II.G.2.j

Comment: The Permittees request to clarify the current status of this study and propose modifications to allow the progress report to be submitted after October 2015 with Executive Officer approval to coordinate grant reporting requirements.

Response: Central Valley Water Board staff concurs with the proposed modifications. A Work Plan for this study was approved by the Executive Officer in November 2013 in support of the Delta Methylmercury Total Maximum Daily Load (TMDL) Phase I evaluation. Provision II.G.2.j of the tentative Order is modified, in part, as shown in ~~strikeout~~/underline format below:

- j. Recommendations for including total mercury and methylmercury monitoring in the design of future BMP studies to estimate the extent to which existing and new BMPs reduce total mercury and reduce and/or increase methylmercury discharges.

...The Work Plan was approved by the Executive Officer on 7 November 2013. The approved Work Plan evaluates the performance of a Proposition 84 Grant funded green parking lot project, and the Permittees are required to provide a progress report on the study by October 2015 or at a later date as approved by the Executive Officer to better coordinate with the grant reporting requirements.

Total mercury and methylmercury monitoring activities may be modified with Executive Officer approval pending the Permittees' evaluation in the October 2015 Phase 1 Delta Methylmercury TMDL Control Study...

q. Sampling Summary, Table A - Provision II

Comment: The Permittees request to modify language to require their Monitoring Program to implement the sampling summary, as well as the "MRP Section Reference" in the first column of Table A, and other provisions of the MRP which include Executive Officer approved participation in a regional monitoring program or alternative annual monitoring plans in lieu of portions of the MRP. Modifications to Table A are requested to define this section as II.H.1, removing or adding constituent monitoring pending evaluation results and frequency, and insert language replacing Table A requirements

with approved participation in a regional monitoring program or an alternative annual monitoring plan.

Response: Central Valley Water Board staff does not concur in part with the proposed modifications. Modifications to add Executive Officer approval of the evaluation with recommendations to the water column toxicity and sediment monitoring before further sampling will restrict the Permittees' ability to efficiently continue sampling activities. In addition, the proposed modification to add a footnote to Table A which allows modification through participation in a RMP is duplicative of what is already stated under the Regional Monitoring Program section of the MRP.

The following language is modified in Table A shown in strikeout/underline below:

II.H. Sampling Summary

...

Table A (Constituents List column)

First Row (II.B.1): ~~No pyrethroids in water column, pending evaluation.~~

Second Row (II.B.2): ~~No pyrethroids in water column, pending evaluation.~~

Third Row (II.C): ~~No pyrethroids in water column, pending evaluation.~~

Fourth Row (II.D): ~~2 Wet, 1 Dry per year~~

Monitoring shall be conducted ~~in two out of five years~~ at least during year one of this permit term.

Fifth Row (II.E): ~~1 Wet, 2 Dry per year~~

~~Wet event to be performed directly following a wet weather urban tributary event, and no later than April~~ _____

Sixth row (II.F): ~~None required.~~

r. Standard Monitoring Provisions - Provisions IV

Comment: The Permittees request to add that all monitoring activities "performed by the Permittees" are required to meet the standard monitoring provisions.

Response: Central Valley Water Board staff does not concur. The requested change departs from the Board's standard monitoring provisions, which the Board aims to keep uniform for all similarly situated NPDES Permittees. Such uniformity helps to maintain uniform enforcement of permit provisions.

s. List of Constituents and Associated Minimum Levels for the Storm Water and Urban Discharge Monitoring Program, Table B

Comment: The Permittees request to remove the following statement from Table B regarding pyrethroid pesticides is water:

"The following analysis would only be required if monitoring results from studies investigating the Pelagic Organism Decline in the Sacramento-

San Joaquin River Delta indicate these concentrations are present and of concern in Sacramento Permittee discharges. “

Response: Central Valley Water Board staff does not concur with the proposed modification. There are multiple Clean Water Act section 303(d) listed waterbodies for pyrethroids within the Sacramento Urbanized Area.

Permittees Comment 11. Revisions to Fact Sheet

a. Permitting History – Minor Edit - Section IV.A

Comment: The Permittees request to move a sentence from the third to the fourth paragraph in the section of the Fact Sheet that describes the Permittees’ permitting history.

Response: Central Valley Water Board staff concurs with the proposed modification. Section IV.A. of the tentative Order is modified in strikeout/underline format as shown below:

A. **Sacramento Areawide NPDES MS4 Permit History**

...

In December 2002, the Regional Water Board adopted the third Sacramento area-wide MS4 permit. The City of Rancho Cordova incorporated in 2003 and was therefore added to the Permit by the Regional Water Board in 2004. The Permittees’ SQIPs^{14,15} submitted with the Report of Waste Discharge in June 2007 describe the 18-year history and evolution of the Sacramento program, including a summary of accomplishments and findings. ~~The SQIPs were adopted by the Regional Water Board 29 January 2010 (Resolution No. R5-2010-0017).~~

In September 2008, the Regional Water Board adopted the fourth Sacramento area-wide MS4 permit (Order No. R5-2008-0142). Permittees included the County of Sacramento and Cities of Citrus Heights, Elk Grove, Galt, Folsom, Rancho Cordova, and Sacramento. The SQIPs were adopted by the Regional Water Board 29 January 2010 (Resolution No. R5-2010-0017). On 15 March 2013, the Permittees submitted a ROWD to the Central Valley Water Board requesting permit re-issuance. The ROWD included proposed amendments to the SQIP based on a completed Long Term Effectiveness Assessment.

b. Storm Water Management Element - Section V

Comment: The Permittees request to insert a comma and add “Annual Work Plans” for consistency with other portions of the tentative Order.

Response: Central Valley Water Board staff concurs with the proposed modifications. Section V of the tentative Order is modified as shown in underline format below and states, in part:

V. STORM WATER MANAGEMENT PROGRAM ELEMENTS

...

The County of Sacramento in association with the cities of Citrus Heights, Elk Grove, Folsom, Galt Rancho, Cordova, and Sacramento submitted a SQIP that was adopted by the Regional Water Board on 29 January 2010. The Permittees submitted a completed Report of Waste Discharge (ROWD) on 15 March 2013 requesting reissuance of waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) area-wide municipal separate storm sewer system (MS4) permit to discharge storm water runoff from storm drains within their jurisdictions. The ROWD was deemed complete on 22 November 2013. Included with the ROWD were the Permittees' Long Term Effectiveness Assessment and proposed changes to their Storm Water Management Plans (also known as Stormwater Quality Improvement Plans or SQIPs). Due to the limited term of this Order, the proposed amendments to the SQIP provided in the 2013 ROWD are not incorporated in this Order. The Permittees must continue implementing the SQIP approved by the Regional Water Board on 29 January 2010 (Resolution No. R5-2010-0017), and as modified in the 2010, 2011, 2012, 2013, and 2014 Annual Reports and Annual Work Plans.

c. Hydromodification Plan and Status of the Sacramento Program - Section V.H

Comment: The Permittees request to modify the language to require: 1) the Regional Water Board to approve implementation of the Hydromodification Plan submitted to the Central Valley Water Board in January 2011; and 2) to remove a list of program accomplishments that may have been inserted under the incorrect program element.

Response: Central Valley Water Board staff does not concur in part with the proposed modifications. As described in Provision D.15.c, the Permittees submitted a Hydromodification Plan to the Central Valley Water Board for approval in January 2011. The Hydromodification Plan is still under review by staff. The Permittees are free to encourage project proponents to implement hydromodification and low impact development measures prior to approval of the Hydromodification Plan by the Central Valley Water Board.

The language listing the status of Permittee accomplishments is modified in under Section V.H of the tentative Order as shown in strikethrough format below which states in part:

H. Planning and New Development Program

Discussion of Requirements in This Permit

...

Status of the Sacramento Program

Since the initiation of the program in 1990, the Permittees have completed the following work:

□ ~~stormwater discharges and enforce those prohibitions through the adoption of local land grading and erosion control and stormwater ordinances~~

□ ~~Implementation of inspections, reporting procedures and enforcement to achieve compliance on construction sites.~~

□ ~~enforcement~~

□ ~~through workshops and brochures on local and State requirements~~

□ ~~investigations and identification of problem areas~~

...

d. Receiving Water Monitoring, Section VI. B

Comment: The Permittees request to clarify that receiving water monitoring in rivers and urban tributaries is required to include analysis for constituents list in Table B, not for pyrethroids/pyrethrins pesticides in water.

Response: Central Valley Water Board staff does not concur in part with the proposed modifications. The proposed modification is inconsistent with Provision II.B of the MRP that requires receiving water monitoring for rivers and urban tributaries to be consistent with constituents listed in Table B, with the exception of pyrethroids pesticides in water. Pyrethrins are not listed on Table B. Section VI.B of the tentative Order is modified in strikeout format as shown below:

B. Receiving Water Monitoring

...

The American and Sacramento Rivers have two monitoring stations each. These stations are located downstream of major urban discharges on the American River and on the Sacramento River there is an upstream station and a downstream station in an effort to monitor worst-case water quality conditions for compliance with receiving water limits. Receiving water monitoring for rivers and urban tributaries is required to analyze for constituents listed in Table B, except for pyrethroids/~~pyrethrins~~ pesticides in water.

...

e. Receiving Water Monitoring, Exceedance Study - Section VI.B

Comment: The Permittees request to modify language to include: 1) a status update to the data and study evaluation; 2) a limit to further investigation of exceedances of dissolved oxygen, pH, and temperature; 3) Executive Officer approval of further investigation into exceedances of dissolved oxygen, pH, and temperature; and 4) an update to a citation used.

Response: Central Valley Water Board staff concurs in part with the proposed modifications. The request to add Executive Officer approval is duplicative of Provision I of the tentative Order, which requires approval of the Regional Water Board or Executive Officer for any modifications of the MRP.

Section VI.B of the tentative Order is modified, in part, to: 1) update the status to the data and study evaluation; 2) limit the further investigation of exceedances of dissolved oxygen, pH, and temperature; and 3) include an update to a citation as shown in ~~strikeout~~/underline format below:

B. Receiving Water Monitoring

...

Report of Water Quality Exceedance (RWQE) preparation during the third permit term included development of a work plan to address the cause and nature of dissolved oxygen (DO), pH, and temperature exceedances in several urban tributaries. ~~Multiple steps in the work plan have been completed in multiple steps.~~^{34 35 36 37} The Permittees recommended that further investigation is only needed to provide context for future grab samples. ~~were required to continue to implement the work plan elements and begin Phase II under the fourth permit term.~~ Further implementation of the work plan to address the cause and nature of dissolved oxygen, pH, and temperature exceedances in several urban tributaries will not be required under this Order until the evaluation with recommendations is complete.

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Footnote 37: The final report was submitted as part of the 1 October 2009 Annual Report, Laurenson, Walker, Chetal, Annual Report, Phase III Investigation Results – Morrison Creek pH, Dissolved Oxygen, and Temperature. Memorandum to Delia McGrath, City of Sacramento and Ken Ballard, Sacramento County, 17 September 2009.

f. Method Detection Monitoring, Diazinon and Chlorpyrifos and Sediment Monitoring - Section VI.C

This section of the Fact Sheet describes the protocols and standards relied on for collecting and analyzing data.

Comment: The Permittees request to modify language to clarify no sediment monitoring will be required under the tentative Order.

Response: Central Valley Water Board staff does not concur with the proposed modification. Modifications to add Executive Officer approval of the evaluation with recommendations to the water column toxicity and sediment monitoring before further sampling will restrict the Permittees' ability to efficiently continue sampling activities.