

SECTION	Page	Item#	Issue (note if none)	Requires Clarification (rc)	Unfunded Mandate (um)	Initial Cost (\$)	Annual Cost (\$)	Deadline Involved (d)
FINDINGS	1	2	Define designated storm water discharges.	x				
	3	7	The NCRWQCB does not have jurisdiction on discharges that drain into San Francisco Bay.	x				
	3	8	Include industrial/commercial program and municipal activities in accomplishments.					
	3,4	9	The City suggests rewording portions of paragraphs 1 and 2 by replacing "do contribute cumulatively" with "may." Does RB have studies to support this claim?					
	4	9	Paragraph 5. Please define storm water infrastructure.	x				
	4	10	Define storm water runoff	x				
	5	11	Requires the City to consider potential storm water impacts when making planning decisions in order to fulfill the CWA requirement to reduce the discharge of pollutants in municipal storm water to MEP. This finding is suggesting applying this order to the City's CEQA process. This would be an unfunded mandate since CEQA is a state regulation.	x				
	5	12	This finding should only apply to permittee maintained storm water treatment controls.					
	6	14	Development is now consistent with SUSMP and storm water runoff receives treatment so all these impacts may not apply.	x				
	6	15	The City requests the following statements be reworded to read "Storm water runoff discharges may" and "Specific pollutants that may be contained..."					
	7	17	The City requests the first sentence be change to read "Elevated bacterial indicator densities may impair..."					
	7	18	The City suggests rewording the second paragraph as follows: "Excessive sediment may impact beneficial uses in many ways...(3) Increased nutrient loading, shallow pools, impaired flows all of which may contribute to nuisance algal conditions..."					
	7	19	The City suggests rewording the first sentence to read "Storm water flows may alter the natural temperature regime..."					
	8	22	Please provide a citation for last sentence, which states "municipal point source discharges from urbanized areas remain a leading cause of impairment of surface waters in California."	x				
	8	23	The City suggests rewording the first sentence to read "Urban development may change the quantity and flow characteristics of storm water runoff..."					
	9	26	The City suggests rewording to illustrate that different discharges "may" impact the environment without appropriate BMPs as follows: "The discharge of wash waters, irrigation runoff, and other non-storm water flows as well as contaminated storm water from some categories of industries and businesses can be an environmental threat that can adversely impact public health and the environment unless proper BMPs are implemented."					
	9	27	The City suggests rewording as follows: "is anticipated, however, that small or accidental discharges of recycled water will be included in the Basin Plan Amendment."	x				

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	10	29	The City suggests rewording the last sentence to read "Studies indicate that storm water discharges from RGOs may have high concentrations of hydrocarbons and heavy metals." Additionally, please provide a citation to support the last sentence.						
	10	30	The City is unaware of any sampling conducted under this permit that suggests trash or pesticides continue to contribute significant quantities of pollution and these pollutants are coming from industrial and commercial sites. Please provide data to support these statements. In the third sentence the City suggests adding "may" and would read "The POC is such waste water may include..."	x					
	11	32	The City suggests rewording the third sentence to read "The Management Plan identifies measures to minimize or eliminate the volume and frequency of certain categories of non-storm water discharges..."						
	12	34c	The City suggests expanding the monitoring program goals to read as follows: "The primary objectives of the Monitoring Program include, but are not limited to: a) Assessing the chemical, physical, and biological impacts of storm water discharges on receiving waters resulting from urban storm water discharges. b) Assessing the overall health and evaluating long-term trends in receiving water quality. c) Assessing compliance with water quality objectives. d) Characterization of the quality of storm water discharges. e) Identifying sources of pollutants. f) Measuring and improving the effectiveness of requirements implemented under this Order and assessing the resultant reductions in pollutant loads."						
	13	36	The City suggests rewording the first sentence to read "The Management Plan contains specific measurable goals that the permittees and RWQCB believe would achieve storm water runoff pollution reductions to the MEP." Additionally, due to the serious budget issues being faced by the City, the management plan should be updated to reflect the current fiscal outlook. The fiscal outlook has changed significantly since the management plan was submitted in 2007. It doesn't make sense to approve a permit and then have the permittees request waivers of provisions due to budgetary constraints when budget issues are already known.						

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			The City is concerned that provisions in permits by other regional boards (Ventura & Bay Area) are included in the Draft Permit. Both those permits are highly contested and have not been adopted. These areas are also outside of the north coast region and cover areas that are much different than the Santa Rosa area. If all MS4 permits throughout the state are going to include the same language, then why are permits issued at the regional board level? The City is also seriously concerned that cost considerations were not part of the decision to include additional provisions in the draft permit.					
	13	37	The City is willing to look for grant opportunities to improve the storm water program, however grant programs typically don't allow grantees to use funds for mitigation or to fulfill permit requirements.					
	13	38	Does this finding apply to all projects or SUSMP applicable projects? The existing SRA-SUSMP does require design review and post-construction storm water treatment for projects constructing or reconstructing less than 1 acre of impervious surface if projects are located adjacent to environmentally sensitive areas or if new storm drain outfalls to waterways are constructed.	x				
	14	40	The City suggests rewording the second sentence to read "preliminary analyses indicate that storm water runoff may be a significant contributor of pollutants to impaired waters. The City also requests the Regional Board provide data supporting the claim that the MS4 is a significant contributor to the region's temperature and sediment impairments.	x				
	16	46	Please clarify the last sentence that states certain categories of non-storm water discharges are allowed given Table 2 that prohibits all non-storm water discharges without approval of the Regional Board Executive Officer.	x				
	17	48	The City is concerned that this finding would limit the ability to enforce on industrial and construction activities within the City's jurisdiction since these activities already require statewide general NPDES permits. This finding may also limit the City's ability to pursue cost recovery or levy fines if enforcement must be carried out by the Regional Board.				Unknown	
	17	49	Any provision in the permit that goes beyond MEP or includes state requirements, such as CEQA, are unfunded mandates. Proposition 218 also limits the City's ability to raise revenues to comply with the permit. Therefore, the City can't assess properties without voter approval. Service charges and fees can only be assessed on new development.	x				
	18	52	The introduction of the State Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California clearly states this policy does not apply to storm water discharges. Therefore, this finding should be removed.	x				
	20	56	This sentence is unclear and the City requests that it be clarified.	x				
	23	62						

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	25	72-74	There is a typo in the last line of each finding (subsection 2 should be replaced with 3). Table 2 does not authorize any of the non-storm discharges listed and this finding is not consistent. Please clarify this finding with regards to Table 2. The City requests rewording the first sentence to read "... Non-Storm Water Discharges are not a significant source of pollutants to the MS4." There is a typo in the last line of the finding (subsection 2 should be replaced with 3).	x					
	26	76	The City is concerned that the fourth sentence is not a finding. Please clarify the sentence which states "The Permittees shall continue to look for additional opportunities to reduce pollutants discharged from the MS4."	x					
	27	77	The City can not force other agencies or organizations to control pollutants or enter into agreements. The City can only use its best efforts to work with other agencies and organizations. The City also requests rewording the first sentence to read "Permittees are to work cooperatively to control the contribution of storm water pollutants from one portion of the MS4 to another portion..."						
	30	85	The City suggests rewording the second paragraph as follows: "discharges in the dry season as one potentially significant source..."						
	30	87	The Regional Board does not have the authority to require the City to change local ordinances regarding CEQA implementation and that would be a unfunded mandate. CEQA is a state regulation and not part of the CWA. Would storm water mitigation requirements be required for all new and redevelopment or above certain size thresholds?	x	x				
	31	88	Is this the correct legal standard for the imposition of measures?						
	31	90	The City suggests rewording the first sentence by adding "to the MEP."	x					
	31	91	The City suggests rewording the first sentence to read "This Order provides a process for Permittees to petition..."						
	33	95	The introduction of the State Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California clearly states this policy does not apply to storm water discharges. Therefore, this finding should be removed.	x					
	33	97	The City suggests rewording the third sentence to read "... and maintenance of publicly owned treatment control BMPs..."						
	33	98	The City suggests rewording the first sentence to read "This Order requires that Permittees use best efforts to ensure..." The second sentence also uses similar language and should read, "This Order requires that Permittees use best efforts to ensure."						
	34	99							

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	34	100	Requires coordination, response and notification requirements for MS4 Permittees when sanitary sewer overflows result in a discharge to the MS4 system. Sanitary sewer systems are already required to do these tasks under separate NPDES permits. Having this requirement in the storm water permit is duplicative and the City requests this finding be removed.					
	34	102	The Permittees worked cooperatively with Regional Board staff to develop a comprehensive SWMP. However, the Permittees were not provided specific input from Regional Board staff prior to the release of this draft order. The multitude of requirements in addition to the measures proposed in the SWMP are onerous and excessive. The workshop held on June 12, 2008 covered storm water issues in general and was not specific to this draft order. The City suggests changing the language of this finding to reflect that the June workshop was not a public hearing on this draft order.					
A. DISCHARGE PROHIBITIONS	36	3	The City suggests rewording as follows, "Except as otherwise authorized by an individual or general NPDES permit, discharges to the MS4 are prohibited, unless specifically authorized as set forth below."					

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	36	4	<p>The City is concerned that all non-storm water discharges are prohibited by this draft order. This is the first draft order we are aware of that contains this strict prohibition. The City recommends the Regional Board specify allowable non-storm discharges with required BMPs. If the Regional Board wants to prohibit all non-storm water discharges in the order, then the City suggests Prohibition 4 be reorganized to (1) distinguish between what non-storm discharges are and are not the responsibility of the Permittees; (2) reposition Table 2 at the end of sub-paragraphs (a) and (b); and change the ordering of sub-paragraphs (a) and (b) to better establish the procedural sequence of obtaining authorization of non-storm discharge. In addition, Prohibition 4 should have language included that makes it clear that a Permittee that either prohibits a non-storm discharge to the MS4 or watercourses OR obtains EO authorization for such non-storm discharge has met MEP as required by federal law. We therefore propose rewording as follows: Impacts to receiving waters from non-storm water flows may include increased pollutant loading, flow modification and related physical changes to receiving waters, and creation of a condition of nuisance. The Permittees are not responsible for prohibiting non-storm discharges that originate from a State, federal, or other source which they are pre-empted by law from regulating. Permittees shall prohibit all other non-storm discharges (as identified in Table 2, below) into the MS4 and watercourses, except as otherwise authorized by the Executive Officer under this Prohibition 4. Compliance with the provisions of this Prohibition 4 shall be deemed to achieve the "maximum extent practicable" requirement identified in Finding 5.</p>					

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			<p><i>continued</i></p> <p>(a) If the Regional Water Board Executive Officer determines that any of the categories of non-storm water discharges identified in Table 2 are a source of pollutants, the Permittee(s) shall either:</p> <p>(1) Prohibit the discharge from entering the MS4; or</p> <p>(2) Authorize the discharge category and require implementation of appropriate or additional BMPs to ensure that the discharge will not be a source of pollutants; or</p> <p>(3) Require or obtain coverage under a separate NPDES permit for discharge into the MS4.</p> <p>(b) If the Executive Officer authorizes the discharge category and requires implementation of appropriate or additional BMPs to ensure that the discharge will not be a source of pollutants, then:</p> <p>(1) The Permittees shall require that non-storm water flows infiltrate where possible and shall perform public outreach and education as one of the BMPs associated with each type of non-storm water discharge that they seek authorization from the Executive Officer to allow into the MS4; and</p> <p>(2) The Permittees shall modify their appropriate Management Plans to include, and thereafter implement, those BMPs designated by the Executive Officer in her or his authorization notice to Permittees.</p>					
TABLE 2	36	4	Table 2 needs to be clarified. Would BMPs be required or suggested?					
TABLE 2	37		"Natural springs and rising ground water" should only be prohibited in cases of contamination or water quality being altered by the discharger.					
TABLE 2	37		Prohibits flows from emergency fire fighting activity. Please see letter to Regional Board from City Fire Dept. dated 10/20/08 regarding this prohibition.					
TABLE 2	37		Define natural overflows from riparian habitats or wetlands. Would natural floodwaters not be allowed to be returned to receiving waters?	x				
TABLE 2	37		Prohibits flows from buildings with foundation/footing/crawl drains and pumps. This should apply only to new construction.					
TABLE 2	39							

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TABLE 2	40		Dechlorinated pools - conditions allowed should read "if land is not available."						
TABLE 2	40		Prohibits residential and non-profit car washing.						
TABLE 2	41		Prohibits discharge of pooled water from treatment BMPs. Conditions cover maintenance of BMPs and should only apply to structural BMPs. Would be a fiscal burden especially as more treatment devices are installed.			\$500,000	\$250,000		
B. RECEIVING WATERS									
C. STORM WATER QUALITY MANAGEMENT PROGRAM IMPLEMENTATION	44	2a	The City can not force other agencies or organizations to control pollutants or enter into agreements. The City can only use its best efforts to work with other agencies and organizations.						
PART 1 GENERAL REQUIREMENTS									
PART 2 LEGAL AUTHORITY	44	3	Update SW ordinance to enforce all requirements of this order					365	
	44	4	Legal counsel must state the City has obtained and possesses all legal authority to comply with this order					365	
			Proposed requirements include a very detailed and extensive accounting of storm water program activity implementation. This level of effort to breakdown expenditures is not justified in the Findings, is not cost-effective or reasonable and will be time intensive. This provision also conflicts with finding #47. Footnote 8 lists ways to fund SWMP activities, however benefit assessments can only be implemented on new development. Other similar funding mechanisms are also listed, however there are no additional funding sources available to the City. May require changing the City's accounting system. Currently catch basin and storm drain pipe cleaning labor charges are combined when City crews clean our storm drain system and can't be separated. City requests that this provision be changed to address these concerns.				\$80,000		
PART 3 FISCAL RESOURCES	45	1							
PART 4 MODIFICATIONS/REVISIONS	46		All programs, protocols, practices and municipal codes need to be consistent to the permit requirements within 1 year of permit adoption. The timeframe is unrealistic given the numerous program and codes involved.					365	

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PART 5 RESPONSIBILITIES OF THE PERMITTEES								
D. SPECIAL PROVISIONS								
PART 1 GENERAL REQUIREMENTS	47	3	Standard BMPs are required for many activities and the City is concerned that those BMPs may not work or become updated by new technology. RB prescribes a procedure for Best Management Practice (BMP) Substitution from the RB's Executive Officer, with Public Notice. There is concern that the RB will not review requests in a timely manner. Additionally, site conditions could necessitate immediate action in the field to prevent impacts to water quality. This provision may severely constrict the ability of the Permittees to protect water quality. A short approval process or immediate approval should be implemented. The requirement of public notice prior to Executive Officer approval also is onerous and considered unnecessary.					
PART 2 PUBLIC INFORMATION AND PARTICIPATION PROGRAM (PIPP)	47	1	Requires coordination with Sonoma State University and the Santa Rosa Junior College to implement requires of the PIPP. The City has no control over these institutions and can only use best efforts to work with them.	x				
	47	1a	Permittees can measure the knowledge base of our target audience, however current social research shows that an increase in knowledge does not constitute an increase in positive behavior. Even if people know the law and the environmental impacts, they may still choose to pollute creeks. The City recently completed a public poll that could serve as a baseline and a future assessment conducted to evaluate if there is an increase in knowledge base.			\$15,000		
	47	1b	To measurably change the waste disposal and storm water generation behavior of target audiences, the City would have to complete a comprehensive study of people's behavior. The study would require a large sampling of residents and need to be structured to distinguish behavior people report versus actual behavior.			\$50,000		
	47	2a	100% of storm drains to have decals by end of term. There is concern that 100% coverage can't be guaranteed. The City requests adding "to the Maximum Extent Practicable" to this requirement.				\$25,000	

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	47	2a	Requires posting of "No Dumping" signs at designated creek access points. Field Services staff conveyed that dumping in creeks is not currently a major concern. These signs may actually invite dumping & detract from the natural beauty of our creeks. Please omit this requirement.				\$25,000		
	48	2b	Requires identifying staff as contacts for several PIP areas. Should require programs and not staff as staff can turnover. Identifying program contacts vs. staff contacts may allow Permittees to address concerns more readily.			\$5,000			
	48	2c	Requires conducting a pollution prevention advertising campaign, producing public service announcements and distributing outreach materials to retail stores. The campaign requirements are vague and have no time requirement. The City can send out PSAs, however the media company would decide whether they are played and at what time. Depending on the time slot, the PSAs may not be effective. Developing and printing rack cards for retail stores would require additional City fiscal resources. The stores may not want any information so the City can not guarantee the materials would be distributed. The City is only able to make materials available to interested retailers.						
	48	2c1e	The City completed a public awareness survey as part of the last permit term that provides a clear picture of what outreach methods would be most effective for our program. The City should use this existing specific local data and conclusions rather than "re-inventing the wheel" and spending valuable staff time and financial resources. The City requests this provision be removed or allow a process for approval of alternatives.						
	48	2c1e&f	The City is concerned about the wording (organize). It may be more appropriate to support or participate with these organizations and events.						
	48	2c2	Ethnic Community Outreach – develop & implement a program within 180 days of permit adoption. Which ethnic communities would this apply to? Most ethnic minorities in Santa Rosa, either speak and/or read English. To develop a strategy, the City would have to complete a comprehensive survey to assess the size and type of ethnic minority groups in our community. It would also require the services of social studies professionals and focus groups to assess if our outreach methods were "culturally effective." This provision would be very costly and the timeframe is unrealistic.			\$50,000		180	
	49	2c5	Requires a minimum percentage of educational impressions per year to general population (25%) and impressions via newspaper, local access TV, local radio and/or internet (15%). The City is concerned how these percentages were developed?	X			\$5,000		

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	49	2c6	School Children – reach 50% of all school kids (K-12) every 2 years & develop a method to assess outreach effectiveness. In Santa Rosa this would require the City to provide educational materials or in-school presentations to 16,000 students. The permittees currently conduct effective education through SCWA's elementary school program, the City's High School Bioassessment Program and the Environmental Discovery Center. Scaling the program up to the required numbers is not feasible, therefore to reach more students the permittees could mail more outreach materials. Conducting in-school presentations may prove problematic since educators today are increasingly reluctant to give up class time for outside presentations. Topics outside of the approved curriculum are difficult to justify when intensive testing dictates lesson plans. Providing materials to schools may be the only component of this provision that the City can support. Responsibilities of the Permittees should be separated by their jurisdictions.				\$40,000	180
	49	2c7	Develop a strategy to measure effectiveness of in-school educational programs (within 180 days). This provision may not be applicable if Permittees are unable to get time with schools for in-class presentations. Given the wide range in ages (K-12) required for school education, numerous assessment tools would need to be developed to measure the effectiveness of the program. Educators also might not allow extra time before and after the program to measure effectiveness, given their lesson plans, etc. The timeline is also unrealistic.				\$20,000	180
	49	2c8	Implement a behavioral change assessment strategy for the PIPP. To coordinate the various required outreach components and assess the impact on behavioral change, the City would need to hire an additional full time person. Currently we do not have the staffing allocation to do this. The timeline is also unrealistic given the City's budget situation and planning process.				\$100,000	2 years
	49	2d	Requires the City to conduct pollutant-specific outreach for impaired waterbodies.				\$5,000	180
	50	3a1	Requires the permittees work with regional or statewide agencies and associations to develop and implement a Corporate Outreach program. The City has no control over regional or statewide organizations and suggests the language be changed to "use best efforts." How were the numbers of 4 RGOs, 4 automotive parts, 2 home improvement centers, 6 mobile businesses and 6 restaurant franchisers developed for corporate outreach?	x		\$10,000	\$5,000	2 years
	50	3a1a	Requires permittees to meet with corporate management to explain storm water regulations. The City has no control over corporate management, who may be located out of state, and suggests the language be changed to "use best efforts."	x				
	50	3a2	Requires corporate outreach to all RGOs, automotive parts stores, home improvement centers, mobile businesses, and restaurant chains.			\$25,000	\$10,000	2 years

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	50	3b1a	Requires the City to implement a Business Technical Assistance program that provides on-site technical assistance, telephone, and email support for BMPs.				\$5,000		
	51	2a	Requires the Permittees to maintain a "watershed-based" inventory/databases of all facilities within their jurisdiction that are critical sources of storm water pollution. Define critical sources.	X		\$5,000	\$5,000		
PART 3 INDUSTRIAL/COMMERCIAL FACILITIES PROGRAM	52	3a-e	Specifies specific BMPs to be used at Restaurants, Auto Service Facilities, Retail Gas Outlets(RGO) and Nurseries. (Substitution will require RB approval & Public Notice). The City is concerned whether all these BMPs are required and that inspections would entail a significant cost increase compared to how these facilities are currently being inspected. Please clarify whether the BMPs are required or recommended.	X		\$70,000	\$350,000		
PART 4 PLANNING AND LAND DEVELOPMENT PROGRAM	59	1b	Promotes percolation & infiltration of storm water into ground. The City is concerned that this provision is not applicable to the Santa Rosa plain, which has primarily clay soils that have limited infiltration capability. Would require a revision of the SUSMP manual.			\$2,000			
	59	1d	Reducing post-development surface flows can only be achieved downstream of a detention facility if a site is developed (impervious surfaces added).	X					
	60	1e6	Clarification needed for the approval of offset projects. By whom?	X					
	60	2	Requires the entitlement process to include storm water quality impacts for discretionary and ministerial projects. Would this also apply to all easements? This would be very costly to implement.	X		\$4,500	\$600,000		
	60	3	Permeable pavements shall be considered impervious for this section if they have subdrains to preclude infiltration into underlying soils. Subdrains are needed to prevent saturation of the road base to prevent premature failure of asphalt roadways. Subdrains are also needed to carry water away after soils are saturated and won't allow additional infiltration. There is also no provision for treated storm water to be allowed in subdrains. Would require a SUSMP manual revision.			\$5,000			
	61	4a1	Reducing the size threshold for post-development BMPs to 5,000 s.f. would likely double the projects reviewing SUSMP review, plan check and inspection. This would be a fiscal burden for the City and require a revision to the SUSMP manual.			\$5,000	\$80,000		
	61	4a2	Requires projects to retrofit existing functioning projects with post development BMPs and this would be a financial and design burden on the citizens of Santa Rosa. This provision would also likely eliminate some projects due to unacceptable additional costs.			\$5,000	\$80,000		

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				x		\$5,000	\$3,000,000	
			Redevelopment projects are subject to post-construction treatment controls if more than 5,000 square feet are redeveloped. And, will apply if site alteration will include more than 50% of existing impervious surfaces. This would include the reconstruction of parking lots and roadways. Please define the "reconstruction of parking lots and roadways." Could have a huge impact on all City CIP projects involving paving. Would require additional design, review and possibly acquisition of additional right-of-way to maintain existing streets. The term "redevelopment" is also confusing since it is already a term used by state law to describe a process for local government to eliminate blight, as well as achieve goals of development, reconstruction and rehabilitation of residential, commercial, industrial and retail districts. Replacing the term throughout the permit with "reconstruction" or "rehabilitation" may be more appropriate. Requires SUSMP manual revision.					
	62	4b	Exempts single-family structures from requirements unless 10,000 s.f. of impervious surface is created, added, or replaced. Requires SUSMP manual revision.			\$5,000		
	62	4c	Effective date for all new and redevelopment requirements shall apply within 180 days of this order. The timeframe is unrealistic.					180
	62	5	Requires development of a New/Redevelopment Integrated Water Quality/Water Resource Plan for RB approval – ranking projects on their overall risk to critical water resources (3 primary risks include Hydromodification, water quality, and integrated water quality/water resource impacts). No timeframe specified. This requirement is not cost-effective. SUSMP already has thresholds and project specific applicable standards. Under SUSMP, all storm water must be treated and pollutants of concern are identified for specific projects. BMPs are based on the POCs. This requirement is beyond MEP and is an unfunded mandate.	x	x	\$10,000	\$10,000	Unknown
PART 5 NEW DEVELOPMENT/RE DEVELOPMENT INTEGRATED WATER QUALITY/WATER RESOURCE PLAN	62	1	Requires LID design of all development and redevelopment projects outlined in Part 4. May not be feasible in all cases. Requires guidance manual within 1 year of permit adoption. The City supports implementation of LID in all new construction, however developing a manual within 1 year is unrealistic. Due to the City's current fiscal situation this provision is also a financial burden.			\$75,000		365
	63	3						
	63	3c	Requires development of a LID training program.			\$15,000		

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			Hydromodification - requires all new and redevelopment projects to maintain pre-development storm water runoff flow rates, time of concentration, volume and duration. Any time impervious area is added, and infiltration and percolation are minimal (clay soils), volume of runoff is always going to be increased. Increasing runoff from new impervious areas, and holding post-development discharge rates to pre-development discharge levels, will necessitate a longer duration of discharge from the site. The City would like clarification on how all these requirements in this section are possible simultaneously. Would require SUSMP manual revision.	x		\$5,000		2 years	
	64	4	revision.			\$100,000		2 years	
			Develop an area specific hydromodification plan which includes a stream stability risk system, numerical hydrological change model (new development impacts), numerical flow control mitigation model and a simplified method that relies on LID. This requirement would require developing a large scale numerical model for Santa Rosa watersheds. This would be a fiscal burden on the City and the timeline is inadequate. Part iii of this section states "A numerical model to identify effective end of the pipe or flow duration control mitigation strategies." The City requests clarification of this statement.	x					
	64	4a1b	City requests clarification of this statement.						
			Hydromodification Interim Criteria - Projects shall implement hydromodification controls such that storms up to and including the 2-year 24-hour storm event post development hydrograph peak flow, duration, time of concentration and volume will match within one percent the storm event pre-development peak flow and volume hydrograph. Any time impervious area is added, and infiltration and percolation are minimal (clay soils), volume of runoff is always going to be increased. Increasing runoff from new impervious areas, and holding post-development discharge rates to pre-development discharge levels, will necessitate a longer duration of discharge from the site. The City would like clarification on how all these requirements in this section are possible simultaneously. The "one percent" criteria is also concerning given the degree of accuracy of these hydromodification designs and data used to develop these designs. Requires SUSMP manual revision.	x		\$5,000		0	
	65	4a2	designs. Requires SUSMP manual revision.						
			Hydromodification Final Criteria - Develop watershed specific hydromodification control plans that identify stream classifications, flow rate and duration control methods, sub-watershed mitigation strategies and stream restoration/preparation measures aimed at protecting or enhancing beneficial uses in the downstream receiving waters. The City is concerned about the timing of this requirement. Individual watershed analyses would need to be analyzed first and included in the area-wide hydromodification plan, however the area-wide plan is required first. Requires SUSMP manual revision.			\$100,000		3 years	
	65	4a3a	first. Requires SUSMP manual revision.						

SECTION	Page	Item#	Issue (note if none)	Requires Clarification (rc)	Unfunded Mandate (um)	Initial Cost (\$)	Annual Cost (\$)	Deadline Involved (d)
			Develop and implement a Water Quality Risk System, as part of the integrated plan (Page 62, #1), that is established based on watershed needs and interests – for projects < 50 acres and > 50 acres. No timeframe for completion stated. Requires SUSMP manual revision.			\$5,000		Unknown
	66	5						
	66	5a1bi	Flow based treatment control BMP - Please remove draft comments.					
PART 6 IMPLEMENTATION OF NEW DEVELOPMENT/RE DEVELOPMENT POST- CONSTRUCTION BMPS	67	1	Requires that the City verify Post Construction BMP maintenance requirements through final map conditions, legal agreements, covenants, conditions or restrictions, CEQA mitigation requirements, conditional use permits, and/or other legally binding maintenance agreements. This would be a fiscal burden for the City. Requires SUSMP manual revision.			\$5,000	\$210,000	
	67	2	Implement a tracking, inspection and enforcement program for new and redevelopment post construction BMPs. This would require development of a comprehensive program and involve legal staff to gain access to private property for inspection and follow up enforcement. Would require additional staff when the City is reducing the size of its workforce.			\$60,000	\$200,000	1 year
	68	3	May require coordination of the permittees' program with the statewide general construction permit. This is transferring a state program to the local level. Fees are collected at the state level and the state should continue to be responsible for compliance of these projects.					
	69	4	Alternative Storm Water Mitigation Programs - Permittees may apply for approval of a program to substitute for on-site post-construction requirements. A timeframe should be included for the Regional board to respond to requests.					
	69	6	Developer should be changed to Develop.	x				
	69	6a	Requires permittees to update their storm water management plan to include hydromodification criteria, expected BMP pollutant removal performance, selection of appropriate BMPs, data on observed effectiveness and performance of BMPs, BMP maintenance and cost considerations, criteria to facilitate integrated water resources planning and management in the selection of BMPs and LID principles and specifications. Much of this section appears to be an unfunded mandate and would be more cost effective to be done at a larger, possibly statewide level. Requires SUSMP manual revisions.		x	\$20,000		
	70	7a1	Requires the Permittees to facilitate a process for approval of post-construction storm water control measures, including BMP sizing and BMP pollutant removal effectiveness. Again it is not cost effective to have municipalities across the state studying and determining BMP effectiveness when a coordinated effort could be undertaken at the region or state level.			Costs in Pg.60 item 2	Costs in Pg.60 item 2	

SECTION	Page	Item#	Issue (note if none)	Requires Clarification (rc)	Unfunded Mandate (um)	Initial Cost (\$)	Annual Cost (\$)	Deadline Involved (d)	
	70	7a2	Requires a structure for communication and delineated authority between and among municipal departments that have jurisdiction over project review, plan approval and project construction through a MOU or an equivalent agreement. This is an unfunded mandate. How the City coordinates its internal review and approval of projects is not subject to requirements by the state.		x	\$25,000	\$5,000		
PART 7 STATE STATUE CONFORMITY	70	1	Requires Permittees to incorporate additional procedures into their CEQA process to consider potential storm water quality impacts and mitigation. This is an unfunded mandate that exceeds requirements in the Clean Water Act and existing CEQA checklist. This provision also conflicts with findings 11, 88 and 96 which state this order will not limit the City's land use authority under CEQA nor require changing local ordinance provisions.		x	\$10,000		180	
	71	2	Requires storm water quality considerations in General Plan updates (re: updates to Land Use, Housing, Conservation and Open Space elements) and drafts shall be sent to the Regional Board. Should include text specifying that these provisions apply to general plan updates that have not yet been initiated (are not currently underway).			\$10,000			
PART 8 DEVELOPMENT CONSTRUCTION PROGRAM	70	1	Is this statement a finding? If it is a finding, then the item should be moved to the finding section of permit.	x					
	71	2a1	Prohibits grading during rainy season on 20% or steeper slopes, directly discharging to a 303(d) listed waterbody for sediment or adjacent to an environmentally sensitive area between November 15 and April 15th. Page 72 item 2b states October 1 as the beginning of the wet season. Please clarify.	x					
	71	2a1a	Describes grading restrictions on hillsides with slopes 20% or steeper prior to land disturbance (if hillside development is not defined by a zoning ordinance, then the prohibition will apply to steep or long continuous slopes, or areas with silty soils, fine sands, or soils lacking vegetative cover). This section contains confusing and vague language. Please clarify.	x			Unknown		
	72	2c	Allows permittees to grant grading prohibition variances where projects can demonstrate the proposed BMP measures can keep storm water from causing degradation of water quality, ensure TSS is 100 mg/L, ensure turbidity is 50 NTUs or less and keep storm water from impairing beneficial uses. The City would have to create an issuing process, issue variances and purchase monitoring equipment at a substantial cost to the City.				\$50,000		

SECTION	Page	Item#	Issue (note if none)	Requires Clarification (rc)	Unfunded Mandate (um)	Initial Cost (\$)	Annual Cost (\$)	Deadline Involved (d)
	72	3a	Requires implementation of a minimum set of BMPs at all construction sites less than 1 acre. Where the erosivity factor is 50 or greater, erosion controls are the preferred BMPs. This section contains vague and confusing language. It is also unclear whether all BMPs are required at all sites.	x				
	72	3,4,5	The CASQA handbook allows for substitutions of the BMPs listed. Are these acceptable substitutions under the permit?	x				
	74	6a1a	Requires Permittees review and issue written approval of local storm water pollution prevention plans prior to issuance of grading permits for construction projects. This would require the City to create a process to review and approve these plans. These plans are already required under the statewide general construction permit where fees are collected. Requiring the permittees to essentially take over the program is duplicative and not consistent with finding 49.				\$20,000	
	76	7a11	Required BMP for roadway paving or repaving operations for private and public projects. Specifically calls for avoiding stockpiling soil, sand, sediment, asphalt material and asphalt grindings materials or rubble in or near storm water drainage system or watercourses. Please clarify the storm water drainage system. If this includes streets, the City requests a change to allow stockpiling on streets if there is no discharge leaving the area and it is cleaned up after construction.	x				
	77	8a	Requires the permittees use an electronic system to track grading, encroachment, demolition, building and construction permits that cause land disturbance. The City would have to upgrade our current permit tracking system to include additional permits.				\$10,000	
	77	9d	Requires the City's Building Division to perform additional inspections to inspect for post construction SUSMP BMPs prior to occupancy.				\$40,000	
	78	11b	Requires the City to verify if Regional Board WDID permits have been issued and refer stop work orders to the Regional Board if projects are not compliant within 15 days after making the determination.				\$2,000	
PART 9 PUBLIC AGENCY ACTIVITIES PROGRAM	83	3b	Requires permittees to obtain coverage under the construction general permit for long-term maintenance programs including vegetation in flood control channels, maintenance or replacement of streets, sidewalks, roads, and any other project where 1 or more acres of soil is disturbed. The activities listed would not disturb soil and do not require coverage under the construction general permit. Therefore, the City suggests this provision be amended. The timeframe is also unreasonable to obtain coverage within 7 days.	x				7

SECTION	Page	Item#	Issue (note if none)	Requires Clarification (rc)	Unfunded Mandate (um)	Initial Cost (\$)	Annual Cost (\$)	Deadline Involved (d)	
			Requires permittees to prioritize catch basin cleaning and clean structure a minimum of 4 times per year (A), 2 times per year (B) and 1 time per year (C). This is a substantial increase in the cleaning currently performed by the City. Currently, high priority sites are cleaned every year and low priority sites are cleaned once per 5 year permit term. The City is also concerned more staff resources would be spent on inspection and ranking catch basin and not cleaning them.			\$500,000	\$250,000		
	85	6a	Requires trash management for public events including temporary screens on catch basins or cleaning out catch basins and surface areas after the event. The City requests adding text to include Permittee permitted events.						
	85	6b	Requires trash receptacles at all transit stops in commercial areas, near educational institutions, and in areas subject to high trash generation. This would require the City to install an additional 430 trash receptacles. Currently trash receptacles are placed in areas with trash problems (110 bus stops). This increase in trash receptacles is not cost-effective and would require significant levels of funding without a commensurate increase in water quality. The City request a language change to "requires trash receptacles at all transit stops in areas subject to high trash generation."			\$120,000	\$300,000	180	
	85	6c	Requires inspection of all storm drain decals before each rainy season and replacement within 15 days of inspection. The City has over 10,000 inlets and this would require a substantial staffing effort and will not be not cost-effective in improving water quality. Request that this requirement be omitted.				\$20,000		
	85	6d	Requires trash excluders on catch basins in commercial areas, industrial areas, and near educational institutions. Trash is not a listed pollutant of concern in Santa Rosa area waterbodies and the City requests that this provision should be removed from the permit. This requirement would be costly and not cost-effective at improving water quality for pollutants of concern. There are approximately 10,800 inlets in Santa Rosa and ones in these areas could be up to 1/3 of the total number of inlets.			\$3,600,000	\$500,000	1 year	
	86	6e	Requires annual inspection and maintenance of open channels to remove trash and debris. Would this activities require a separate 401 water quality certification/WDR or is it authorized by this permit?	X			\$25,000	180	
	86	6f	Requires maintenance of residual water in treatment control BMPs. The City suggests this requirement should only apply to structural BMP and not all swales, detention ponds and retention ponds.	X					
	87	6h3							

SECTION	Page	Item#	Issue (note if none)	Requires Clarification (rc)	Unfunded Mandate (um)	Initial Cost (\$)	Annual Cost (\$)	Deadline Involved (d)
	87	8a	Requires permittees to obtain coverage under the construction general permit for long-term maintenance programs including vegetation in flood control channels, maintenance or replacement of streets, sidewalks, roads, and any other project where 1 or more acres of soil is disturbed. The activities listed would not disturb soil and do not require coverage under the construction general permit. Therefore, the City suggests this provision be amended. The timeframe is also unreasonable to obtain coverage within 7 days.	x				
	88	11a	Municipal Employee/Municipal Contractor Training – Requires City to provide training to all those whose activities could affect the SWMP.			\$10,000		180
	88	11b	Municipal Employee/Municipal Contractor Training – Requires City to provide training to all those who use or may use pesticides/fertilizers. State already requires contractors to be licensed and attend training for pesticide application. This provision is not reasonable, duplicates regulatory efforts and should be removed from the permit.					180
PART 10 ILLICIT CONNECTIONS AND ILLICIT DISCHARGES ELIMINATION PROGRAM	89	2b	Requires mapping all permitted connections, illicit connections and discharges to the storm drain system.			\$10,000	\$20,000	2 years
	90	4a1a	The City is concerned about the requirement to map all channels as defined in the definitions. Would this require mapping of all ditches and swales or just creeks, streams, or waterways?	x				
	90	4a2	Requires field screening of the storm drain system in accordance with procedures described in the Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments. The only screening procedure contained in the document is the Outfall Reconnaissance Inventory (ORI), which is a screening of storm drain outfalls and not the entire storm drain system. Subsections A-C state all portions of specific storm drain sizes or ages, therefore the City requests clarification of this provision. Cost based on conducting the ORI on 90 miles of creeks.	x		\$108,000		3 years
PART 11 REPORTING PROGRAM	91	1	Requires that the Permittees develop an Electronic Reporting form for all requirements in the permit within 180 days. Each year the permittees submit an annual report as a hard copy and electronically. Requiring an additional electronic report is duplicative and would not improve water quality. The City does not see the need to require this additional electronic reporting program.			\$50,000	\$7,500	180

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MONITORING AND REPORTING PROGRAM	1	a1b	Are the constituents contained in this table suppose to be the same as those listed in a2b on page 2? The lists are not the same. Ammonia is not listed in a1b and fecal coliform is not listed in a2b.	x					
	2	a2a	Requires monthly chemical sampling on Santa Rosa Creek upstream and downstream of Santa Rosa. This task was not proposed in the SWMP				\$20,000		
	2	b2a	Requires chronic bioassay sampling during 2 storm events. Does this eliminate the sampling during the first flush?	x					
	2	b3a	The Permittees shall complete acute and/or chronic TIEs for all sites showing 90 percent or more toxicity to any 1 test organism in the first year. The City requests clarification on what constituents "90 percent or more toxicity." Costs based on conducting TIEs for all 3 locations for the 3 species.	x		\$40,000			
	2	b4a	Requires that Toxicity Reduction Evaluations (TRES) be performed for toxicants identified through TIEs that cause at least 50 percent of the toxic responses in at least 2 samples from the same location. This requirement also calls for a corrective action plan 30 days after the TRE is complete. This timeframe is onerous and the City is requesting additional time to meet this requirement.			\$50,000			
ATTACHMENT A BENEFICIAL USES	4	d7	Requires samples collected for toxicity to be flow weighted composites. Please clarify whether this requirement applies to the standard chronic bioassay tests performed under this permit. Requires development and implementation of a volunteer monitoring program.	x		\$5,000	\$5,000		
ATTACHMENT B STANDARD PROVISIONS			The City requests a legend be added so readers can interpret the table.	x					
ATTACHMENT C DEFINITIONS			The City requests the following terms be added to the definitions: background level, designated storm water discharge, direct flow, dry weather, elevated bacterial indicator densities, low threat discharges, natural flow, nonpoint pollution, nutrient loading, onsite water treatment system, private drain, receiving waters, MS4 discharges, storm water runoff discharges, storm water runoff, storm water discharge, urban development and wet weather.	x					

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	5		impervious surfaces definition considers permeable pavement to be impervious if they have subdrains to preclude infiltration into underlying soils. The City requests this definition be changed. Subdrains are needed to prevent saturation of the road base to prevent premature failure of asphalt roadways. Subdrains are also needed to carry water away after soils are saturated and won't allow additional infiltration.					
	8		MEP - This does not appear to be a definition. It cites the section of the CWA that requires storm water programs to meet MEP. Please include a definition.	x				
	8		Permittees - The City requests additional language be added to document the separation of liability between the different copermitees.					
	9		Redevelopment - This word already is a term developed by state law to describe a process for local government to eliminate blight, as well as achieve goals of development, reconstruction and rehabilitation of residential, commercial, industrial and retail districts. Replacing the term throughout the permit with "reconstruction" or "rehabilitation" may be more appropriate.					
	11		TMDL definition is not consistent with finding #83 on page 28.	x				
	12		Water Quality Objectives - Not consistent with finding #68 on page 24.	x				
	13		Watershed Management - The City requests adding additional language from finding #57 on page 20.	x				
Total						\$5,689,500	\$6,389,500	

