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May 20, 2016



Mr. Bryan Smith  
Mr. Clint Snyder  
Regional Water Quality Control Board  
364 Knollcrest Drive, Suite 205  
Redding, CA 96002

Dear Mr. Smith and Snyder:

The Laguna Creek Watershed Council and City of Elk Grove are jointly submitting comments regarding the draft MS-4 Central Valley Regional Permit. Both organizations have significant experience working with dry wells, an important tool for maximizing stormwater reuse in the Central Valley. There are certain sections within the current draft about which we share concerns. We have listed the concerns below with suggestions for additions/changes:

**I. Infiltration BMPs.** The draft permit contains the following language:

“The Permittee shall consider the type of development and resulting stormwater discharge and, if appropriate, consider the use of structural BMPs that are designed to primarily function as infiltration devices (e.g., infiltration trenches, infiltration basins, bioretention planters, porous pavement, dry wells) so long as the devices will not adversely impact groundwater quality. These restrictions and when they should be applied shall be described in the Permittee’s Development Standards.”

Cited in Attachment J. F.2.f. p. J-8

Suggestion: We would prefer that the Regional Board or State Board address this issue for dry wells in particular. Of the various infiltrations practices, dry wells places stormwater closest to the aquifer. Therefore, special consideration should be given to guidelines and the regulation of its use. One of the issues the State Water Board STORMS strategy will be addressing is guidelines for the use of dry wells or deep infiltration practices. While the risk of groundwater contamination associated with dry well use is minimal if proper pretreatment and siting considerations are used, we do not believe it reasonable to lay that burden on local municipalities. We suggest the Regional Board and State Board develop a set of guidelines based on the best available information and science. Staff of the Elk Grove Dry Well Project is available to assist the Regional and State Boards in such an effort. To this end, we suggest the language in this paragraph be amended to add one more sentence at the end as follows:

“The Regional and/or State Boards are in the process of developing guidelines specific to the design and siting of dry wells that should be followed once released.”

**2. Retrofitting and Rehabilitation.** The current draft permit contains language regarding prioritizing projects as follows:

“Establish a prioritization strategy to rank each project considering;

- (a) PWQCs;
- (b) Potential pollutant removal and drainage area affected;
- (c) Stream channel protection capability;
- (d) Design, construction, inspection, and maintenance costs of facility, considering the applicability of storage or on-site retrofits;
- (e) Ability to implement the project; and
- (f) Potential for cumulative benefit.”

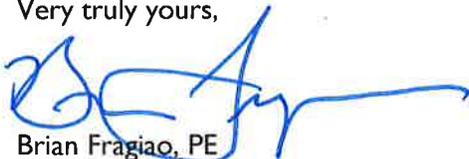
Cited in Attachment J. F.2.p. J-13-14

We suggest that an additional criterion be added to assess the capacity of the subsurface to treat and infiltrate stormwater, including the presence of sand and gravel units. Knowledge of the subsurface is essential to estimate the infiltration capacity and therefore, which infiltration practice might accomplish the goals of stormwater reuse. The State of Washington includes an evaluation of the subsurface in determining what type of pretreatment practices is necessary when deep infiltration practices are used. For example, when the vadose zone has high clay content with a great pollutant attenuation capacity, fewer pretreatment features are required than in circumstances with many sand and gravel units in the subsurface. When developing a retrofit strategy to achieve increased infiltration, some consideration should to the given the condition of the vadose zone. We suggest the following language be added to the list above:

(g) infiltration and treatment capacity of the subsurface.

Thank you for the opportunity to provide comments. The current draft of the permit contains significant improvements over previous versions, in particular, the clear recognition weaved throughout the permit of efforts to use stormwater as a resource.

Very truly yours,



Brian Fragiao, PE  
Engineering Services Manager



Barbara Washburn  
Board of Directors  
Laguna Creek Watershed Council

Cc: Sacramento Stormwater Quality Partnership