



COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY
Transportation Department



Juan C. Perez, P.E., T.E.
Director of Transportation

January 9, 2013

Submitted via email to WChiu@waterboards.ca.gov

Wayne Chiu, PE
California Regional Water Quality Control Board – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Subject: Comment – Tentative Order No. R9-2013-0001, Regional MS4 Permit,
Place ID: 786088Wchiu

Dear Mr. Chiu:

The Riverside County Transportation Department (Transportation Department) appreciates the opportunity to comment on Tentative Order No. R9-2013-0001, NPDES No. CAS0109266, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Tentative Order). The Transportation Department requests that the Tentative Order be revised to provide that public works transportation improvement projects are exempt from individual project-specific Standard Stormwater Mitigation Plans (SSMPs) when they are designed and constructed to the Maximum Extent Practicable (MEP) in conformance with the USEPA guidance “Managing Wet Weather with Green Infrastructure: Green Streets.”¹

Background

The Public Works departments of municipalities have an obligation to the traveling public to provide safe, efficient, and reliable street and road systems for travel. Municipalities are not profit driven, but, as public servants, strive to maintain and improve as many roads as possible within each fiscal year budget and within a reasonable (but uncertain) capital improvement program planning horizon. The Riverside County Transportation Department takes advantage of state and federal safety grants as often as we can; however such grants often come with funding limits, matching requirements, and time constraints for project completion.

Public Works transportation projects are different from conventional private development projects

¹ USEPA. 2008. http://water.epa.gov/infrastructure/greeninfrastructure/upload/gi_municipalhandbook_green_streets.pdf and http://water.epa.gov/infrastructure/greeninfrastructure/gi_policy.cfm#municipalhandbook

due to the following:

- State and federal funding for Public Works transportation projects have strict timelines.
- Most Public Works transportation projects (1) are constrained by private property and utility easements on either side of the road right-of-way; (2) are linear in nature, and (3) have great difficulty meeting each and every requirement associated with a project-specific SSMP given right-of-way constraints.
- The number of roadway projects delivered to the public is based on annual transportation fund allocations.
- The purpose of the majority of Public Works transportation projects is to improve public safety. Safety projects include intersection improvements, minor shoulder widening, curve realignments, adjustments to vertical grades, and turn pockets.

On July 2, 2012 Riverside County submitted to the Executive Officer of the San Diego Regional Water Quality Control Board the Transportation Project Guidance that was developed in accordance with Order No. R9-2010-0016, NPDES No. CAS0108766, Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control and Water Conservation District within the San Diego Region (2010 Riverside County MS4 Permit). The Transportation Project Guidance was prepared in accordance with Directive F.1.d.(2)(g) of the 2010 Riverside County MS4 Permit, which stated:

“...To the extent that the Copermittees develop revised standard roadway design and post-construction BMP guidance that comply with the provisions of Section F.1 of the Order, then public works projects that implement the revised standard roadway sections do not have to develop a project specific SSMP. The standard roadway design and post-construction BMP guidance must be submitted with the Copermittee’s updated SSMP.”

The Transportation Project Guidance addresses improvements to streets, roads, highways, and freeways, and Class I Bikeway and sidewalk projects undertaken by the MS4 Copermittees and incorporates the principles contained in the USEPA guidance, “Managing Wet Weather with Green Infrastructure: Green Streets” and addresses Hydrologic Conditions of Concern criteria. The Transportation Project Guidance was also submitted to the Santa Ana Regional Water Quality Control Board and was approved by its Executive Officer on October 22, 2012. To date, the Riverside County NPDES MS4 Copermittees have received no comments or questions from staff of the San Diego Regional Water Quality Control Board relative to the Transportation Project Guidance submitted on July 2, 2012.

Transportation Department Project Example

Recently the Riverside County Transportation Department completed the construction of a roundabout on Rancho California Road in the Temecula area. The purpose of the project was to improve an existing intersection deficiency. Several thousand cars travel Rancho California Road each day for touring the many wineries in the Temecula area. Rancho California Road has multiple intersections with several in need of traffic control measures to slow the traffic through the area. The needed traffic control measures would improve safety and provide an opportunity for residents, tourists, and commercial vehicles to cross Rancho California Road or to merge into traffic on the road. A traffic signal light would have been the appropriate solution in a more urban setting. However, in this relatively rural environment, a roundabout was determined to be a more appropriate traffic control measure. This project was built at a cost of \$1.6 million with \$800,000 (half the total project cost) needed to purchase land and to construct a water quality basin to treat 100% of the runoff from the project site. We believe that a regional approach to water quality would have been much more appropriate, not only due to cost, but also because of the aesthetic sensitivity of the surrounding community. Although the water quality basin performs its function and meets the requirements of a project-specific Standard Stormwater Mitigation Plan (SSMP), it does not aesthetically complement the surrounding environment. This project area consists of rolling hills, a vast landscape of vineyards, beautiful wineries, and now, a nicely landscaped roundabout with an adjacent and unattractive water quality basin. In addition to the less than optimal (aesthetically) water quality basin, the cost of the project meant that other roundabouts planned for Rancho California Road had to be deferred.

Support for Transportation Department's Request

Providing the NPDES MS4 Copermittees the alternative of using the Transportation Project Guidance would provide the most efficient use of limited public resources by:

- Ensuring that *all new roadway projects* would incorporate hydromodification Best Management Practices (BMPs) as described in the Tentative Draft Regional MS4 Permit.
- Ensuring *all roadway improvement projects* would incorporate hydromodification BMPs to the Maximum Extent Practicable (MEP) through the use of templates included in the Transportation Project Guidance
- Allowing time sensitive projects to proceed without delay.
- Ensuring that projects do not get “shelved” due to costly project-specific SSMPs for individual projects.
- Reducing the need to condemn property for the purpose of acquiring enough right-of-way to meet the requirements of SSMPs for individual projects.

The Santa Ana River Region and the Santa Margarita River Region NPDES MS4 Permittees have

dedicated substantial time and resources to developing Transportation Project Guidance intended to provide a consistent structure and decision-making procedures during the planning and design of their transportation improvement projects. These NPDES MS4 Permittees are just beginning to implement the Transportation Project Guidance in which they invested to comply with their 2010 NPDES MS4 permits. The planning horizon for most transportation improvement projects is years. The NPDES MS4 Permittees should now be afforded the opportunity to implement the Transportation Project Guidance

The recently adopted 2012 NPDES MS4 Permit for the Coastal Watersheds of Los Angeles County requires street and road construction of 10,000 square feet or more of impervious surface area to (1) follow the USEPA guidance regarding “Managing Wet Weather with Green Infrastructure: Green Streets” to the maximum extent practicable and (2) to address hydromodification control measures. However, projects that are replacement, maintenance or repair of a Permittee’s existing flood control facility, storm drain, or transportation network may be exempted from the hydromodification control measures. Further, the Coastal Los Angeles NPDES MS4 permit does not impose post-construction (permanent) BMPs on routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety, including impervious surface replacement or repaving, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment.

Request for Revision of Tentative Order

We urge you to reconsider the requirements imposed upon Public Works transportation projects as included in the Tentative Order No. R9-2013-0001. We request that you direct staff include the following exemption language into Provision E.3.(b)(3):

- (b) Any impervious surface that is 5,000 square feet or more used for the transportation of automobiles, trucks, motorcycles, and other vehicles that is designed and constructed to the Maximum Extent Practicable in accordance with the USEPA guidance “Managing Wet Weather with Green Infrastructure: Green Streets”². ~~Retrofitting of existing paved alleys, streets or roads that meet the following criteria:~~
- ~~(i) — Must be two lanes or less; AND~~
 - ~~(ii) — Must be a retrofitting project implemented as part of an alternative compliance project option under Provision E.3.c.(3)(b)(v) to achieve the performance requirements of Provisions E.3.c.(1) and/or E.3.c.(2) for a Priority Development Project; AND~~

² USEPA. 2008. http://water.epa.gov/infrastructure/greeninfrastructure/upload/gi_munichandbook_green_streets.pdf and http://water.epa.gov/infrastructure/greeninfrastructure/gi_policy.cfm#municipalhandbook

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~~(iii) Designed and constructed in accordance with the USEPA Green Streets guidance.~~

Conclusion

The Transportation Department appreciates the opportunity to comment on the Tentative Order and your consideration of our comments. The Transportation Department looks forward to participating in the further development of the next version of the Tentative Order in a collaborative process aimed at addressing the issues raised in this letter. If you have any questions regarding our comments, please contact Claudia Steiding at 951.955.1694.

Sincerely,

A handwritten signature in black ink that reads "Patricia Romo". The signature is written in a cursive style with a large, looping initial "P".

Patricia Romo, PE
Deputy Director
Riverside County Transportation Department

cc: Claudia Steiding
Jason Uhley