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Secretary for  
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**California Regional Water Quality Control Board  
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Arnold  
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October 28, 2009

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Mr. Bob Deis  
Sonoma County Administrator  
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Mr. Randy Poole, General Manager  
Sonoma County Water Agency  
P.O. Box 11628  
Santa Rosa, CA 95406

Dear Co-Permittees:

Subject: Clarification of Requirements in Adopted Order No. R1-2009-0050,  
National Pollutant Discharge Elimination System Municipal Storm Water  
Permit

File: The City of Santa Rosa, the County of Sonoma, and the Sonoma County  
Water Agency, Storm Water and Non-Storm Water Discharges from  
Municipal Separate Storm Sewer Systems  
NPDES No. CA0025054, WDID No. 1B96074SSON

This clarification letter supersedes a similar letter mailed on October 23, 2009, please disregard the October 23, 2009 letter. On October 1, 2009, the Regional Water Board adopted a renewed municipal storm water permit for the Santa Rosa area (Order No. R1-2009-0050). We were subsequently notified by staff of the City of Santa Rosa that they were requesting written clarification regarding specific permit language in order to prevent a misunderstanding of permit terms. This letter is issued to document these specific items of clarification.

1. Page 37: Numeric sizing criteria – This section defines flow and volume control criteria for all structural treatment best management practices (BMPs). The City has questioned the use of the term “structural” in this context. The term “structural treatment BMPs” refers to any system of interrelated elements designed and constructed to treat storm water runoff. This includes a variety of BMPs including inlet filters, bioswales, rain gardens, green roofs, etc.

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2. Page 39: Effective date - The effective date for the updated New Development and Redevelopment sizing requirements, referenced on page 39, refers to “projects that have not received tentative tract map, use permit or other permit prior to June 1, 2010”. The intent of this section is to recognize that some projects may have received discretionary approval or are in the final design phase prior to June 1, 2010 and it would be unreasonable to apply these new criteria to these projects. Through our discussions, we understand that some projects (such as municipal improvement projects) may not require “permits” such as those referenced above. Therefore, for projects that are not required to receive tentative tract maps, use permits or other similar permits, we would recognize the certification of a final CEQA document as an equivalent “permit” as long as the construction of these projects is pursued with due diligence.
3. Page 41: Post-construction BMP choice methodology, Part 5 - 2(b)(1) requires that LID design and landscape based BMPs shall be required by the Co-Permittees. This language is included to describe the performance measures applicable for new development projects. Although it is expected that this criteria can be met in most circumstances, language in Part 5 - 2(b)(3) details a process for seeking an exception for these criteria when it is determined to be infeasible.
4. Page 41: Part 5 - 2(b)(2) BMP underdrains - The LID performance measures describe the required storm water runoff treatment and capture criteria. BMPs with underdrains are not approved LID measures where they interfere with compliance with the treatment and capture criteria. Where BMPs are installed that can meet the treatment and capture criteria, overflow or bypass drains (including subsurface drains) are acceptable.
5. Page 42: Detention Ponds – Detention ponds are included in the list of BMPs that do not typically meet LID storm water treatment and capture standards. This is based on the common design criteria and performance evaluations in technical literature. The City has questioned whether a detention pond could be designed to meet LID performance standards and therefore be an appropriate BMP. Yes, ponds may be eligible for approval as LID measures (assuming they can meet the LID treatment and capture criteria) consistent with language in Part 5 - 2(b)(2)(B).
6. Pages 44 and 45: Interim hydromodification control requirements, state that the Co-Permittees shall “consider limiting peak duration and post-development volume to pre-development levels where adverse impacts to receiving waters are possible.” This permit language recognizes that hydromodification impacts are dependent on a variety of site specific and watershed variables. The interim program is intended to allow a specific case-by-case evaluation of potential impacts from a new development project and, where potentially significant

adverse impacts due to project runoff are determined through an environmental review or through technical evaluation, appropriate hydromodification controls to mitigate this potential impact are required.

7. Page 49: General Plan update requirements. It is the intent of this language to require consideration of storm water impacts during a General Plan update process. It is not the intent of this language to apply retroactively to the City of Santa Rosa's General Plan update or other General Plan updates that are currently being finalized. In the event that the City of Santa Rosa's current General Plan update or other General Plan updates require significant revisions in areas involving potential storm water impacts, the permit's General Plan update requirements referenced on page 49 will apply.
8. Page 50: Grading restrictions – This section requires a program to control storm water from construction projects. Part 8 - 2(a)(1) establishes a winter grading restriction program. This language applies only to projects on hillsides with slopes of 20% or greater.

In addition to the above, you have raised some issues with the timeline for reporting spills and illicit connections. As we have discussed, we intend to clarify this language through a formal permit amendment. The amendment will require quick response to the most serious events and an appropriately timed response for routine complaints. Until the amendment is processed, we encourage prompt response to all complaints and spills, with all investigations to occur within one business day after a report is received (as stated in the permit). We will also recognize the possibility of authorized delays in the event of a criminal investigation during the amendment process.

Please contact Mona Dougherty at (707) 570-3761, or [mdougherty@waterboards.ca.gov](mailto:mdougherty@waterboards.ca.gov), if you have any questions.

Sincerely,

*Original signed by Luis Rivera*

Catherine E. Kuhlman  
Executive Officer

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