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October 10, 2008

Catherine E. Kuhlman, Executive Officer
Regional Water Quality Control Board, North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

**RE: DRAFT WASTE DISCHARGE REQUIREMENTS**
**DRAFT ORDER NO. R1-2008-0106**
**NPDES NO. CA0025054**
**WDID NO. 1B96074SSON**

Dear Catherine:

The Sonoma County Regional Parks Department (Regional Parks) has reviewed Draft Order No. R1-2008-0106 (Draft Order) and respectfully submits the following comments for your consideration in preparation of the Final Order. The most significant issues for Regional Parks are (1) Time Frame Considerations, (2) Budgetary Considerations, and (3) Lack of Clarity. Each of these items is discussed specifically below, followed by additional comments on the Draft Order.

The following specific comments are grouped according to importance:

**Time Frame Considerations:**
The Draft Order was delivered to the Permittees with very little turn around time. The comment period is too short to allow adequate review of the permit. The length of the Draft Permit and the magnitude of the document require significant time to fully respond to the proposed requirements. This draft permit places unreasonable time requirements regarding the implementation of the many goals and provisions.

1. **Pg 3, Item 9 - This provision states that the boundary will be expanded to the entire Sonoma County area.**

The Regional Board indicated in meetings with the Co-Permittees spanning the past several months, the boundary expansion would proceed in a phased approach. An immediate expansion of the boundary was not discussed in any of these meetings. The Draft Order stated the intention to immediately expand the boundary to the entire County. Regional Parks urges adherence to the originally proposed phased approach concerning boundary expansion. Regional Parks suggests implementing this phased approach in areas of dense population, where potential for water quality problems is highest. This approach allows for development and testing of these programs in urban pilot areas before implementing them county wide.

2. **Pg 62, Part 5, Item 1 – This provision states that a plan to rank all critical sources of water pollution be developed.**

The time frame for implementation of the requested "New and Redevelopment Integrated Water Quality/Water Resource Plan" is not clear. Please clarify as to whether all permittees will develop one overall plan, or one plan per permittee. Please clarify if the Regional Board intends for each permittee and their respective departments to implement their own plan.

2. **Pg 77, Part 8, Item a – This provision requests the development of an electronic tracking system that tracks movement of soil.**

Please quantify the amount of soil which constitutes a "movement of soil" or a "land disturbing activity."

**Budgetary Issues:**

The Draft Order places unreasonable financial burden on Regional Parks during a time when the State has cut back funds from the County and intends to do so in the future; and the economy is faltering. The Draft Order includes programs and regulations that will require additional staff and materials to comply with the permit provisions. The funding necessary to pay additional staff and complete the additional provisions in the draft permit is not available and constitutes an unfunded mandate.

1. **Pg 45, Part 3, Item 1 – This provision requires additional breakdown of budgetary expenditures.**

The annual budget summary report expansion requested by the Regional Board would require extensive staff hours to produce. This would not be cost effective and would contradict Finding 47 of the Draft Order. Regional Parks opposes this requirement and requests an explanation for the justification of this order. Compliance with this requirement would require Regional Parks to overhaul its accounting and time reporting system. The cost of doing so is excessive and not cost-efficient. Please demonstrate how this accounting would improve water quality.

2. **Pg 83, Part 9, Item 4 – This provision requires elimination of wash water discharges.**

Regional Parks requests the specification of acceptable equipment wash facilities. A majority of Regional Parks' vehicles are washed at the Central Fleet Operations car wash located in the County Center of Santa Rosa. However, many of our maintenance vehicles are located in remote park sites where it would cost tens of thousands of dollars in staff time and wash station installation costs to provide for all vehicles and equipment remotely located. This equipment is typically cleaned using sweeping and other dry methods. If conditions warrant washing, the current practice is to use minimal water and wash the equipment on grass or other surfaces that allow filtration of the wash water. Care is taken to ensure that occasional washing is not completed near a drain inlet, creek, other drainage facility, or on a slope. Any debris removed from the equipment cleaning and washing procedure is gathered and properly disposed. Additionally, many of our parks do not have closed system sewers. Therefore, the option of plumbing to the sanitary sewer is not always feasible.

The proposed requirements regarding wash areas would be an unfunded mandate, and place an undue financial hardship on Regional Parks.

3. **Pg 85, Part 9, Item 6(a) – This provision requires implementation of a catch basin cleaning and a ranking system.**

The proposed priority system would cause more staff time to be spent on ranking and documenting the existing drains than the current Regional Parks practice of inspecting and cleaning as necessary. Regional Parks inspects and cleans its catch basins as needed, especially those in high trash and debris areas like the County Center. Some catch basins require more cleaning than the proposed inspection and cleaning program specifies, while some require cleaning less often. Problem catch

basins are known by staff and cleaned out frequently. Others are inspected and cleaned as necessary. These additional practices would be an unfunded mandate, and place additional financial hardship on Regional Parks.

4. **Pg 86, Part 9, Item 6(f)(1)- The Draft Order states that the Permittees shall quantify the amount of materials removed during drain maintenance activities.**

Documenting this would require additional staff and additional budget expenditures that are not available. Regional Parks actively cleans the storm water infrastructure under our jurisdiction. However, quantities of materials removed are not estimated or tabulated. This requirement would add to the unfunded mandate. Please demonstrate how this requirement would improve water quality.

5. **Pg 87, Part 9, Item 7 - The Draft Order states that commercial areas and other areas subject to high trash generation must be swept at least twice per month.**

Regional Parks does not own or have access to a vacuum sweeper truck, so all street sweeping must be done by hand. Hand sweeping all parking lots, streets, and other paved areas under our jurisdiction twice per month would be exorbitantly expensive and require more staff than we currently have available. This additional requirement would add to the unfunded mandate, and places a significant financial hardship on Regional Parks

**Lack of Clarity**

The Draft Permit does not spell out individual Permittees' responsibility. The Draft Permit lacks clarity in its organization, layout and explanation of goals and provisions for which the Permittees are to be held responsible. It is Parks understanding that the Draft Permit was based extensively on the fourth draft of Ventura County's Permit, currently in litigation, which also suffers from the identified issues.

1. **Pg 14, Finding 40 – The Draft Order specifies, "this Order will require new development controls for smaller projects based on land use categories."**

Regional Parks cannot find a definition or example of the land use categories mentioned in the Draft Order. Further, it is unclear if the language in Finding 40 applies to all projects or solely to Standard Urban Stormwater Mitigation Plan applicable projects.

2. **Pg 47, Part 2, Item 2(a) – This provision requires labeling of all storm drain inlets.**

The requirement to label all storm drain inlets is not clear. Please clarify as to the labeling of storm drain inlets in circumstances that do not allow attachment of labels or posting thereof. Example: a drop inlet in the middle of an athletic field.

3. **Pg 48, Part 2, Item 2(b) – The Draft Order states, "Each Permittee must identify staff who will serve as the contact(s) person..."**

Please clarify as to whether the requirement is one contact per the three permittees, one contact per permittee, or one contact per department within each of the permittees organization.

**Planning and Land Development Program**

1. **Page 59 - 62. Part 4 - Planning and Land Development Program. This item requires that Permittees implement a Planning and Land Development Program for all New Development and Redevelopment projects subject to Order No. R1-2008-0106.**

Regional Parks agrees with the benefits of such a program, however, the Order lacks clarity in terms of how the program is implemented and is excessive in terms of content.

a. Effective Date. The requirement for Permittees to apply the orders to this new program within six months is unrealistic. Most planning projects require a longer timeframe for public outreach, environmental compliance, and obtaining regulatory permits. Regional Parks suggests that the language be changed to require that Permittees apply the requirements of this new program to new projects.

b. Item 1.(d) includes the following phrase "...reduce post-development surface flows..." Regional Parks suggests that this phrase be changed to "...maintain post-development surface flows..." Permittees should not be expected to reduce post-development surface flows.

c. Item 2. Entitlement Process. Regional Parks is unsure whether this applies to the conveyance and/or acceptance of easements, which is fairly common at Regional Parks and is a routine paperwork exercise. If this provision does apply to the conveyance and/or acceptance of easements, Regional Parks suggests that the provision is excessive. Regional Parks considers all impacts, including potential stormwater quality impacts, during the planning and environmental document preparation phases of project development. It would be extremely difficult, if not impossible, to analyze any potential impact to a property separate from its associated planning process.

d. Item 3 - New Development Projects. This provision seems to be requiring that impervious surfaces are required for the identified types of projects, including parking areas with 5,000 square feet or more of impervious surface area or with 25 or more parking spaces and for projects located in or directly adjacent to an environmentally sensitive area. If this is the case, the language in the Order should be made clearer. This item defines impervious surface and certain types of development projects. Furthermore, adherence to this provision would result in the build-up of water under roadways because it would actually undermine the roadway or parking area.

**Additional Comments**

1. **Pg 47-49, Part 2, Item 2, 3 – These provisions require increased public participation and education programs concerning storm water quality.**

Please clarify as to the activities for which each Permittee is responsible, regarding Items 2 and 3. The additional educational components specified in the draft permit may add financial burden to the department. These additional education requirements are an unfunded mandate. However, the department will continue its commitment to education providing storm water education through the Regional Parks Discovery Center at Spring Lake Regional Park.

2. **Pg 62, Part 4, Item 4(b) – This provision specifies certain projects that are considered routine maintenance.**

Regional Parks maintains that chip sealing, and culvert replacement are routine maintenance activities. Please explain the Regional Boards classification of these two activities as redevelopment activities.

3. **Pg 64, Part 5, Item 4(a)(1)(B) – This provision requests that development projects implement hydrologic control measures to protect stream habitat in receiving waters.**

Please clarify as to whether "Area Specific Plan" covers a project area or its surroundings as well. Please clarify what distance from the project site, or any other criteria and what constitutes surroundings. The Hydromodification Area Plan may require that Regional Parks hire additional staff and incur additional material expenses that currently are not funded. This would add to the unfunded mandate.

4. **Pg 68, Part 6, Item 2(b) – This provision requests inspection of Low Impact Development and Best Management Practices measures by trained personnel.**

Please clarify what constitutes a "trained person" as it relates to training for inspection of LID and BMP measures.

5. **Pg 69, Part 6, Item 6(a) – This provision states, "The Permittees shall update their Storm Water Management Plan..."**

Please clarify as to whether updating the "Storm Water Management Plan" actually refers to updating the "SUSMP Manual"

6. **Page 70, Part 7 - State Conformity. The Draft Order requires Permittees to incorporate additional procedures to consider potential storm water quality impacts and provide appropriate mitigation measures into California Environmental Quality Act (CEQA) documents.**

   a. The existing CEQA Checklist provides the opportunity to evaluate the items listed in the Draft Order amongst the various resource categories.

   b. Incorporation of additional procedures associated with CEQA implementation may trigger changes to Chapter 23A of the County Code, which governs CEQA implementation in Sonoma County. If this is the case, it is unlikely this requirement can be met within the six-month timeframe specified in the Draft Order because modification of the County Code would require substantial coordination between several County departments and ultimately approval by the Sonoma County Board of Supervisors. This item may be pursued within the permit term however; the County cannot be required to alter its own County Code.

   c. This requirement seems to exceed the federal CWA provisions (reference to Finding #52 on page 18). While Regional Parks recognizes the benefits of reconciling the Draft Order with the County's CEQA process, the RWQCB should demonstrate the nexus of this requirement to the federal Clean Water Act (CWA) provisions.

   d. Compliance of this requirement would result in an undetermined cost to Regional. Due to the missing link with the federal CWA, this requirement is an unfunded local government mandate, which contradicts Finding 52.

7. **Pg 71-72, Part 8, Item 2 – This provision discusses grading restrictions during the wet season.**

The provisions discussed regarding grading during the wet season do not include details key to estimating the departments ability to comply.

   e. Please clarify if the grading prohibition applies to silty soils, fine sand, or areas lacking vegetative soil on any slope, or if the prohibition only applies to these areas on a slope of 20 percent or greater.

   f. Please clarify as to whether there should be exceptions to this prohibition under the circumstances of dry winters or drought periods.

   g. Please clarify as to whether this provision applies to all development projects, including public projects completed by Regional Parks.

   h. Please clarify as to whether emergency maintenance projects will be prohibited by this restriction.

   i. Regarding Item 2(a) (1): Please clarify as to the beginning of the wet season.

8. **Pg 87, Part 9, Item 8 – This provision requires long-term maintenance programs to obtain coverage under the General Construction Permit.**

   a. Regional Parks opposes obtaining coverage under the general construction activities less than one acre. Reducing the square footage for compliance with this issue adds to the requirement for increased staffing and materials and will add unfunded financial burden to Parks. This will constitute an unfunded mandate.

   b. Please define the time coefficient in the phrase "long-term."

9. **Pg 88, Part 9, Item 11 – This provision requires additional training of employees and contractors.**

Training of contractors does not fall under Regional Parks' responsibility. This additional education requirement is an unfunded mandate, and places a financial hardship on Regional Parks.

10. **Pg 89-90, Part 10, Item 4 – This provision requires the implementation of an Illicit Connections and Illicit Discharge Program including a GIS inventory of stormwater infrastructure.**

   a. Please provide clarification as to what is expected of Regional Parks to monitor and implement with regards to this provision.

   b. Under item 4(1)(A), the definition of a channel is unclear. Please clarify as to whether the Regional Board considers a channel as an "open conduit either naturally or artificially created that periodically or continuously contains moving water, or which forms a connecting link between two water bodies", as specified in Appendix C, or if a different interpretation is appropriate. Please clarify the definition in Appendix C, regarding whether all drainage ditches of all sizes are subject to mapping. Mapping all drainage ditches of all sizes would be financially burdening to Regional Parks and is currently unfunded.

**11. <u>Monitoring Program</u>**

Regional Parks requests the Regional Board specify the responsibility of each Permittee, and associated departments, regarding the implementation of the proposed monitoring program. Regional Parks also requests the Regional Board specify the types or locations of outfalls the Regional Board intends the Permittees to monitor.

Sincerely,

Mary E. Burns

Mary E. Burns, Director
Sonoma County Regional Parks

cc: Allan Darrimon, Maintenance Manager
Corbin Johnson, Stormwater Coordinator
Michelle Julene, Environmental Specialist