



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

SEP 07 2010

Mr. Ben Neill  
Northern Watersheds Protection Unit  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

Re: Draft MS4 Permit for Riverside County

Dear Mr. Neill:

The following are EPA Region 9's comments on the draft NPDES permit for the municipal separate storm sewer system (MS4) serving the portion of Riverside County within the jurisdiction of the San Diego Regional Board (SDRB), which was public noticed on July 23, 2010. We would first like to point out there appears to be an error in the NPDES permit number for the draft permit (page i). Permit No. CAS0108740 proposed for the Riverside County MS4 permit, is also the number used for the SDRB's MS4 permit for South Orange County. We suggest the SDRB retain the permit number used for the previous permit for Riverside County, which is CAS0108766.

As you know, Region 9 has been working with Regional Boards throughout the State over the last several years in an effort to develop clear, measurable and enforceable requirements for MS4 permits. We have focused most of our attention on requirements related to low impact development (LID) and TMDL implementation, given the potential environmental benefits to be derived from these particular components of the stormwater permit program. Since there are no approved wasteload allocations applicable to the Riverside County MS4 discharges at this time, the following comments focus on LID requirements, but also address several other issues as well. However, with regards to TMDLs, section I of the draft permit would incorporate applicable requirements of future TMDLs when fully approved, and we support this provision.

**A. *LID Requirements***

We recommend section F.1.d.(4)(c)(ii) of the draft permit (page 33) be revised as follows:

"If onsite ~~infiltration~~ retention LID BMPs are technically infeasible per section F.1.d.(7)(b), other LID BMPs may treat any volume that is not retained onsite provided that the other LID BMPs are sized to achieve equivalent stormwater volume and pollutant load reduction as if the entire design capture volume were retained onsite ~~to hold the design storm volume that is not infiltrated.~~"

The proposed language in the draft Riverside County MS4 permit (which only mentions infiltration as an LID BMP) is inconsistent with the analogous section in the adopted South Orange County MS4 permit, and would not require a consideration of LID measures such as evapotranspiration, or capture and reuse of stormwater in determining the feasibility of the permit's onsite retention requirement in section F.1.d.(7)(a). The revised approach we've suggested here is derived from the requirements of the Ventura County MS4 permit (section E.III.1.b) adopted by the Los Angeles Regional Board in July 2010, and we believe it is more consistent with the intent of LID for stormwater, i.e., retention of stormwater onsite, and section F.1.d.(7)(a) of the draft permit. Further, although the draft permit includes a rough definition of "LID" in Attachment C-2, the permit is still not entirely clear concerning what is intended by the term "LID BMPs." We suggest additional descriptive information such as the following (also derived from the Ventura County MS4 permit) be added to Finding 2.c (page 9) or the definitions section of the draft Riverside County permit:

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"LID site design BMPs, utilizing infiltration, storage for reuse, evapotranspiration, or biofiltration/bioretention help preserve and restore the natural hydrologic cycle of the site, allowing for filtration and infiltration which can greatly reduce the volume, peak flow rate, velocity, and pollutant loads of storm water runoff."

***B. Comments on Other Issues***

**1. Issues Related to Non-Stormwater Discharges**

We understand that concerns have been raised regarding the proposed numeric action levels for non-stormwater dry weather discharges (section C of the draft Riverside County MS4 permit). However, we would point out that these requirements are consistent with requirements adopted by the SDRB in December 2009 for the MS4 permit for South Orange County. Such requirements are also consistent with our efforts to ensure MS4 permit requirements are more measurable and enforceable, and we would encourage the SDRB to retain the proposed requirements in the final Riverside County MS4 permit.

We also understand that concerns have been raised regarding the deletion of landscape irrigation, irrigation water, and lawn watering from the list of non-stormwater discharges which are not necessarily prohibited by the permit (section B.2). We previously supported this same revision in a letter to the SDRB dated June 18, 2009 commenting on the draft South Orange County MS4 permit; we support the revision in the Riverside County MS4 permit as well. In our previous letter, we noted that the fact sheet for the Orange County MS4 permit had identified these categories of discharges as significant sources of pollutants, and as such, it would be appropriate for the SDRB to remove these discharges from the list of non-prohibited non-stormwater discharges in the Orange County MS4 permit. The fact sheet for the draft Riverside County MS4 permit

includes similar information on the discharges, and we believe removal of the discharges from the list of non-prohibited discharges would be appropriate in both counties.

## **2. Stormwater Action Levels (SALs)**

In a previous letter to the SDRB dated September 28, 2009, we supported the SALs proposed for the South Orange County MS4 permit; we noted the proposed requirements would help clarify the term "maximum extent practicable" (MEP), and would be consistent with our goal of including more measurable and enforceable requirements in MS4 permits. The proposed SAL requirements in the Riverside County MS4 permit are consistent with requirements for South Orange County, and for the same reasons noted in the case of South Orange County, we would also support the proposed requirements for the Riverside County MS4 permit.

## **3. Retrofitting Requirements for Existing Development**

As you know, EPA is considering requirements for retrofitting BMPs into existing developments as one of the key components of national stormwater rulemaking currently underway to improve the stormwater program (74 FR 68621, December 28, 2009). We note that the proposed retrofitting requirements for Riverside County are very similar to the requirements of the MS4 permit adopted by the SDRB in December 2009 for South Orange County. Given the potential environmental benefits of retrofitting in reducing pollutant discharges in stormwater runoff, we strongly encourage the SDRB to retain the proposed requirements in the final Riverside County MS4 permit.

## **4. Hydromodification Requirements**

We have reviewed the proposed requirements related to hydromodification in the draft Riverside County MS4 permit (section F.1.h), and we would encourage the SDRB to retain these requirements in the final permit. The proposed requirements in the Riverside County permit are similar to requirements in other recently-adopted Southern California MS4 permits, and the requirements will further the objectives of the LID provisions in the permit.

## **5. Requirements for Unpaved Roads**

We understand that concerns have been raised regarding the new requirements in the draft Riverside County MS4 permit to implement additional controls for stormwater discharges from unpaved roads (sections F.1.i, F.3.a.10 and F.3.c.5 of the permit). We believe the new requirements are fully supported by the fact sheet and the Findings for the permit (Finding D.1.c), which identify the discharges as a significant source of pollutants. As such, we urge the SDRD to retain the proposed requirements in the final permit. Lastly, we would note the proposed requirements are similar to requirements in

the Municipal Regional Permit for MS4s in the San Francisco Bay Area adopted in 2009 by the San Francisco Bay Regional Board.

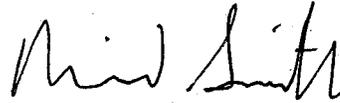
#### **6. Monitoring Requirements**

We understand that concerns have been raised about the monitoring requirements of the draft Riverside County MS4 permit (Attachment E to the permit). However, the proposed requirements are consistent with the requirements of other recent MS4 permits adopted by the SDRB such as the 2009 South Orange County MS4 permit. We strongly encourage the SDRB to retain the requirements in the final permit. Measuring the effectiveness of the stormwater program continues to be a challenge and thus, is an important priority for EPA; we believe the proposed monitoring details and requirements will improve permittee and Regional Board's ability to measure program effectiveness.

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We appreciate the opportunity to provide comments on the draft permit. If you would like to discuss this matter further, please contact Eugene Bromley of the NPDES Permits Office at (415) 972-3510.

Sincerely,



David Smith, Manager  
NPDES Permits Office (WTR-5)