



PUBLIC WORKS DEPARTMENT  
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December 17, 2012

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

**Subject: Comment Letter – Revised Draft Phase II Small MS4 Permit**

The City of Santa Cruz appreciates the opportunity to comment on the revised Phase II Small MS4 Permit (Draft Phase II Permit). The City of Santa Cruz understands the importance of the Phase II regulations for improving storm water quality and appreciates the effort of the State Water Board staff in developing a General Permit for statewide application.

The City participated in the California Stormwater Quality Association (CASQA) Phase II subcommittee review of the Phase II Permit and fully supports the detailed comments and recommendations contained in their December 2012 letter. We strongly encourage you to incorporate their suggestions into the final version of the Phase II Permit.

Additionally, we would like to comment on one additional element of the permit that is of particular concern to us:

**ATTACHMENT J – CENTRAL COAST POST-CONSTRUCTION REQUIREMENTS**

The City of Santa Cruz participated in the Joint Effort process to develop post-construction requirements for development projects in the Central Coast Region and provided technical review of interim products through participation on the Joint Effort Review Team (JERT). We very much support the process of basing hydromodification control measures on watershed processes. In theory, the Central Coast post-construction requirements were based upon a thorough and scientific assessment of watershed processes conducted by a team of scientists. The watershed processes assessed by the scientific team were in turn based upon natural, undeveloped conditions observed throughout the Central Coast region. Our concern is that the resulting post-construction requirements and applicability criteria are not clearly linked to the initial scientifically-based watershed analysis, are generally unclear, very complex, and unproven as to their effectiveness or ease of implementation.

Specific technical issues with the Region 3 requirements include the following:

- There is no demonstrated environmental benefit from retaining a 95th percentile storm event on small projects (15,000 sf and greater) in urban areas. It is well established that water quality control measures are most economical and efficient when they target small, frequent storm events that over time produce more total runoff than the larger, infrequent storms targeted for design of flood control facilities. Targeting larger design storms will produce volume retention gains but at considerable incremental cost. We are concerned that, as a result, developers are likely to abandon efforts to create infill and smart growth projects in existing urbanized areas in favor of new development projects in rural areas outside of designated MS4s where these requirements do not apply. The loss of agricultural lands and open space, and resulting sprawl development, could easily negate any hoped-for water quality benefit.
- The Central Coast sizing criteria were placed in the Region 3 requirements after the public review process was completed in that region. The sizing criteria uses an out-dated and incorrectly applied Water Environmental Federation MOP 23 approach that multiplies the retention/water quality volume by 1.963 in order to capture “all events up to and including” the 85<sup>th</sup> or 95<sup>th</sup>, as appropriate.

By appending the Central Coast requirements, and stating, “the Water Board expects to amend this Order to incorporate similar requirements for Permittees in the remainder of the State”, the Water Board has introduced an entirely new set of rules with insufficient time for Phase II Permittees to fully evaluate the potential impacts of these standards. As noted above, there are significant technical issues in the Region 3 requirements and any revisions would require opening the Phase II permit to amend a regional requirement at the state level.

*As a result, we urge you to delete direct references to the Central Coast Post-Construction Requirements, including Attachment J, from the Draft Phase II Permit so that any necessary improvements can more easily be made to these requirements by Region 3.*

Thank you for your consideration of our concerns.

Yours sincerely,



Mark Dettle  
Director of Public Works Department  
City of Santa Cruz