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July 19, 2012

Ms. Jeanine Townsend
Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: Comment Letter-Second Draft Phase II Small MS4 General Permit

Members of the State Water Resources Control Board:

The California State University (CSU) appreciates the opportunity to provide comments on the Second Draft Phase II Small MS4 General Permit (“Draft Permit”). As the steward of 23 university campuses, the CSU supports efforts to improve water quality and seeks to provide feedback to assist in furthering a successful Phase II Small MS4 General Permit process.

Background

The mission of the CSU is to provide quality higher education to meet the changing workforce needs of the State of California. To accomplish this mission, the CSU has 23 campuses located from Arcata to San Diego, which educate approximately 427,000 students. Campus enrollments range in size from range from 866 to 36,000 students.

Due to cuts in state funding, state support to the CSU has been reduced by 27%. In addition, the 2012/13 state budget includes a mid-year “trigger cut” of \$250 million to the CSU if the November 2012 tax initiative fails. If this “trigger” reduction takes place, annual state support for the CSU will fall to approximately \$1.8 billion, a loss of annual funding of almost \$1.2 billion, or 39 percent, from the peak level of state support of nearly \$3 billion in the 2007-08 fiscal year. Total state support would be at its lowest point since 1996, despite inflation and the fact that the CSU is serving approximately 95,000 more students. The CSU Board of Trustees is in the process of considering options to address this financial situation.

CSU Campuses

Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime Academy

Monterey Bay
Northridge
Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

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The CSU supports environmental management of its resources through sustainability initiatives and responsible stewardship, including the goal of the State Water Resources Control Board to address a high rate of urban runoff which leads to adverse impacts upon water quality. However, the costs associated with addressing urban runoff through the Draft Permit may be quite high and significantly affect the CSU's challenging budget situation. The CSU thus recommends that the State Water Resources Control Board consider revisions to the Draft Permit which would appropriately reduce its cost to implement, while still meeting the objective of improving water quality. Primary recommendations are contained in this letter, with more detailed technical recommendations provided in an attachment to the letter.

Major Items of Concern

Administrative Costs of Implementation

Many of the detailed provisions/requirements proposed for the Draft Permit appear to be more relevant to governmental entities regulating private property, wherein CSU campuses have stewardship of its property. The Draft Permit program will result in extensive requirements which may necessitate more administrative costs than necessary to accomplish the objectives of the Draft Permit. Campuses currently address certain storm water issues through a number of programs and services which are in place, including the work of Risk Management /Environmental Health & Safety offices at campuses, SWPPPs for construction projects, and incorporation of sustainability or green features into capital projects. However, the administrative requirements within the Draft Permit will result in significant additional costs. In fact, it is estimated that the costs to the CSU of implementing this program will be significant, ranging between \$9 million and \$17 million annually. These costs are for only administrative costs, and do not include costs for construction treatment measures.

Recommendation: Amend the Draft Permit to add a provision that would enable public higher educational institutions to comply with the Draft Permit program through the development of a campus storm water management plan which would identify administrative and implementation actions, as well as a schedule, necessary to meet water quality performance standards (which would be established by the State Water Resources Control Board), rather than through the prescriptive approach in the Draft Permit.

Timing of Administrative Program Requirements

California storm water permit programs have evolved over an approximate 22 year period. The phasing of specific storm water management requirements for site development provided permittees with the opportunity to respond over an extended time period. Identification of pollutant sources, development of monitoring and inspection methods and protocols, development of Best Management Practices (BMPs) details, and all of the development of the

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infrastructure, and procurement of equipment and materials necessary to comply with the storm water permits were accomplished over decades.

In contrast, the Draft Permit will require many actions within the several years of the program. Due to impacted personnel and financial resource levels at CSU campuses as compared to other public university systems, the ability to address such actions according to this schedule in the Draft Permit is quite constrained.

Recommendation: Revise the Draft Permit to indicate that implementation of responsibilities under the permit will commence within two years of the effective date of the Permit.

Timing of Implementing Post-Construction Management Measures

Budgets for CSU state-funded capital projects are established many years prior to the completion of construction (i.e., 5-7 years or more, depending upon funding availability), with the ability to revise the budget quite limited due to the need to obtain approval from the State Joint Legislative Budget Committee for any significant increase. Budgets for CSU non-state funded capital projects (e.g., student unions, parking structures, housing) are also established in a similar time frame, with the ability to revise the budget constrained due to the use of Systemwide Revenue Bonds with associated CSU debt limitations. As a result, an increase in costs to capital projects cannot be absorbed in the immediate future. It is thus critical to provide an appropriate time frame within the Draft Permit for the inclusion of post-construction management measures in CSU capital projects.

Recommendation: Revise the Draft Permit to indicate that implementation of post-construction management measures shall take place for capital projects which do not yet have established and approved budgets.

Criteria for Storm Water Retention and Treatment

The numeric sizing criteria for storm water retention and treatment, as currently contained within the Draft Permit will result in identification of an excessive volume of storm water which must be captured. A detailed analysis of this situation is provided in the attachment. The current provisions in the Permit will translate into the application of unnecessary post-construction treatment measures and construction costs. In addition, the property within CSU campuses is generally constrained for use for such measures as adding retention basins (to address the projected storm water) due to the limited size of campuses (especially those in urban areas), presence of soils which are not good candidates for percolation, existing underground utilities (e.g., tunnels and direct burial), high groundwater tables, and sensitive biotic communities. The attachment to this letter addresses other related technical issues in more depth.

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Recommendation: Revise the sizing criteria in the Draft Permit to more accurately reflect projected rainfall and to include results-based criteria which can be verified and tested (rather than mandating specific site design measures). These changes would more accurately address the projected need and thus allow for the application of more cost-effective strategies.

Summary

The CSU wishes to thank the staff of the State Water Quality Control Board in reaching out to our institution for input, and looks forward to working with the Board on finalizing the Phase II Small MS4 General Permit program to provide an effective framework for participation in this program. We had a very productive meeting with your staff on July 16, 2012 and anticipate receiving feedback on several discussion items.

By incorporating the changes identified in the letter, we believe that the CSU will be better able to address the goal of improving water quality. Of particular import, it is recommended that the Draft Permit program be amended to add a provision that would allow public higher education institutions to comply with the program through the development of a campus storm water management plan rather than through the prescriptive approach in the Draft Permit. This would provide an opportunity for public higher educational institutions to develop a program which addresses their unique characteristics and provides for cost-effective solutions, while reducing the impact of storm water upon water resources.

The enclosure to this letter provides additional detailed technical comments on the Draft Permit.

Sincerely,



Elvyra F. San Juan
Assistant Vice Chancellor
Capital Planning, Design & Construction

ESJ:SL

Enclosure

c: Zachery Gifford, Associate Director, Risk Management, Chancellor's Office
Dr. Steven Lohr, Chief, Land Use Planning and Environmental Review, Chancellor's Office

CALIFORNIA STATE UNIVERSITY – DETAILED COMMENTS ON DRAFT PHASE II SMALL MS4 GENERAL PERMIT (7/19/12)

	Subject	Section, Page No.	Comments	Recommended Revisions to Draft Permit
1	General		<p>The adoption of this Second Draft Phase II Small MS4 General Permit (“Draft Permit”) will require CSU to implement a number of regulatory mandates within a very short period of time. In contrast, previous storm water management requirements were applied over an extended period of time.</p> <p>The California Storm Water Permit programs began in 1990 with the Construction General Permit and Phase I Municipal General Permit. The General Construction Permit began regulating project site over 5 acres. The Phase I Municipal permit began with requirements for counties and cities to prepare storm water management plans (SWMPs), or standard urban storm water management plans (SUSMPs) and to provide detailed implementation policies.</p> <p>The Phase II permit revised MS4 coverage through the state and advanced storm water protection through elimination of ineffective requirements identified from previous MS4 experience.</p> <p>Specific storm water management plan requirements for site development were phased over many years, including the identification of pollutant sources, development of monitoring and inspection methods and protocols, development of Best Management Practices details, and all of the building of the infrastructure, hiring of staff, and procurement of equipment and materials necessary to comply with the storm water permits. In contrast, the Draft Permit will require many actions within a short period of time.</p> <p>Due to the scope and magnitude of the Draft Permit, the limited time to implement the requirements in the Draft Permit will be difficult to accomplish.</p>	<p>The CSU system recommends that the Draft Permit be revised to indicate that implementation of responsibilities commence within two years of the effective date of the Permit.</p> <p>It is also recommended that the Draft Permit be amended to add a provision which would allow public higher education institutions to comply with the Draft Permit program through the development of a campus storm water management plan that would identify administrative and implementation actions, as well as a schedule, necessary to meet water quality performance standards which would be established by the State Water Resources Control Board rather than through the prescriptive approach in the Draft Permit.</p>
2	General		<p>A common comment among various groups who are reviewing the new draft have is that many of the terms, conditions and requirements are not defined or not defined sufficiently. There is a large difference of opinion among participants about interpretation and implementation.</p>	<p>Provide expanded definitions for terms and explanations or descriptions for procedures, methods and protocols.</p>
3	Discharge Prohibitions - recycled water pond	B.4.d., p. 17	<p>Since incidental discharges are not intended or planned, it is not possible to notify the regional board before the discharge.</p>	<p>Revise to require notification within 48 hours of an unintended discharge.</p>
4	LID Requirements	E.12.d, p. 51	<p>Traditional LID requirements for traditional small MS4 permittees include exclusions for sidewalks, etc., but such exclusions are not included in the section of the Permit for non-traditional small MS4 permittees.</p>	<p>Revise to add same exclusions for non-traditional section which are provided in the traditional section.</p>

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5	Provisions for All Traditional Small MS4s Permittees - Discharges to ASBS	E.4., p. 19.	Permit does not distinguish between discharging upstream (indirectly) of an ASBS and discharging directly to an on-campus ASBS.	Revise to apply this section to discharging directly to an onsite ASBS. This also applies to Section F.
6	Separate Implementing Entity	E.5, p.19	A separate implementing entity (SIE) is not defined.	Provide definition and examples.
7	Education and Outreach Program	F.5.b.1 , p. 79	Requires the permittee to identify which compliance participation option to be used for complying with the public education/public outreach requirements. CSU does not regulate private property, so an external public education/outreach requirement is not necessary. CSU campuses already have campus community outreach efforts, so requiring a new outreach effort (as provided in the Draft Permit) is not necessary.	Add an option which allows higher education institutions to allow the use of existing outreach programs for Permit purposes.
8	Reporting	F.5.b.1, p. 80	Requires designating which public outreach and education is to be used and then reporting collaborations	If there is no collaboration, is there no other reporting to do other than the designation of the option?
9	Public Outreach	F.5.b.2., p. 80	How is an institution able to "measurably increasing the public knowledge?"	Eliminate this requirement. There is no method or procedure for measuring public knowledge. A campus community is continually changing so this may be difficult or impossible to measure.
10	Staff and Site Operator Training and Education, Illicit Discharge Detection and Elimination Training, Task Description	F.5.b.3.(i), p. 82	Requires that a training program for all permittee staff be developed and implemented for persons that may be notified of, come into contact with or otherwise observe an illicit discharge or illicit connection to the storm drain system. This description includes virtually anyone on campus.	Allow the permittee to name appropriate individuals who are responsible for illicit discharge and connection detection (e.g., Environmental Health/Safety; Operations/Maintenance).
11	Staff Pollution Prevention and Good Housekeeping	F.5.b.4, p. 82	Requires annual training program.	An annual training program is not necessary. A semi-annual training program is more appropriate.
12	Public Involvement and Participation Program	F.5.c., p. 84	Some terms are undefined, such as "activism" and "high foot traffic" storm drain inlets.	Eliminate "activism" from the requirement. Define "high foot traffic."
13	Illicit Discharge Detection and Elimination Program - Mapping of Outfalls	F.5.d(ii), p. 84	Some campuses (if not most) have storm drains owned and operated by other agencies or districts that pass through the campus. The campus discharges into the drain, but does not operate the drain. The section states (specifically) that the Permittee is required to map outfalls operated by the permittee. The permittee should not be required to map an outfall within its jurisdiction but operated by another entity.	Add text that provides discretion to the permittee to identify outfalls and drains under the control of permittee. Also, reporting forms on SMARTS should include a place for narratives to describe such situations.
13a	Illicit Discharge Detection and Elimination Program - Mapping of Outfalls	F.5.d(ii), p. 84	Drainage from adjacent property passes through the campus storm water system in some cases, and is discharged to the campus. In some cases, this is by underground storm drain; in other cases this is by surface flow. This flow and any pollutants are generated off-site and thus not under the control of the permittee.	Existing Phase I and Phase II MS4s should address sampling of the point of entry into the non-traditional MS4 and provision of results of that sampling to the non-traditional MS4.

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14	Illicit Discharge Detection and Elimination Program - Mapping of Outfalls	F.5.d(ii), p. 84	There is no definition of an outfall. Does this include, for example, a street gutter discharging street runoff to another street or across a property line? Does this include underground storm drains that cross from the permittee's jurisdiction to another jurisdiction?	Provide definition of an outfall.
15	Illicit Discharge Detection and Elimination Program - Sampling of Outfalls	F.5.d.1, p. 85	Sampling of all outfalls exceeds the CWA. Draft Permit language implies that an illicit discharge has been detected and sampling is to help determine the source. However, there is no point to the sampling if no illicit discharge is detected.	Clarify section to require sampling only when an illicit discharge is detected and only when the source and pollutant constituents are unknown.
16	Field Sampling to Detect Illicit Discharges	F.5.d.1, p.85	CSU campuses do not have staff trained in collecting samples from storm drainage facilities.	Provide sampling procedures
17	Field Sampling to Detect Illicit Discharges	F.5.d.1, p. 85	Requires sampling for drains that in some case are underground.	A sampling waiver should be provided for outfalls that are underground storm drains.
18	Field Sampling to Detect Illicit Discharges	F.5.d.1, p. 85	Requires sampling of flowing outfalls during mapping.	Revise to provide exception to sampling all outfalls, since CSU owns its facilities/property and does not need sampling to determine sources of discharges.
19	Illicit Discharge Detection and Elimination Program - Field Sampling . . . , Task Description	F.5.d.1(i), p. 85	Refers to Section B.4.a. This appears to be a typo. B.4.a does not discuss inventory of outfalls.	
20	Illicit Discharge Elimination Reporting	F.5.d.2., p. 86	Does not designate a year that reporting is required to begin.	In what year will reporting be required to begin?
21	Illicit Discharge Detection and Elimination Program Source Investigations and Corrective Actions	F.5.d.2.(d), p. 86	Requires <u>all</u> non-storm water discharges to be investigated and documented.	Revise to read that non-storm water <u>illicit</u> discharges will be investigated and documented only if necessary and appropriate to take corrective action. Some such discharges may be a one time occurrence and will not re-occur.
22	Pollution Prevention / Good Housekeeping for Permittee Operations Program - SWPPPs	F.5.f.4(i), p. 89	Section uses "hotspots" and "high priority" sites. What is the difference between these terms?	Provide a definition of high priority sites.
23	Inspections of Permittee Owned or Operated Facilities	F.5.f.5.(i), p. 90	Requires quarterly inspections.	Combine quarterly visual, comprehensive and non-storm water discharge inspections in to one inspection, rather than require three different inspections.
24	Pollution Prevention / Good Housekeeping for Permittee Operations Program - Inspections, Visual Monitoring and Remedial Action	F.5.f.5.(ii)a),b),c) and d), p. 90	Requires quarterly inspections.	In lieu of quarterly inspections, revise to require inspections and evaluations of BMPs if conditions change, or as necessary to ensure point-source control BMPs are in working condition and non-point-source BMPs continue to apply to the condition or facility, or similar language. The order may require additional or revised BMPs.

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25	Storm Drain System Assessment and Prioritization	F.5.f.6, p. 91	Requires "assessment/prioritization" of "all" catch basins within the permittee's jurisdiction. Some campuses have hundreds or thousands of catch basins. Some catch basins are very small - 3" or 4" - and drain very small areas.	Revise to require assessment of drainage areas, some of which may drain to multiple catch basins, but all of which have a common storm water source and the same potential for introduction of pollutants into storm water.
26	Pesticide, Herbicide and Fertilizer Application and New Landscape Design and Maintenance Management	F.5.f.9., p. 93	There is no definition of a "project."	Define "project." Does this include annual turf maintenance? Tracking all such projects would be very time consuming.
27	Pesticide, Herbicide and Fertilizer Application and New Landscape Design and Maintenance Management	F.5.f.9.(ii)(e), p. 93	Requires limiting or eliminating the use of fertilizers within five feet of pavement, 25 feet of a storm drain inlet, and 50 feet of a water body.	Would organic slow release fertilizer have the same application prohibitions?
28	Pesticide, Herbicide and Fertilizer Application and New Landscape Design and Maintenance Management	F.5.f.9.(iii), p. 93	Reporting requirements do not allow enough time.	Recommend adding one year for reporting. It will take one year to determine what actions need to be taken. In some cases another year to test and a third year to re-evaluate completely implement. Add DMA to acronym list.
29	Post Construction Storm Water Management Program	F.5.g, p. 94	Requires implementation in the first year, which means as soon as the permit is operable, soon after adoption. Budgets for CSU state-funded capital projects are established many years prior to the completion of construction (i.e., 5-7 years or more, depending upon funding availability), with the ability to revise the budget quite limited due to the need to obtain approval from the State Joint Legislative Budget Committee for any significant increase. Budgets for CSU non-state funded capital projects (e.g., student unions, parking structures, housing) are also established in a similar time frame, with the ability to revise the budget constrained due to the use of Systemwide Revenue Bonds with associated CSU debt limitations. As a result, any increase in costs to capital projects cannot be absorbed in the immediate future. It is thus critical to provide an appropriate time frame within the Phase II Small MS4 General Permit for the inclusion of post-construction management measures in CSU capital projects.	Revise to indicate that implementation of post-construction management measures shall take place for capital projects which do not yet have budgets which have been established and approved.
30	Phase I MS4 Hydromodification Requirements	F.5.g., 94	Some Phase I MS4s do not have hydromodification plans, i.e. Los Angeles County and City of Los Angeles. This requirement seems to be duplicative because of Site Design Measures and LID Requirements.	Site Design Measures and LID requirements should be sufficient to address hydromodification issues.
31	Site Design Measures vs. Low Impact Development Standards?	F.5.g.1. and F.5.g.2., p. 95	One section requires measures for sites 2,500 square feet and larger; the other section requires measures for sites 5,000 square feet and larger. Is there a difference between these two? 2,500 square feet and 5,000 square feet apply to simple pavement repair and rehabilitation projects and would trigger major construction for what are normally maintenance tasks.	Eliminate one category and create one standard that requires LID measures for projects larger than 10,000 square feet.

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32	Post Construction Storm Water Management Program - Site Design Measures	F.5.g.1.(ii)(2), p. 96	Uses the term "maximum extent technically feasible." There is no definition of this term.	Eliminate this term. Substitute maximum extent practical (MEP).
33	Low Impact Development Runoff Standards	F.5.g.2(ii), p. 96	Requires dividing site into Drainage Management Areas (DMAs) for sites as small as 5,000 square feet. This is not practical. A 5,000 square foot site is too small for discreet drainage areas with different characteristics. Small drains may drain areas smaller than 5,000 square feet, but these are typically part of larger, single use area with the same characteristic. Other projects will not lend themselves to this delineation simply because the area draining is larger than 5,000 square feet and there are discernable boundaries on which DMA limits can be set.	Eliminate requirement for DMAs, or limit DMA requires to 1/2 acre and large sites.
34	Low Impact Development Runoff Standards	F.5.g.2(ii), p. 96	Uses the term "extent technically feasible." This is similar to "maximum extent technically feasible." There is no definition for either term.	Eliminate this term. Substitute maximum extent practical (MEP).
35	Low Impact Development Runoff Standards - Source Control Requirements	F.5.g.2(ii)(1), p. 96	Refers to operational source control BMPs. Operational requirements cannot be addressed during design, but are instead implemented through campus policies on operations.	Delete text referring to operational requirements.
36	Low Impact Development Runoff Standards - Storm Water Treatment Measures and Baseline Hydromodifications Management Measures	F.5.g.2(ii)(3), p. 97	What is a "maximum surface loading rate?"	Provide definition. If this is equivalent to a rainfall amount, percolating this rate is not possible in many areas. (It is impossible in most areas.)
37	Numeric Sizing Criteria for Storm Water Retention and Treatment	F.5.g.2(ii)(3)d), p. 96	This section will require large set asides of land on campuses. It is not clear how this section works with other LID requirements in the order. Is this section supplemental to the LID section? Is this section an alternative? This section will restrict long term planning and expansion on most campuses. In cases where an obsolete building or other facility is replaced in kind, this requirement will consume much more land area for the same purpose with no additional educational benefit than the original facility. This would severely impact the mission of each campus to adapt to changing higher education requirements	Revise sizing criteria to reduce impact on campus land uses and planning. Substitute criteria described in Comment # 43
38	Numeric Sizing Criteria for Storm Water Retention and Treatment	F.5.g.2(ii)(3)d), p. 98	Current BMP technology does not work at high flows. This is counter to storm drainage, which requires that low flows are transmitted quickly and high flows are retained or attenuated to a rate that downstream conduit can transmit. Some CSU campuses are located at the top of a watershed, some are within larger watersheds and some are on the ocean or a bay. Some campuses cover hundreds of acres and include extensive storm drain systems, whose function requires runoff be discharged quickly.	Allow a considerable amount of discretion to non-traditional MS4s to develop BMPs that eliminate pollutants in storm water discharges but do not comply with a numeric sizing criteria. Also, consider changing this requirement to match traditional storm drain design criteria, which is based on storm return frequencies, such as 1-year or 2-year.

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			<p>The introduction of low-flow BMPs in the middle of one these systems will disrupt functioning of the overall system. This is distinct from a city or county, which require BMPs on individual projects throughout the municipality or county where individual projects are limited by property lines. No such lines exist on a university campus and project sites often overlap and intrude on each other. Installation of low flow BMPs may not be technically feasible in many conditions.</p>	<p>Revise the site design criteria to use results-based criteria that can be verified by testing after construction. We recommend using the "Action Level Concentrations for Indicator Parameters" shown in table format on Page 86 under Section F.5.d.1 Field Sampling to Detect Illicit Discharge, but substituting the levels provided in the Construction General Permit (CGP) for Risk Level 2 Numeric Action Levels (NALs) for pH and Turbidity and other levels as determined by the permit writers to be appropriate. Lower levels than are shown in the draft are warranted, such as 1,500 µS/cm or lower. Recommend using the testing standards listed in the CGP.</p> <p>Designate a "qualifying" storm in the Draft Permit, such as 1/2" or 1" of total rain, after completion of construction for testing, or the largest storm of the partial season or first full season after construction is complete. Some tests would be conducted in the field and others in a laboratory as appropriate. Testing would be conducted by approved laboratories as with the CGP.</p> <p>After the initial test requirements are met the new facility would be required to comply with the requirements for illicit discharge as other existing facilities.</p> <p>A permittee with a new facility failing to meet the discharge standards would be required to add or modify BMPs for the project.</p> <p>Revise site design criteria to require that a project site be designed so that site runoff has longer times of concentration for so that peak flow rates from a site is not increased. This could be required for more than one design storm. For example, use 2-year and 5-year storms. This would satisfy the hydromodification requirement because it reduces peak flow. This would be substituted for the Numeric Sizing Criteria.</p> <p>Include a requirement that site BMPs be designed by a California registered civil engineer or QSD registered under the CGP program. This will provide the DWR with a level of confidence that sound design judgment is exercised.</p>
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39	Flow-based Criteria	F.5.g.2(ii)(3)d)(2)a. , p. 89	0.2 inches per hour will equal the capture of 100% of all flow in many climates in California	Recommend eliminating this or changing to average flow over a 24 hour period for 1-year or 2-year 24-hour rain event.
40	Flow-based Criteria	F.5.g.2(ii)(3)d)(2)b, p. 89	No period for rainfall data is given over which the 85th percentile of runoff is to be calculated. This can vary widely over short periods in some climates. Annual rainfall in Los Angeles has varied from as low a 6 inches to as high as 35 inches in 2004-2005. Designing a system that captures runoff equal to 2 times the 85th percentile of rainfall events during this period would probably capture all runoff in most Southern California climates. Also, "rain event" is not defined. A data period and rain event must be defined before these criteria can be evaluated.	Recommend eliminating this or changing to average flow over a 24 hour period for 1-year or 2-year 24-hour rain event
41	Runoff Retention and Peak Flow Management Requirements	F.5.g.2(ii)3, p. 96	There are campuses with underground storm drains which discharge into concrete lined channels. These should be exempt from peak runoff reduction requirements.	Options for exemptions from these requirements should be allowed for Special Circumstances such as provided in Regional Water Board 3 Draft Resolution No. R3-2012-0025 Attachment 1 (Page 12) dated September 6, 2012 (e.g. discharges to highly altered channels, etc.). Alternative compliance options should be allowed for technical infeasibility as provided in Regional Water Board 3 Draft Resolution No. R3-2012-0025 Attachment 1 (Page 14) dated September 6, 2012 (e.g. off-site compliance, etc.). Alternative compliance options should be allowed for technical infeasibility as provided in Regional Water Board 3 Draft Resolution No. R3-2012-0025 Attachment 1 (Page 14) dated September 6, 2012 (e.g. off-site compliance, etc.).
42	Signed Statement Accepting O&M Responsibility	F.5.g.4.(ii)(a), p. 102	Requires signed statement accepting responsibility for operations and maintenance.	Eliminate this requirement for public legal entities that are the owner, developer and operator.
43	Exceptions to Lid Requirements	F.5g.2(ii)(3)c), p. 98	LID requirements have no exceptions or waivers for special conditions, such as areas on campuses where vegetation cannot be grown or where the areas are available to implement BMPs.	Allow for exceptions from LID requirements in areas where plants will not grow. For example, some campuses have areas where vegetation growth is not feasible even for tree-box type biofilter. In some cases, pavement repair may be required where there are no storm water utilities within the 5,000 sq. ft. footprint of the project. In those cases, installation of a treatment system at that location could be either infeasible or cost-prohibitive. Suggest that exemptions from these requirements be allowed for Special Circumstances such as provided in Regional Water Board 3 Draft Resolution No. R3-2012-0025 Attachment 1 (Page 12) dated September 6, 2012 (e.g. discharges to highly altered channels, etc.).

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44	Reporting	General, p. 103	Have forms/data entry pages been designed for SMARTS yet? We anticipate situations in which permittees have data to enter that do not fit into form, or where a yes/no answers are required, but that type of answer does not exist. The campuses and the Chancellor's Office budget years in advance and will need to estimate the effort needed to complete the required reports.	Provide a link to non-working data entry page so that permittees can review and comment.
45	Post Construction Storm Water Management Program	F.5.g, p. 94-104	This section overlaps with requirements from the CGP for Post Construction Water Balancing. There is no clear implementation date. The reporting is required to take place by the third year. Under F.5.g.1, Site Design Measures are required in the first year. There is no time stated in F.5.g.2 Low Impact Development Runoff Standards. This creates a level of uncertainty for projects currently in the pre-construction development stage, particularly those that are already designed. There is no direction given for projects that are now designed, that will be subject to the CGP Water Balancing and that will then be subject to MS4 requirements. This also has large cost implications. Projects with designs that are complete cannot be redesigned without incurring large costs.	Revise to indicate that implementation of post-construction management measures shall take place only for projects which do not yet have established and approved budgets.