



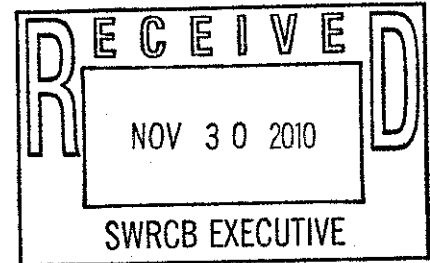
THE CITY OF SAN DIEGO

Public Comment
Effective Assessment Doc
Deadline: 11/30/10 by 12 noon

November 30, 2010

Electronic Submission to: commentletters@waterboards.ca.gov

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



Dear Ms. Townsend:

Subject: Comment Letter – Effectiveness Assessment Document

Thank you for the opportunity to comment on the State Water Resources Control Board's (State Water Board) Draft Effectiveness Assessment Document (Draft Document). The City of San Diego's (City) key comments are provided in this cover letter and the attached table includes specific comments regarding the Draft Document. The City is committed to protecting and improving water quality in our region and applauds the State Board's effort to develop the Draft Document.

This letter includes the City's comments regarding the Draft Document. These can be generally summarized as requesting additional assurances and acknowledgement of the need for flexibility to tailor assessment protocols based on a municipal agency's specific regulatory drivers. The Draft Document characterizes a process for assessing program compliance with municipal storm water permits. While the proposed framework may accomplish that stated purpose, the Draft Document should allow for and acknowledge that municipalities must also conduct assessments structured to support timely identification of efficiency improvements. This can be accomplished through an adaptive management approach that facilitates sustainable¹ compliance with other regulatory drivers such as Total Maximum Daily Load (TMDL) programs and Areas of Special Biological Significance (ASBS) requirements. This recommendation could be achieved by providing a title to this document clarifying that it is a framework, and not a procedural document.

The Draft Document does not acknowledge or support the adaptive management strategies encouraged by the US Environmental Protection Agency (EPA). These EPA strategies are proving invaluable to the creation of efficient and sustainable storm water management practices based on both the assessment and balance of environmental, social, and economic needs. This

¹ Sustainable storm water management is founded on the premise that decisions are optimized, or efficient, when environmental, social, and economic needs are considered.



Storm Water Department

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EPA approach is wholly consistent with the City's approach to meeting TMDL Waste Load Allocations and preserving the ASBS within our jurisdiction.

A discussion of the City's key comments is provided below. Detailed comments on specific sections of the Draft Document are provided in the attached comment table.

Key Comments

- *The Draft Document should allow flexibility for municipalities to tailor assessment efforts to meet their unique set of regulatory drivers and timeframes.*

The Draft Document's stated purpose is to provide guidance to State Board staff on establishing effectiveness assessment requirements in municipal storm water permits that provide for the evaluation of compliance with municipal storm water permit requirements, reduction of pollutant loads, reduction of pollutants or stream erosion due to storm water discharge, and receiving water quality improvements. The City agrees that the proposed framework does provide a path towards answering the stated assessment purposes. Specifically, the framework provides a process for municipalities to demonstrate—and the State Board to assess a municipality's compliance with its municipal storm water permit requirements and its effectiveness in protecting and improving receiving water quality. The City also supports establishing standardized concepts and terminology in the Draft Document.

However, because the Draft Document is intended to provide guidance to State Board staff in establishing assessment requirements in municipal storm water permits, it should allow for additional or alternative assessment methods designed to address other regulations that municipalities must simultaneously manage, such as TMDL and ASBS regulations.

- *The Draft Document should not provide guidance on substantive implementation requirements to be included in Municipal Permits.*

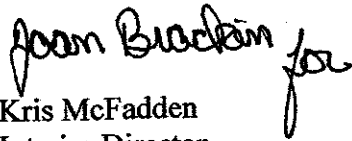
The City agrees with the statement in Section I that "This document does not, and is not intended to provide guidance on substantive implementation requirements to be included in municipal storm water permits." The City has several instances where both implicit and explicit references to implementation approaches should be removed from the Draft Document as shown in the attached table.

We hope that our comments will assist in clarifying the scope and purpose that should be considered during the development of the Draft Document. Acknowledging that there are potentially multiple purposes for conducting program assessments beyond gauging compliance with Municipal Permits will vastly improve the Draft Document's utility.

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Our comments are provided in this context. Please feel free to contact Ruth Kolb at (858) 541-4328 if you have any questions or would like to discuss this further.

Sincerely,



Kris McFadden
Interim Director

KMrk:dk

Attachment: Draft Effectiveness Assessment Comment Table

cc: Chron File
Ruth Kolb, Program Manager, Storm Water Department
Drew Kleis, Program Manager, Storm Water Department
Sumer Hasenin, Program Manager, Storm Water Department
Bill Harris, Supervising Public Information Officer, Storm Water Department

CITY OF SAN DIEGO COMMENTS ON GUIDANCE FOR ASSESSING THE EFFECTIVENESS OF MUNICIPAL STORM WATER PROGRAMS AND PERMITS			
Line Number	Page	Section Title/Topic	Reason for Proposed Changes/Comments
Executive Summary			
27-31	1	None	<p>Draft Assessment Effectiveness Document recognizes that the determination of whether water quality is improving or not may take years. The City's draft permit (attachment B) indicates that it will be revised to say that if the City's program is less effective than comparable cities, the City will be impacted in some way and it appears that this comparison of effectiveness can start at any time. Comparisons and repercussions should not take place until the effectiveness assessment issues are completely worked out, which will take many years.</p> <p>The document should explicitly indicate that there will be no negative repercussions to cities due to assessments of effectiveness until the assessment tools and protocols are completed and tested and verified as meaningful.</p>
I. Purpose of the Guidance Document			
II. Introduction			
III. Overview of General Concepts			
III. A. Assessment Outcomes			

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Line Number	Page	Section Title/Topic	Reason for Proposed Changes/Comments
194-206	5	Assessment Outcomes	The document asserts "Increasing awareness and changing attitudes about storm water pollution and control measures is generally assumed to be necessary as a basis for achieving targeted behavioral changes." We know from our research and community based social marketing pilots (and from research literature) that the connection between awareness, knowledge and behavior can be tenuous.
194-206	5	Assessment Outcomes	Determining which level 2 and 3 outcomes are appropriate can be tricky. For example, can we assume that awareness and knowledge will constantly increase? It may plateau. Due to changing demographics and movement of residents in and out of the City, it may take increasingly more outreach to achieve the same level of awareness.
III. B. Assessment Elements			
271-272, 276	8	MS4 Discharge Effluent and Receiving Water Assessment	Section IV F is not about assessment, it is about how to design a monitoring program
276-282	8-9	Integrated Assessment	The amount of behavior change needed to move the needle (change level 5 and 6 outcomes) is far beyond what any city can accomplish. For example, if the amount of dog feces that must be picked up to achieve goals can be known, how do you measure how much behavior change is needed? How do you measure that behavior change?
			Comments/Proposed Changes
			The model in the document needs to be amended to reflect the latest knowledge about behavior change, realizing that removing barriers or providing incentives may be needed to change behavior. To do this involves added cost. Also, the document should allow for the types of assessments that are specifically related to the community based social marketing model; for example, identifying barriers or incentives should be credited.
			The document should reflect that much work still needs to be done on how to determine the relationship between knowledge, awareness, behavior and success. The State and Regional Water Boards, not the Cities, should undertake this work.
			Delete this section because it "provides guidance on substantive implementation requirements..." and is "...beyond the scope of this document." Lines 44-46.
			More work needs to be done by the State on how much behavioral change is required to move the needle and how you measure these changes.

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Line Number	Page	Section Title/Topic	Reason for Proposed Changes/Comments
299	9	Assessment Methods	Sets forth methods that "should" be used by SW programs to gather data. This is about how to gather data and information. It does not address how to assess collected data.
III. C. Assessment Measures and Methods			
288-291	9	Assessment Measures	Quantitative or qualitative measurements tell us nothing unless the measurements are validated. For example, is reach 50% of the audience good or bad? How do we know? If more of the audience is reached, is it possible that you may achieve diminishing returns or actual decreases in effectiveness because the outreach is turning off the population?
IV. Guidance for Evaluating the Effectiveness of MS4 Programs			
319-327	9-10	Guidance for Evaluating the Effectiveness of the MS4 Programs	The document says nothing about the cost of creating or implementing the assessment evaluation programs.
330	10	Guidance for Evaluating the Effectiveness of MS4 Programs	"This guidance document encourages the use of checklists"
IV. A. Implementation Assessment (Outcome Level 1)			
339	10	Overview	This section does not describe how to assess programs at "outcome level 1;" it describes how a program is to be designed and implemented.
			Comments/Proposed Changes
			Delete this section because it "provides guidance on substantive implementation requirements..." and is "...beyond the scope of this document." Lines 44-46.
			Someone needs to validate proposed qualitative and quantitative measurements to determine if they really work before large expenditures are made.
			The costs of various measurement and assessment tools and protocols should be estimated. A determination of cost effectiveness of the assessment tools and protocols should ensue.
			Provide a detailed explanation of the included checklist with in depth discussions for how to come up with reasonable checklist items.
			Describe how to adequately assess a program at outcome level 1.

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Line Number	Page	Section Title/Topic	Comments/Proposed Changes
363	10	Implementation Assessment	This does not support the stated purpose of this document found on line 41-42.
385-396	11	Figure 2	This is a description of how the Iterative Program Approach functions, not how assessment is used within the Iterative Approach. It goes beyond the stated scope/purpose of this document.
406-425	12	Facilitation Activities	This should be moved to the "Outcome level 2 and 3" section
426-432	13	Feedback Activities	Outcome Level 2 to 3 result
IV. B. Target Audience and Source Assessment (Outcome Level 2 to 3)			
IV. C. Pollution Source Load Reductions Assessments (Outcome Level 4)			
586-603	18	Characterizing hydrology and stream erosion	This text is recommending specific program implementation activities.
514-516	15	Outcomes, Measures, and Methods	This is a description of a permit requirement. This states that a "tracking mechanism relative....., matched with pollutant(s) that are being targeted" must be in place.
527-529	16	Outcomes, Measures, and Methods	Describes a new permit requirement
			This is a list of the minimum elements that "should" be in a storm water program. This should describe how to assess these elements not state that they should be included in a program.
			"Assessment is a vital part of the Iterative Program Approach."
			This does not support "outcome level 1".
			Move to "outcome level 2 to 3" section
			Delete this section because it goes beyond the scope of the document per lines 44-46.
			This section needs to focus on how to assess outcome level 4 results. The current focus is on describing what to implement as part of a permit.
			Delete this section because it "provides guidance on substantive implementation requirements..." and is "...beyond the scope of this document." Lines 44-46.

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Line Number	Page	Section Title/Topic	Reason for Proposed Changes/Comments
540-541	16	Outcomes, Measures, and Methods	This is a new permit QA requirement
IV. D. MS4 Discharge Monitoring (Outcome Level 5)			
550-551	16	Overview	Delete this section because it "provides guidance on substantive implementation requirements..." and is "...beyond the scope of this document." Lines 44-46.
559	16	Objective 4	Delete this section because it "provides guidance on substantive implementation requirements..." and is "...beyond the scope of this document." Lines 44-46. Move to level 6 section
568-608	17	Overview	Delete this section because it "provides guidance on substantive implementation requirements..." and is "...beyond the scope of this document." Lines 44-46.
572-573	17	MS4 Discharge Monitoring	Add questions: Is the change trending in a desirable or undesirable direction? Are there indications of what is causing the change?
586-603	18	Characterizing hydrology and stream erosion	Delete this section because it goes beyond the scope for the document per lines 44-46.
609-610			This might be coupled with "What is causing the change?" and "Is the change desirable or undesirable in regards to our goals of protecting beneficial uses?"
612-674	18	Outcomes, Measures, and Methods	Delete this section because it "provides guidance on substantive implementation requirements..." and is "...beyond the scope of this document." Lines 44-46.

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Line Number	Page	Section Title/Topic	Reason for Proposed Changes/Comments
586-603	18	Characterizing hydrology and stream erosion	This text is recommending specific program implementation activities.
661-674	19	Characterizing hydrology and stream erosion	This text is recommending specific program implementation activities.
IV. E. Receiving Water Monitoring (Outcome Level 6)			
682	19	Overview	“Receiving water monitoring...impacts.” This implies that the MS4 is responsible for receiving water not meeting water quality standards. This would be a new permit requirement to implement, requiring paired samples.
691-692	19	Overview	“provide the basis for designing monitoring program”
694-740	20	Outcomes, Measures, and Methods	This is a description of the minimum components to include in a monitoring program.
727-731	20	Beach Water Quality Monitoring	This is outside of the scope of a storm water program. This is a public health requirement and not a storm water requirement.
IV. F. Guidance for MS4 Monitoring Program Design			
			Comments/Proposed Changes
			Delete this section because it beyond the scope for the document per lines 44-46.
			Delete this section because it beyond the scope for the document per lines 44-46.
			Receiving water monitoring is especially important for understanding what part the MS4 plays in receiving waters meeting water quality standards. Delete this section because it “provides guidance on substantive implementation requirements...” and is “...beyond the scope of this document.” Lines 44-46.
			Delete this section because it “provides guidance on substantive implementation requirements...” and is “...beyond the scope of this document.” Lines 44-46.
			Delete this section because it “provides guidance on substantive implementation requirements...” and is “...beyond the scope of this document.” Lines 44-46. This is the responsibility of the Public Health Department (or equivalent).

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Attachment B. Example MS4 Permits			
1143 -- 1148 and 1188 to 1192	38- 39	Jurisdictional and Watershed	Permittees and copermittees should not be required to change their programs based on assessment measures until the assessment measurements and protocols are validated. The document and the permit should both reflect that the comparison of comparable cities to determine effectiveness should be slowly phased in as the assessment effectiveness measurements and tools are validated and proven.
Attachment C. Recommended Resources			