



January 11, 2013

Mr. Wayne Chiu, P.E.
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

SUBJECT: Comment-Tentative Order No. R9-2013-0001, Regional MS4 Permit, Place ID: 786088Wchiu

Dear Wayne Chiu:

Project Design Consultants (PDC) appreciates the opportunity to provide comments on the subject of the Draft Regional MS4 Permit Tentative Order No. R9-2013-0001 (Draft MS4 permit). PDC is a multidisciplinary planning and engineering design firm with extensive technical experience designing stormwater controls for a wide variety of new development and redevelopment projects throughout San Diego and Riverside Counties. We are committed to the Regional Board's goal of improving water quality through cost-effective and innovative strategies.

We would like to acknowledge and thank Regional Board staff for conducting additional meetings for this Draft MS4 permit, and we are optimistic that Regional Board staff will make significant changes and improvements to the draft permit after receiving comments from the technical experts in the development community through the public comment process. We hope that Regional Board staff will rely heavily on the permit revisions suggested by the technical experts within this region in order to optimize the chance of success for water quality improvement.

Our overarching comments on the Draft MS4 permit are summarized below.

Comment #1 [Draft MS4 Permit Provision E.3.]: Overall, we would like to see permit language that appropriately prioritizes projects according to stormwater quality risk, instead of applying the same requirements to very small and very large projects. If almost every construction project is a priority project, then nothing is really prioritized. Small and medium sized projects should be subject to less restrictive treatment and hydromodification requirements than larger projects. Further, more distinctions and more flexibility should be made to accommodate alternative compliance mechanisms for different types of development (urban infill redevelopment, roadways, rail and transit projects, utility projects, etc.).

Comment #2 [Draft MS4 Permit Provision E.3.]: Overall, many of the permit provisions discourage redevelopment, and this is discouraging because redevelopment is preferred from an environmental perspective compared to new greenfield development.

Comment #3 [Draft MS4 Permit Provision E.3.b.(1).b]: In order to eliminate onerous requirements for redevelopment projects that propose very minor increases to existing levels of site imperviousness, revise the trigger for redevelopment priority development projects to be "at least a net increase of x square feet of impervious surfaces above pre-project conditions" instead of the creation, addition, or replacement of at least x square feet of impervious surfaces.

Comment #4 [Draft MS4 Permit Provision E.3.b.(2).a]: If priority development requirements are triggered for the threshold of 10,000 square feet of impervious area for *new* development, this



threshold should be the same for redevelopment projects per Provision E.3.b.(2).b, and restaurant projects per Provision E.3.b.(2).c, and hillside projects per Provision E.3.b.(2).d, and parking lots and street projects per Provisions E.3.b.(2).f and E.3.b.(2).g. We recommend changing 5,000 square feet throughout the permit to 10,000 square feet or larger.

Comment #5 [Draft MS4 Permit Provision E.3.b.(2).i]: Since stormwater pollution is highly correlated with high levels of imperviousness, the project category of “one acre of disturbance or more” should be removed as a priority project category so that projects that add extremely low amounts of impervious surfaces would not be required to comply with priority project requirements.

Comment #6 [Draft MS4 Permit Provision E.3.b.(3).a]: This section should be removed or revised. The current (R9-2007-0001 permit) version of the exemption for sidewalk and bicycle lane improvements should remain for the new permit. Particularly for redevelopment and retrofit projects, most sidewalk and bike lane improvement projects cannot be constructed to be hydraulically disconnected from adjacent streets and still be in compliance with public standards. Additionally, implementing hydromodification controls for these projects in urban areas is often times infeasible.

Comment #7 [Draft MS4 Permit Provision E.3.b.(3).b]: This exemption needs to be re-worded to allow more flexibility. Reconfiguring existing streets for the goal of increasing traffic safety should not trigger priority project requirements just because the project slightly increases the imperviousness above pre-project conditions. Due to the linear nature of roadways, hydromodification and treatment controls are much more difficult due to the large amount of run-on and limited spatial constraints. It would be more cost-effective to focus treatment efforts on other types of projects with larger stormwater quality impacts.

Comment #8 [Draft MS4 Permit Provision E.3.c.(1).a]: Most LID best management practices (BMPs) (for example, bioretention areas) are sized by rate instead of by volume. Therefore, a requirement of retention of the 24-hour 85th percentile water quality volume is not applicable to all LID BMPs.

Comment #9 [Draft MS4 Permit Provision E.3.c]: Given our region’s predominance of clay and silt soils, retention should not be the default method of compliance. We propose that the designation of the menu of appropriate BMPs be determined by the Water Quality Improvement Plan (WQIP) process rather than a “one size fits all” strategy currently being proposed in the Draft MS4 permit.

Comment #10 [Draft MS4 Permit Provision E.3.c]: The draft language for all of the various compliance options (and alternative options including offsite options) should be revised to clarify the regulatory intent to reduce the confusion throughout the entire section.

Comment #11 [Draft MS4 Permit Provision E.3.c.(2).a]: Hydromodification requirements should reference *pre-project* instead of *pre-development* conditions. This distinction is crucial and the draft MS4 permit language requiring redevelopment sites to mimic pre-development conditions is an unrealistic standard without technical basis.

Comment #12 [Draft MS4 Permit Provision E.3.c.(2).a.ii]: Remove this impractical requirement for artificially hardened channels.

Comment #13 [Draft MS4 Permit Provision E.3.c.(2).b]: Remove this impractical requirement for sediment supply matching.

Comment #14 [Draft MS4 Permit Provision E.3.c.(2).d]: The current exemptions outlined in the current County of San Diego’s Hydromodification Management Plan (HMP) should not be removed.



Rather, they should be expanded and added to in order to increase the flexibility of the program. The current HMP needs to be revised to make the requirements workable for real world projects. In addition, the low-flow thresholds need to be revised. The schedule for development of the HMP was extremely rushed and we felt that input from the technical experts was ignored during the development and approval of the HMP. We would like to see this plan be revised and then incorporated into the new permit in order for it to be reasonably applied to real-world development projects. Most designers agree that the final hydromodification requirements of the current HMP are unreasonable and/or infeasible to implement for most priority development projects. The climate, rainfall patterns, and soil conditions within Southern California are significantly different from other areas in the United States. Therefore, the stormwater regulations for treatment control BMPs and hydromodification controls need to be tailored to the local conditions and cannot be based on "one size fits all" approaches developed for other areas with different climates.

Comment #15 [Draft MS4 Permit Provision E.3.c.(3).b.i.c]: LID bioretention areas are sized by rate instead of volume. Therefore, a requirement of 1.5 times the design capture volume is erroneous and is not scientifically based.

Comment #16 [Draft MS4 Permit Provision E.3.c.(3).b.iv.a]: Revise condition to state that the regional BMP may treat the runoff, either by a volume-based or a flow-based BMP. The requirement of 1.1 times the design capture volume is confusing and is not scientifically based.

We appreciate the opportunity to comment on the Draft MS4 permit. We would welcome the opportunity to answer any questions or discuss the above or other issues.

Sincerely,

PROJECT DESIGN CONSULTANTS

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