



**COUNTY OF EL DORADO
DEPARTMENT OF TRANSPORTATION**



INTEROFFICE MEMORANDUM

Date: July 5, 2011

To: Supervisor John Knight, District I
Supervisor Ray Nutting, District II
Supervisor Jack Sweeney, District III
Supervisor Ron Briggs, District IV
Supervisor Norma Santiago, District V
Terri Daly, CAO
Louis Green, County Counsel

From: James W. Ware, P.E.
Director of Transportation

Subject: State Water Resources Control Board-
Proposed Draft Municipal Separate Storm Sewer Systems Permit

The purpose of this memorandum is to inform the Board of Supervisors on the State Water Resources Control Board (SWRCB) intent to reissue the Phase II Stormwater Permit for the West Slope. This is the reissuance of the County's existing Phase II Stormwater Permit (Order No. 2003-005-DWQ).

On June 7, 2011, the SWRCB issued a Notice of Opportunity for Public Comment (Notice) pertaining to the Draft National Pollutant Discharge and Elimination System (NPDES) General Permit and Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4), hereafter referred to as the Draft Permit. The Notice allows for a 62 day review period ending August 8, 2011.

County staff has conducted an initial review of the Draft Permit. The Draft Permit significantly expands upon existing stormwater requirements, and adds six major new programs:

- *Program Management;*
- *Trash Reduction Program;*
- *Industrial/Commercial Facility Runoff Control Program;*
- *Receiving Water Monitoring;*
- *Program Effectiveness Assessment and Improvement;*
- *Total Maximum Daily Load Compliance Requirements.*

It is County staff's opinion that the proposed changes within the Draft Permit will have a significant impact upon County's resources and operations in order to comply. While County staff is still working to fully understand resource impacts, it is likely that the addition of the proposed programs will increase the need for current County program resources. For example, the Draft Permit expands the Public Outreach element of the stormwater program by requirement the Permittee develop and utilize a Community Based Social Marketing (CBSM) strategy. Estimates from other agencies are that costs for CBSM based public outreach efforts could be as much as \$640,000 for the first year and \$450,000 annually, not including staff time.

Under my signature, the Department has submitted a request to the SWRCB requesting a 60 day review extension. It is unclear at this time if the extension will be granted. In the meantime, County staff is working on several fronts to prepare comments on the Draft Permit by the August 8, 2011 deadline. County staff is participating in the Phase II subcommittee of the California Stormwater Quality Association. County staff is also participating in a regional collaboration effort with other adjacent communities that will be impacted by these regulations. The regional collaboration effort includes the Cities of Placerville, Roseville, Lincoln, Rocklin, Auburn, as well as the Town of Loomis and Placer County. This collaboration group is scheduled to brief the Building Industrial Association, Chamber of Commerce and State and Federal legislators of the group's concerns related to the impact of the Draft Permit. The primary concerns are:

- *The new permit requirements are unfunded mandates by the State as they expand beyond Federal EPA stormwater regulations;*
- *Proposition 218 limits the County's ability to raise dedicated revenues to fund the program; as such the County will have to find new revenue to comply;*
- *Should agencies be unable to comply fully with the permit, these agencies could be potentially subject to State fines and litigation from third parties;*
- *The permit creates new compliance burdens on development and local business, including requirements to retroactively install stormwater best management practices within commercial and industrial facilities.*

The Department will continue to update the Board on the Draft Permit reissuance and our efforts to influence the content in the final MS4 permit. I have assigned Eileen Crawford to work on this effort. If you have any questions pertaining to this item, please feel free to contact Eileen at extension 6077 or by email at eileen.crawford@edcgov.us.