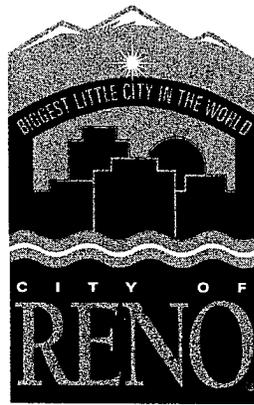


US EPA ARCHIVE DOCUMENT

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July 3, 2002

Tom Huetteman, Chief
United States Environmental Protection Agency, Région IX
75 Hawthorne Street
San Francisco, CA 94105

Subject: Response Regarding the Audit of the Truckee Meadows Regional Stormwater Management Program (NPDES Permit No. NVS000001)

Dear Mr. Huetteman:

According to your letter, "The primary goal of the audit was to determine overall success in meeting the conditions & requirements of the permit". The purpose of this letter is to respond as requested to the "program deficiencies" described in the report. According to the dictionary, the definition of deficient is "lacking in some necessary quality or element". The Stormwater Permit Coordinating Committee takes exception to the term "deficiencies". We're doing what is in the permit. Our co-permittees have relied largely upon direction from the Nevada Division of Environmental Protection (NDEP) in the development and implementation of our Truckee Meadows Regional Stormwater Quality Management Program (RSQMP). We have strived diligently to meet the terms of the current permit with consideration of budgets and staffing levels to the *maximum extent practicable*.

We do consider the "program deficiencies" cited in the audit and your letter as recommendations of how we can improve our program. We appreciate the recommendations and recognize this is an opportunity to learn and improve. Substantial time and money has been expended on the part of the co-permittees, the Committee, and other participants of our meetings to ensure that we are on track and in compliance with the permit. Time and time again, our community has demonstrated concern for the Truckee River and the contributing watersheds.

We also want to premise our response on the understanding that the industrial and construction site inspections have been the responsibility of NDEP and there has been no relinquishment of this responsibility to the local municipal separate storm sewer systems (MS4s). Your letter dated May 26, 2000 to Mr. Leo Drozdoff, Bureau Chief, provides guidance to the State regarding delegation of these elements to the local MS4s. NDEP had expressed interest in issuing general NPDES storm water permits for industrial facilities and construction sites which would allow the facilities to satisfy at least some of the requirements of the State's general permits through approved local MS4 programs.

Your letter stated, "The specifics of the inspection and enforcement components of this approach would be negotiated with the local MS4s in order to ensure proper implementation of the storm water program." No such negotiation has occurred; therefore, the co-permittees have not taken on the responsibility inspections for all applicable industrial facilities or construction sites. The RSQMP has a plan and a schedule to implement inspections for all applicable industrial facilities or construction sites. How this will be fully implemented by each of the entities has not yet been determined nor has it been budgeted in this fiscal year.

Since the audit, several events of significance have occurred:

- Pursuant to your May 26, 2000 letter, legal counsel for the Stormwater Permit Coordinating Committee, drafted a memorandum of understanding to define their mutual roles and responsibilities in implementing storm water pollution prevention and control activities. This was the topic of discussion with NDEP staff on March 7, 2002.
- The Regional Water Planning Commission (RWPC) recognized the need for regional programs to control stormwater pollutants and is funding two elements of the Stormwater Quality Management Program: 1) A Construction Site Discharge Manual; and 2) Structural Controls Design Guidelines.
- The development of the Construction Site Discharge Manual will be formally kicking off July 25, 2002, with representation from each of the entities, the construction industry, and the development community. This manual of best management practices for construction sites is intended to be for regional adoption next year.
- Each of the co-permittees are considering how permitting and inspection activities can be administered and funded, permit and inspection fees, local ordinance requirements, labor demands, fiscal issues, and related matters.
- An existing agreement to provide pretreatment services to Washoe County by the City of Reno and the City of Sparks has been reviewed. Efforts are being made by the respective legal counsels to clear up concerns relative to enforcement and its applicability to stormwater.
- A subcommittee has been formed to consider monitoring issues.
- Public education and outreach activities are being conducted such as; presentations to the American Society of Civil Engineers, Nevada Water Environment Federation, displays, and handouts at community functions.

The following sections will be responses specific to the audit. The structure of the response will be to quote on the section of the audit in bold and the "deficiency" in italics; our response will be in standard text.

Section 2.1.1 Evaluation of the Program Development and Implementation:

The RSQMP does not acknowledge many of the existing activities currently undertaken by the co-permittees.

There was effort to document the existing activities for each of the program elements through technical memorandums written throughout the program development.

The Truckee Meadows Stormwater Permit Coordinating Committee (informally known as the interlocal stormwater committee), requested that the consultant document activities related to each of the stormwater program elements for each of the entities. It was recognized that each of the entities had differing levels of implementation and we may gain from each other's experience. In addition, we needed to establish where we were, in order to determine the effort needed to accomplish our overall goals. These technical memorandums were bound in the appendix to the program document.

The example referenced in the audit regarding the database tracking the number of catch basin cleaning and other municipal operation activities, did point out an activity that could have been elaborated upon. Each operation section has developed databases of varying degrees of sophistication.

The RSQMP does not include measurable goals in order to track program implementation.

We feel the measurable goals established within the program document meet the intent of the regulation. In Section 2 of the Truckee Meadows Regional Stormwater Quality Management Program, each of the required program elements is broken down into components describing actions that must be accomplished. For example, the "Fact Sheets on Land Use Planning" beginning on Page 51 of the program document lists the key components pertaining to Land Use Planning. There are "measurable goals" listed such as "train staff". There is an estimate of the labor hours involved and a timeframe in which to accomplish this task. The goals are described in greater detail in the subsequent pages of the program.

It is our intent to refine our measurable goals for the elements targeted in the upcoming year at the time of the annual report. We will work with the Nevada Division of Environmental Protection (NDEP) staff in the development of these "measurable goals". The training and information that has been brought to our attention since the time of the audit will help in this effort.

We have already found the goals listed in the program document are proving sufficient to provide guidance and useful tools to define our next tasks.

Most operational staff were not aware of the specifics contained in the RSQMP.

The program had just been adopted in December, 2001. The policymakers had been involved in the development of the program, not the on-line staff. The on-line staff had yet to experience any of the ramifications of the program implementation.

Section 2.1.2 Evaluation of the Program Management, Monitoring, and Reporting:

The program goal of achieving consistency among co-permittees with respect to implementation of program elements might limit program development.

We had understood that "regional cooperation" was the driving force for USEPA to permit several independent entities under one permit. It is cited in the audit as a goal, and it is just that, a goal. We recognize the value of having regional standards in the community.

Consistent program elements benefit the development community and is a deterrent against competition between developable areas within the different jurisdictions. However, while we are striving for consistency in regional program components, each of the co-permittees is very independent. It is clear in the permit that each permittee has the duty to comply with the permit and is responsible for its own compliance. There is no intent to regionalize or dictate such things as to what type of database for tracking of municipal operations each entity is to use, or how program elements are implemented within each jurisdiction.

We do not see this goal limiting implementation for the co-permittees. As recognized in the audit, the practices of each jurisdiction vary in degrees of implementation. The reality is that the implementation of future elements will be similar. Each permittee has the duty to comply with the permit and is responsible for its own compliance.

Locally, the Regional Water Planning Commission (RWPC) provides a forum and method for the planning and coordination of water use, flood control, and wastewater management throughout the region. They encourage a regional approach and support the goals of our program. RWPC partially funded the development of our program and recently recommended approval to fund the development of standards for structural controls and construction site best management practices.

The annual report does not adequately document program results.

Future reports will address the report requirements listed in Part I.B.8 of the permit. How that information should be conveyed, analyzed, or otherwise manipulated is not explicit in the permit language. The Stormwater Permit Coordinating Committee will work with NDEP to ascertain compliance with the annual reporting requirements.

Section 2.1.3 Evaluation of Program Schedule and Budget:

Implementation deadlines in the RSQMP extend beyond the permit's expiration date and are unnecessarily extended for some program areas.

In reviewing the permit, there was the requirement to:

- Form a Stormwater Quality Management Committee within six months of the effective date;
- Submit a stormwater monitoring plan for the following year on or before November 1 each year;
- Submit an annual report on or before each anniversary of the effective date of this permit;
- Maintain records for a minimum of 3 years;
- Remit an annual review and services fee; and
- Reapply not later than 180 days before this permit expires.

Nowhere in the permit does it state a date or timeframe in which the program shall be implemented. Nowhere in the permit does it state that the program must be implemented within the term of the permit.

Specifically, the permit requires that “each permittee submit a plan and schedule in the first annual report to begin implementation of a program to regulate significant stormwater discharges to storm drains and watercourses within their boundaries, including those from construction sites subject to NPDES permitting requirements, ‘stormwater discharges associated with industrial activity’ and any other significant industrial, commercial, institutional, or other source. Consequently, the co-permittees included a plan and schedule in the RSQMP which has been submitted to NDEP for their review and approval.

There was a tremendous amount of effort in the development of the plan and schedule. There was logic to the sequence of implementation of each element and consideration to existing resources of each entity, as well as timing for each entity to develop additional resources for implementation.

The co-permittees will coordinate with the Nevada Division of Environmental Protection staff to comply with the terms of the permit and the conditions of approval of the RSQMP. The co-permittees have been analyzing what effort it will take to fully implement the plan within the term of the permit and they recognize that it would be a very substantial undertaking to modify the current schedule.

Section 2.1.4 Program Evaluation:

The program needs to clearly identify additional measurable goals.

As was mentioned earlier in this letter, it is our intent to refine our measurable goals for the elements targeted in the upcoming year at the time of the annual report. We will work with the Nevada Division of Environmental Protection (NDEP) staff in the development of these “measurable goals”. The training and information that has been brought to our attention since the time of the audit will help in this effort.

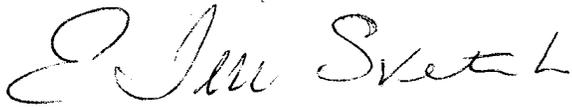
We have seen this process as an opportunity to improve our understanding of the requirements of the National Pollutant Discharge Elimination System for stormwater discharges. Consequently, it will improve our program implementation and communication with the Nevada Division of Environmental Protection.

Sections 2.2 – 2.5.7 are specific to each of the co-permittees. Responses to these sections will be as attachments labeled: City of Reno, City of Sparks, Washoe County and Nevada Department of Transportation.

Tom Huetteman, Chief
July 3, 2002
Page 6 of 6

If you have any questions, please contact me at (775) 334-3314.

Sincerely,



E. Terri Svetich, P.E.
Senior Civil Engineer
Chair, Stormwater Permit Coordinating Committee

ETS/km

Enclosures: City of Reno – Response to Section 2.2
City of Sparks – Response to Section 2.3
Washoe County – Response to Section 2.4
Nevada Department of Transportation – Response to Section 2.5

cc: Susan Rothe, Deputy City Attorney, City of Reno
Leo Drozdoff, P.E., Bureau Chief, Nevada Division of Environmental Protection
Lee Carson, City of Sparks, Stormwater Permit Coordinating Committee Member
Kimble Corbridge, Washoe County, Stormwater Permit Coordinating Committee Member
Chris Ennes, Nevada Department of Transportation, Stormwater Permit Coordinating Committee Member



City of Reno
USEPA Stormwater Program Audit Response
July 2, 2002
Prepared by E. Terri Svetich, P.E.

City of Reno Section 2.2

2.2.2 Evaluation of Municipal Operations

Deficiency Noted: The Public Works Maintenance yard needs stormwater controls for its sand/salt storage area.

The maintenance yard has been subject to many improvements over the last few months. Most significant relative to stormwater is the installation of a "Storm Vault" (see attached article). The Storm Vault provides drainage control for much of the maintenance yard. A second one is anticipated with Phase II improvements. Funds have been budgeted for a sand/salt covered storage area and a master plan is being prepared.

2.2.3 Evaluation of Land Use Planning

Deficiencies noted:

The Community Development Department does not generally require erosion and sediment controls on construction sites.

Plan review, permitting and inspections for construction sites are being administered by NDEP. To date, the relinquishment of this responsibility to the local municipal separate storm sewer systems (MS4s) has not occurred. The NPDES Stormwater Permit requires that "each permittee submit a plan and schedule in the first annual report to begin implementation of a program to regulate significant stormwater discharges to storm drains and watercourses within their boundaries, including those from construction sites subject to NPDES permitting requirements, 'stormwater discharges associated with industrial activity' and any other significant industrial, commercial, institutional, or other source. Consequently, the co-permittees included a plan and schedule in the RSQMP which has been submitted to NDEP for their review and approval.

City of Reno will be considering how permitting and inspection activities can be administered, funded, what permit and inspection fees would be applicable, the need for changes to local ordinance requirements, labor demands, and other fiscal issues.

The community development department still requires installation of 'Sur-traps', knowing that the maintenance staff removes them to facilitate the cleaning of catch basins.

Public Works staff and Community Development staff are working to improve communication between the departments. Community Development has facilitated the installation of software so that the maintenance staff has an opportunity to review and comment on the plans for new development.

The sur-traps are required per the standard details of the City of Reno. This detail will be reviewed with other structural controls that will be considered with the development of a Structural Controls Design Manual intended for regional adoption. The process for the development of this manual will include working groups with representation from each of the entities, the construction industry, and the development community. This manual of structural controls for the community is intended to be for regional adoption late next year.

2.2.5 Evaluation of Construction Site Discharge

The City is not conducting inspections of erosion and sediment controls at construction sites.

Plan review, permitting and inspection activities are being administered by NDEP. To date, the relinquishment of this responsibility to the local municipal separate storm sewer systems (MS4s) has not occurred.

City of Reno will be participating in the development of the manual of best management practices for construction sites. The goal is to have a manual that will be adopted for use in 2003.

City of Reno will be considering how permitting and inspection activities can be administered, funded, what permit and inspection fees would be applicable, the need for changes to local ordinance requirements, labor demands, and other fiscal issues.

2.2.6 Evaluation of Illicit Discharge Detection and Elimination

Other than spill response, the City does not have a program to proactively detect illicit discharges.

The pretreatment program currently has elements that proactively prevents or detects illicit discharges to the stormwater system. For example:

- Water discharged from swimming pools, decorative fountains or ponds is prohibited from being discharged into the storm drain.
- Developments that include foundation drains are directed to apply for an NPDES permit with the NDEP before discharging to storm drain or connect to sewer.

- Although indirectly a means of addressing illicit discharge from irrigation, there is a water wasting ordinance which is enforced through the pretreatment staff. Should there be excessive irrigation water leaving a residential or commercial property, there is the ability to take action against the abuser.
- During industrial pretreatment inspections, the inspector will consider the outdoor storage practices of hazardous materials. If there is an apparent risk of drainage to the storm sewer, the inspector will require mitigation measures.

A map of the outfalls along the Truckee River is being updated. Pretreatment inspectors will be scheduled to check the outfalls within the City of Reno on a regular basis.

2.2.7 Evaluation of Industrial Program

Positive attribute:

Experienced pretreatment inspectors include stormwater evaluations in their pretreatment inspections.

The comment is appreciated; however, these inspectors have full workloads. There is a need to add staff to implement a comprehensive stormwater program.

Deficiency Noted:

Industrial inspections do not include all applicable facilities.

Plan review, permitting and inspections for construction sites are being administered by NDEP. To date, the relinquishment of this responsibility to the local municipal separate storm sewer systems (MS4s) has not occurred.

City of Reno staff has reviewed the list of industries currently permitted by NDEP. It is clear that all applicable facilities are not permitted. The City of Reno along with the other co-permittees will coordinate with the Nevada Division of Environmental Protection to comply with the terms of the permit and the conditions of approval of the RSQMP.

As previously stated, the pretreatment inspectors already have full work loads. Additional staffing to fully implement the stormwater program will need to be approved through the budgetary process.

Enforcement Measures

- *Prohibition of Overflows.* The existing Clean Water Act prohibition of sanitary sewer overflows that discharge to surface waters is clarified to provide communities with limited protection from enforcement in cases where overflows are caused by factors beyond their reasonable control or severe natural conditions, provided there are no feasible alternatives.

NPDES Permits for Collection Systems

- *Expanding Permit Coverage to Satellite Systems.* Satellite municipal collection systems are those collection systems where the owner or operator is different than the owner or operator of the treatment facility. Some 4,800 satellite collection systems will be required to obtain NPDES permit coverage to include the requirements under this proposal.

CITY INSTALLS 'STORM VAULT' TO IMPROVE WATER QUALITY

The City of Reno is using cutting-edge technology to help improve the water quality of the Truckee River.

The City recently installed a "storm vault" at the Corporation Yard, a location that serves as a storage facility and parking area for City maintenance vehicles.

"There's a lot of industrial activity there, and the storm drainage off the site goes into traditional storm drains and the Truckee River with no treatment," said Terri Svetich, senior civil engineer for the City of Reno.

This is where the storm vault comes into play. Svetich describes the system — which

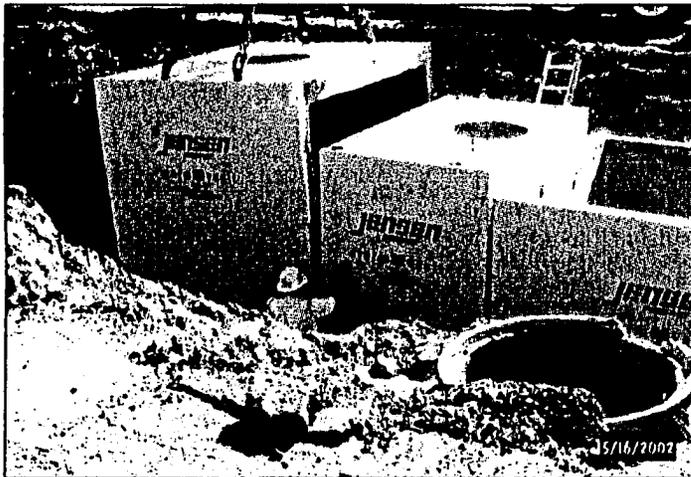


Photo courtesy City of Reno
Crews install the 'Storm Vault' water treatment system at the City of Reno's Corporation Yard recently. The vault is intended to reduce water pollution.

is a treatment unit designed by local company Jensen Precast — as a 100-foot-long "series of baffles" through which storm

AROUND THE ARCH

Turn to SNCAT Channel 13 for the latest on services, issues and events in the City of Reno at 6 p.m. Friday, Saturday and Sunday (and other times during the week).

water passes. The flow of water is slowed down as it goes through the baffles, thus allowing for settling of sediment and pollution.

"The common perception is that storm drains are treated," Svetich said. "But they actually go right into water bodies, so anything the storm water

comes into contact with can potentially lead to pollution. This is the City's way of addressing that problem."

Storm vaults have been installed at California and Virginia locations, and both sites have reported reduced pollution as a result of the apparatus. This is the first system installed in Nevada.

"The City of Reno is really setting an example for businesses by using a state-of-the-art structural treatment device for storm water," Svetich said.

The cities of Reno and Sparks, and Washoe County are working together on a Truckee Meadows Storm Water Quality Program — a multilateral effort intended to reduce water pollution.

Look every Thursday for news on the City of Reno



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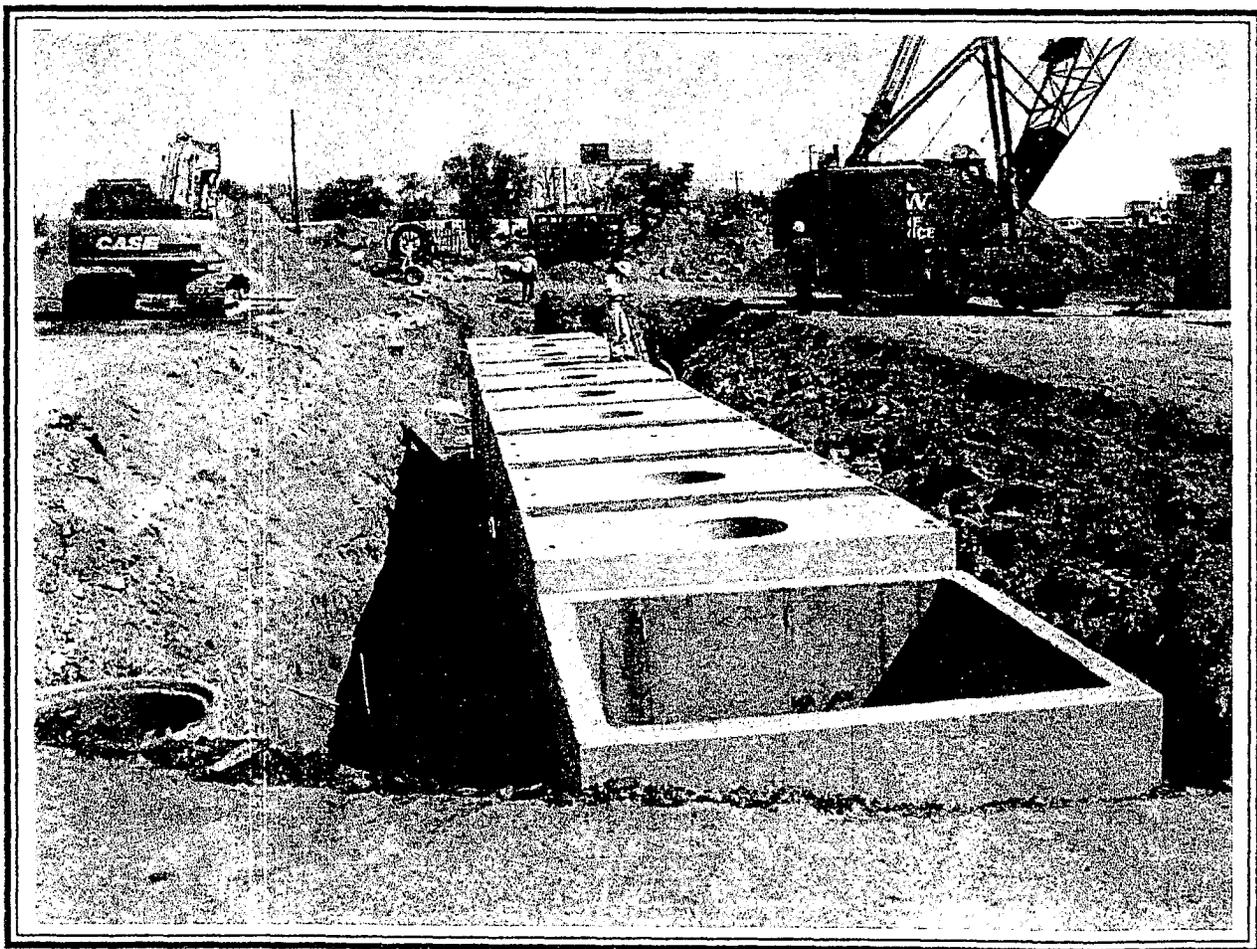
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CITY OF RENO CORPORATION YARD STORM DRAIN 2002 LARGEST ONE SET ON THE WEST COAST



CONTRACTOR: J.D.C. EXCAVATING