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Sent: Wednesday, April 1, 2020 10:35 AM
To: Shortridge, Tricia
Cc: Moore, Heaven@Waterboards; Stevens, Brandon D.@Waterboards; Filak, Jordan@Waterboards; OPR State Clearinghouse
Subject: Regional Water Board Comments on Sun Ocean West Manufactured Home Park Expansion Project (SCH No. 2020029032)

Governor's Office of Planning & Research

APR 01 2020

Dear Ms. Shortridge,

STATE CLEARINGHOUSE

Thank you for providing North Coast Regional Water Quality Control Board (Regional Water Board) staff the opportunity to comment on the Mitigated Negative Declaration (MND) for the Sun Ocean West Manufactured Home Park Expansion Project (Project) (SCH No., 2020029032, County Case No. CUP-18-034). The State Clearinghouse comment deadline was March 10, 2020, but Humboldt County staff indicated that late comments would be accepted from the Regional Water Board to help inform the County's decision making process as it moves forward on its Project review. Please note that we also provided comments on the Project's County Planning Application on March 26, 2019. The below comments build upon our March 2019 comments and are informed by recent Project documents, including the MND, tentative plan sheets, and preliminary stormwater plan. While we do not have sufficient Project plans that may inform more detailed Project comments, the available Project materials do present significant concerns to Regional Water Board staff. We look forward to discussing our concerns in more detail with County staff in the near future as well as with the applicant during the 401 water quality certification review process, as needed.

1. Compliance with Stormwater Permit Provision E.12

The applicant proposes to use an infiltration basin to meet the post-construction stormwater treatment requirements of section E.12 of the [State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, Waste Discharge Requirements for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems \(MS4\)](#) (Stormwater Permit). We are concerned that the level of detail provided does not demonstrate compliance with the Stormwater Permit because:

- a. The infiltration basin is identified as a "Site Design Measure." Stormwater Permit Provision E.12.b does not identify infiltration basins (or infiltration trenches) as acceptable Site Design Measures. Although the Humboldt LID Manual treats infiltration basins as Site Design Measures, the LID Manual was produced by and for Humboldt and Mendocino County Phase II stormwater MS4s for their own convenience, and is not a requirement of or enforceable part of the Storm Water Permit; and
- b. The infiltration basin, as proposed, does not meet the Low Impact Development Design Standards of Stormwater Provision E.12.e (page 52). Provision E.12.e.ii(f) (page 54) requires stormwater treatment facilities that are at least as effective as bioretention systems. The proposed infiltration basin does not meet the bioretention standard primarily because there is no biotreatment as required in Provisions E.12.e(f) and (g). If the infiltration basin were to remain as designed, stormwater would need to be pre-treated using some form of bio-treatment before discharging to the basin.

2. Infiltration Basin Concerns

Beyond our concerns that the infiltration basin does not meet the Stormwater Permit requirements, we have the following additional concerns:

- a. The basin has relatively steep 2:1 slopes. Based upon Regional Water Board staff's prior experience with detention basins in the 90s and early 2000's (when these types of basins were more common), the side slopes and standing water would necessitate fencing around the entire basin perimeter for public safety reasons. The current plans don't appear to designate fencing around the basin. We are bringing this to your attention in the event the County or Applicant cannot accept fencing, which would affect the feasibility of this strategy.
- b. Depending upon the basin drawdown time of the basin, there may be vector concerns with standing water. This should be evaluated to ensure the design would be compliant with requirements of the local Vector Control District.
- c. The basin is proposed to infiltrate a very large amount of water and is placed immediately adjacent Widow White Creek. The Applicant will need to demonstrate the basin's structural integrity during large storm events. Elements of concern are:
 - i. What happens to stormwater flows during events surpassing the 100-year storm? How do those flows reach Widow White Creek without causing erosion to the basin or Widow White Creek?
 - ii. What happens during flood and other high flows in Widow White Creek? How will the basin be protected?
- d. The Preliminary Stormwater Control Plan mentions that pervious asphalt may not be a feasible stormwater control option in locations of high groundwater, and that additional investigation is needed before seasonally high groundwater levels may be determined. High groundwater would impact the efficacy and drawdown of the infiltration basin as well. We are concerned that the stormwater BMP planning has preceded these groundwater investigations and recommend that if groundwater investigations cannot be completed prior to the County's Final CEQA Determination, that alternative project designs be presented to address a scenario where high groundwater renders the proposed post-construction BMPs infeasible.

3. Pervious asphalt

Pervious asphalt is proposed for all roads in Parcel 1. Per the Stormwater Permit, pervious asphalt is an approved Site Design Measure and any stormwater drainage from these areas would not require additional treatment. However, pervious asphalt requires a significant level of maintenance and oversight to ensure it continues to infiltrate stormwater and remain effective. Required maintenance includes regular vacuuming to prevent clogging. If pervious pavement becomes clogged, then replacement of the clogged portion(s) is typically the only recourse. Also, the facility should be planned and monitored to ensure that sediment is not depositing onto the pavement.

Stormwater Permit Provision E.12.h requires specific measures of the County to ensure the Applicant has a sufficient Operations and Maintenance strategy that will ensure the Project BMPs, including the porous pavement, continue to operate as designed. Because the porous pavement is a significant component of the Applicants proposal to protect water quality post-construction, the adequacy of the Applicants BMP O&M program will be evaluated by Regional Water Board staff during the 401 water quality certification review process. If needed, additional conditions may be included in the 401 water quality certification to ensure the porous pavement is adequately maintained.

4. Other

- a. The Project documents do not demonstrate how stormwater from the access road would enter Widow White Creek. The Applicant will need to demonstrate how water connects from the road to Widow White Creek without causing erosion to Widow White Creek. Also, any impacts to the riparian area or Widow White Creek associated with the conveyance must be identified and mitigated for.
- b. Our review of the Project documents focused on Parcel 1, however, these comments also apply to Parcel 2, where appropriate.
- c. The proposed access road is being planned very close to Widow White Creek and there is a significant potential threat to the water quality of Widow White Creek during the construction phase. The Applicant must identify measures to avoid and minimize potential construction-stage impacts to Widow White Creek by 1) reducing the temporary disturbance envelope as much as possible to minimize intrusion into the riparian area and 2) stage construction so that this portion of road construction begins and ends only during the dry season.

Thanks again for accepting our comments. We look forward to discussing this project and post-construction stormwater implementation with the County in the near future.

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The governor of California has issued a statewide shelter in place order due to the COVID-19 emergency. The Water Boards are continuing day-to-day work protecting public health, safety, and the environment. However, most staff are working remotely and we continue to check email and voicemail regularly. Thank you and stay healthy and safe.

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