

Feb 23 2021

STATE CLEARINGHOUSE

From: Thompson, Brendan@Waterboards
To: ["SLazar@co.humboldt.ca.us"](mailto:SLazar@co.humboldt.ca.us)
Cc: Kenyon, Cristin@Coastal; Moore, Heaven@Waterboards; Filak, Jordan@Waterboards
Subject: CEQA Comment: Forbes Commercial Development (SCH No. 2021020178)
Date: Tuesday, February 23, 2021 5:01:00 PM

Dear Mr. Lazar,

Thank you for providing North Coast Regional Water Quality Control Board (Regional Board) staff the opportunity to comment on the Mitigated Negative Declaration (MND) for the Forbes Extension & Modification of Coastal Permit & Use Permit for Commercial Development (Project) (SCH No. 2021020178). The MND describes a proposal to construct an approximately 6,480 square foot 3-unit commercial building with 16 on-site parking spaces, and possible establishment of a cabinet manufacturing business. We offer the following comments to help the County and Project proponent evaluate the proposed Project design as it relates to concerns of the Regional Board. Please note that a copy of this sent email will be forwarded to the State Clearinghouse as a PDF document for their records.

The County of Humboldt is a permittee under [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). The Stormwater Permit includes post-construction stormwater management program requirements to control pollutants from new and redeveloped projects within the County's MS4 boundary. Because the Project would create and/or replace 5,000 square feet or more of impervious surface, the Project must implement low impact development stormwater control measures to control the quality and volume of stormwater runoff from the Project site, as detailed in Stormwater Permit section E.12 (starting page 48).

Vegetation-Based Stormwater Treatment Control Measures

Direct discharge of untreated stormwater to groundwater may result in degradation of groundwater quality in violation of both the Stormwater Permit (Discharge Prohibition B.1) and [Water Quality Control Plan for the North Coast Region](#) (Basin Plan) (see Antidegradation Policy). To avoid potential violations of the Stormwater Permit and Basin Plan, stormwater treatment utilizing vegetation-based stormwater control measures must first be provided prior to subsurface infiltration of stormwater runoff. Appropriate vegetation-based treatment control measures includes bioretention basins, bioretention swales, or comparable control measures utilizing soils and vegetation to treat stormwater to the maximum extent practicable standard. **The Project should be revised to provide vegetation-based treatment of stormwater runoff prior to subsurface infiltration.**

Stormwater Treatment Criteria

The MND notes that post-construction stormwater flow will be managed by “reduc[ing] and detain[ing]” stormwater runoff by utilizing porous concrete and “directing parking and roof runoff to underground perforated chambers for detention during storm events.” The MND also notes that the Project intends to provide on-site detention of stormwater runoff during a 50-year storm, possibly in an effort to satisfy requirements of the Local Coastal Plan (LCP).

Stormwater Permit provision E.12.e.ii.c (pages 53-54) include volumetric and flow-based criteria to determine the amount of stormwater that must be controlled using low impact development stormwater control measures. The amount of stormwater runoff required for treatment under this criteria is significantly less than the amount of stormwater runoff generated by the 50-year storm—as such, the Project would not need to use vegetation-based stormwater control measures to treat the entire 50-year storm prior to subsurface infiltration—instead, **the Project may be designed to bypass or otherwise divert all stormwater above the volumetric or flow-based Stormwater Permit criteria straight to the subsurface infiltration chamber.**

Regional Board Allowance to Infiltrate Untreated Stormwater

The Regional Board may consider case-by-case proposals to infiltrate untreated stormwater. Any such proposals to the Regional Board must be accompanied by robust site-specific information, including:

- Infeasibility analysis of bioretention or equivalent LID strategy;
- Depth from the bottom of the infiltration device to seasonally high groundwater and impermeable layers that may restrict movement of stormwater;
- Contributing area land use and Project runoff characterization;
- Soil type (with gravel and sandy in situ soils requiring a significantly greater depth to groundwater);
- Proposed infiltration device drawdown time;
- Proximity of drinking water wells and other drinking water sources;
- Proximity of onsite wastewater treatment systems;
- Proximity of nearby contaminant plumes;
- Assessment of ambient groundwater quality; and
- Pre-treatment and/or maintenance plan for infiltration BMPs.

Due to the extensive information, analysis, and time required by both Project proponent and Regional Board staff to evaluate whether infiltration of untreated stormwater may present a risk to groundwater quality, **we highly recommend that efforts to pre-treat stormwater using vegetation-based stormwater control measures are thoroughly exhausted before requesting an allowance to infiltrate from the Regional Board.**

Treatment of Onsite Pollutants

The MND notes that an oil/water separator is proposed to handle parking lot runoff. Regional Board staff support this proposal to provide stormwater treatment of site-specific pollutants of concern. The MND notes that a cabinet manufacturing facility is proposed to occupy one of three commercial units. **We encourage the County and Project proponent to evaluate all ultimate Project site activities for potential pollutants of concern and incorporate site-specific stormwater runoff pollution control measures, as appropriate.**

If the County and Project proponent would like to meet with Regional Board staff to discuss Project stormwater treatment requirements and/or strategies, or otherwise discuss any issues, we welcome that opportunity and will make ourselves available.

Thank you,

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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.