

City of Lakeland's Comments for Proposed Rulemaking National Pollutant Discharge Elimination System General Permits

Comment 1- General Comment

The changes to the rules result in an increase of amount of work and funds for the permittee in order to become compliant with the stormwater portion of the permit. The City requests a cost-benefit analysis as justification for proposed changes.

Comment 2- Section 1, a

“Remove” is a much more stringent requirement than reduce and difficult to defend if litigation results. We recommend the following section to be changed.

The permittee shall develop and implement a permanent stormwater management program to ~~remove~~ **reduce** pollutants from stormwater discharges through management practices, control techniques, and systems, design, and engineering practices implemented to the maximum extent practicable.

Additionally, language is inconsistent with the standard in Section 2, a.

The permanent stormwater management program must require new development projects to be designed to **reduce** pollutants to the maximum extent practicable.

Comment 3- Section 1, b and c

The permittee has regulated authority over municipal separate storm sewer system but does not over private stormwater control measures. Therefore, an implementation plan for a permanent stormwater management program can only be applicable to the municipal separate storm sewer system.

Comment 4- Section 1, d

Regarding comment 3 and 4, requiring an implementation plan to be submitted within 90 days of the issuance of the effective date of a new or renewed permit is onerous. Current permittees must submit a notice of intent (NOI) for coverage under the newly issued permit within 90 days of the effective date of the permit. Newly designated permittees must submit an NOI within 180 days of being notified that they must obtain coverage. The notice of coverage (NOC) for that permit may not be issued for months following submittal of the NOI. Requiring the submittal of an implementation plan within 90 days of the effective date of the permit is requiring the permittee to comply with a permit requirement of a permit that they don't have coverage under yet.

Comment 5- Section 2, a

Specify the types of pollutants required to be reduced. After “maximum extent practicable” add language specifying minimum 80% TSS removal.

Comment 6- Section 2, b

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Please define “preceding rain event” and “full treatment capacity”

Comment 7- Section 2, WQTV Table

The table is difficult to interpret. Consider changing the format/layout/content of the table so that it is easier to comply. Is the table limited to options that comply with the minimum 80% TSS removal? How does the table support SCM's in series? Are alternate SCM's allowed and if so add language to clarify. Please clarify/define the terms “inch(s) of design storm” and “biologically active filtration”

Comment 8 - Section 3

Are there any existing permittees using stormwater mitigation and public stormwater funds? Is this an option or mandated for permittees? All permittees should not be required to accept Offsite Stormwater Mitigation or offer a Stormwater Fund.

Comment 9 - Section 4

This is part of a list of standards that the riparian buffer must meet. However, it uses permissive language (should as opposed to shall). Recommend the paragraph be changed to read:

Stormwater discharges ~~should~~ **shall** enter the water quality riparian buffer as sheet flow, ~~not as concentrated flow~~, where site conditions allow.

Comment 10- Section 4, b

Below the table, an arbitrary term is used to describe where vegetation in the area near the stream should be. We recommend using a measurable term.

Comment 11 – Section 6

Section (b) states the permittee “must” include incentives. This should not be a requirement, but an option for permittees. Please define “verification” as referenced in Section (c)

Comment 11- Section 7

The permittee has regulated authority over municipal separate storm sewer system but does not over private stormwater control measures. Therefore, an implementation plan for a permanent stormwater management program can only be applicable to the municipal separate storm sewer system.

Comment 12 – Section 8

The permittee has regulated authority over municipal separate storm sewer system but does not over private stormwater control measures. Therefore, an implementation plan for a permanent stormwater management program can only be applicable to the municipal separate storm sewer system.