

Facsimile Transmission

Date: June 27, 2005

To: Firm: CRWQCB, San Francisco Bay Region

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Project: _____

Job No.: _____

Pages: 3
(including cover)

Comments

Attached is our letter commenting on the Tentative
Order for the Santa Clara Valley Urban Runoff
Pollution Prevention Program's NPDES amendment.

Thank you.

Michael Sheehy

June 27, 2005

Mr. Bruce Wolfe
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay St. Suite 1400
Oakland, CA 94612

Subject: Tentative Order on the
Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP)
Hydromodification Management Plan

Dear Mr. Wolfe:

We are practicing Civil Engineers involved with land development projects in the greater South Bay Area, principally within the City of San Jose. We understand The San Francisco RWQCB will hold a public hearing at their July meeting to consider the adoption of an amendment to the SCVURPPP's (Program's) current NPDES Permit. The amendment includes the adoption of a Tentative Order accepting the Program's "Hydromodification Management Plan Final Report, April 2005" as the interim rules for HMP on projects within the northern Santa Clara Valley.

We are writing this letter to express concern that the HMP methodology proposed in the Program's Final Report may over-constrain solutions in the field. The Glossary of the Program's Final Report states "The HMP will be implemented so that post-project runoff shall not exceed estimated pre-project rates and/or durations..." Of particular concern is our understanding that the calculation of the release rate from a proposed development project is compared to ten percent of the two-year **pre-urban** discharge rather than the **pre-project (existing) condition** discharge. Therefore, a property that has some amount of existing impervious area may be significantly penalized when the pre-urban discharge is used as the base runoff for a new proposed use of the property.

For instance, for properties located in areas with well draining soils, ten percent of the two-year pre-urban runoff may essentially be zero. The only way to mitigate at zero release is to retain the storm water for some period of time and/or provide deep percolation. Contaminated soils or groundwater at some redevelopment locations may preclude deep percolation, leaving indefinite retention (and very slow evaporation) as the only means of hydrograph modification. However, water should not and cannot be held indefinitely because of the concern of vectors, particularly mosquitoes. Vector control requirements limit water to be held for no more than 3 to 5 days. These two proscribed criteria – limited or no release to match the pre-urban condition and the inability to timely empty holding basins – conspire to over-constrain the problem, and may make redevelopment of existing properties not possible.

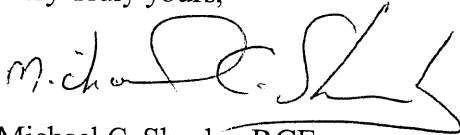
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We are concerned that a pre-urban mitigation criterion may serve as a disincentive for property owners considering the urban revitalization of parcels already substantially developed in terms of impervious surface (i.e. the so-called "smart growth" initiative strongly advocated by the City of San Jose). HMP mitigation may prove to be easier for undeveloped properties than for previously developed properties in the same vicinity, all else being equal.

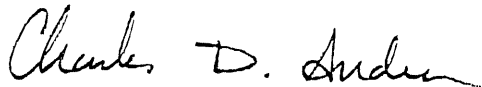
Therefore, we request the Board modify the HMP requirements to allow the calculation for release of a project to be compared against the runoff from the pre-project (existing) condition, in whatever state the property is in prior to the proposed project.

We trust the Board will thoughtfully consider our input.

Very Truly yours,



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