

June 27, 2005

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***Via Email and U.S. Mail***

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

**Re: Proposed Modification of NPDES Permit No. CAS029718 (Santa Clara Valley Municipal Stormwater Runoff Permit)**

Dear Bruce:

I have just returned from two weeks out of the office and am very glad to see that the issues concerning the above-referenced permit modification appear to be largely resolved thanks to the efforts of all concerned (most especially including you).

In reviewing the most recent round of edits to the Tentative Order which you provided to Adam from a legal perspective, I noticed two small glitches in wording that I am hoping can be corrected in advance of the July Water Board hearing so that they won't need to be raised there. One appears in Finding 6 and the other in the operative part of the Order dealing with Permit Provision C.3.f. The legally correct wording of these should appear as follows (changes from what you last sent to Adam appear in redlined format below):

**For Finding 6:**

6. This Order also amends the Permit to approve ~~key provisions of the~~ *Hydromodification Management Plan (HMP) Final Report*<sup>1</sup> (hereinafter referred to as the HMP Report) required under this Permit ~~as, the key provisions of which are set forth as Attachment A of this Order, and which are~~ is hereby incorporated into this Permit. The intent of the HMP Report is to reduce the hydromodification impacts from stormwater discharges from certain development projects within the Dischargers' jurisdictions. Provision

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<sup>1</sup> *Hydromodification Management Plan Report, Final Report*, Santa Clara Valley Urban Runoff Pollution Prevention Program, April 21, 2005.

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C.3.f.viii of the Permit required submittal of the HMP Report by October 15, 2003. However, the Dischargers were provided an additional three months to complete the HMP Report in order to provide the Dischargers and other Bay Area Permittees the same net amount of time to complete an HMP Report. Subsequently, the Dischargers submitted components of their HMP and were allowed additional time, approximately 15 more months, to resolve technical and administrative implementation issues and complete their HMP Report.

**For The Operative Part of the Order dealing with C.3.f (the HMP):**

Provisions C.3.f.i of Order 01-119 ~~are~~<sup>is</sup> hereby modified and amended as follows: additions to the Provisions are displayed as **underlined Bold** type, and deletions of text are displayed as ~~strikeout~~ format:

- i. **No later than 3 months after the date of adoption of this Order,** ~~t~~The Permittees shall manage increases in peak runoff flow and increased runoff volume, for all Group 1 Projects, where such increased flow and/or volume is likely to cause increased erosion of creek beds and banks, silt pollutant generation, or other impacts to beneficial uses. ~~Such management shall be through implementation of~~ **the key provisions of the a** Hydromodification Management Plan (HMP) **Final Report<sup>2</sup>, the key provisions of which are as set forth as Attachment A of this Order-Order, and which are is hereby incorporated into this Permit.** The HMP, ~~once approved by the Regional Board, will~~**shall** be implemented so that post-project runoff shall not exceed estimated pre-project rates and/or durations, where the increased stormwater discharge rates and/or durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in the amount and timing of runoff. The term duration in this Provision is defined as the period that flows are above a threshold that causes significant sediment transport and may cause excessive erosion damage to creeks and streams.

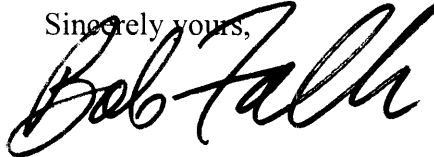
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<sup>2</sup> *Hydromodification Management Plan Report, Final Report*, Santa Clara Valley Urban Runoff Pollution Prevention Program, April 21, 2005.

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Once again, I greatly appreciate all the efforts you and your staff have made to refine the Tentative Order in a manner addressing the co-permittees' concerns and will further appreciate your attention to the minor wording corrections set forth above.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bob Falk", written in a cursive style.

Robert L. Falk

cc: Adam Olivieri  
SCVURPPP Management Committee  
SCVURPPP Ad Hoc Permit Steering Group Members