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May 31, 2011

VIA E-Mail: Dale Bowyer dbowyer@waterboards.ca.gov

Bruce Wolf, Executive Director
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Comment Feasibility/Infeasibility Criteria Report MRP Provisions

Dear Mr. Wolf;

Thank you for the opportunity to comment on the proposed BASMAA Feasibility/Infeasibility Criteria Report MRP Provisions C.3.c.i.(2)(b)(iv) and C.3.c.iii.(1). We greatly appreciate the effort taken between the Bay Area Stormwater Management Agencies Association (BASMAA) Permittees and the RWQCB staff to create criteria and procedures for new and redevelopment to comply with Low Impact Development (LID) treatment measures for harvesting, infiltration, and evapotranspiration. LID measures pose particular challenges for Bay Area site development where land is not available for passive water infiltration, soil types and site conditions may impede effective water infiltration, and the technical feasibility of rainwater harvesting does not meet supply and demand parameters. We support allowing engineered and maintained biotreatment systems for new and redevelopment projects when it is infeasible to implement LID measures.

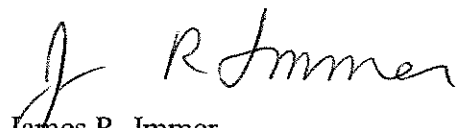
We are living in a new economic reality from when the MRP was adopted in 2009, at that time we could not have foreseen the depth of this extended recession or the toll it would take on state funding, local governments, and regional jobs. The feasibility analysis defined in the BASMAA Report is an integral step to encourage and support sustainable growth strategies across the Bay Area. The many environmental benefits that compact, infill, and redevelopment projects can yield should be encouraged by allowing greater flexibility in the treatment of stormwater runoff. The use of interceptor trees, sand filters, and mechanical vault filtration systems in development projects that meet local and/or regional growth objectives can offer a critical balance between water quality benefits and achieving other beneficial environmental objectives by reducing accessory impervious areas in outlying areas and their auto-related pollutant impacts.

We support the criteria and procedures recommended in the BASMAA Report and ask that they be incorporated into local and county guidance documents for project compliance with Provision

C.3 requirements. Project applicants need the opportunity to apply feasibility and infeasibility criteria as part of their stormwater quality control plans.

We appreciate your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J R Immer". The signature is written in a cursive style with a large initial "J".

James R. Immer
Vice President of Planned Community Development