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Clean Water. Healthy Community.

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July 13, 2007

Mr. Bruce Wolfe
Executive Officer
1515 Clay Street Suite 1400
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Subject: Comments on the San Francisco Bay Regional Water Quality Control Board's Administrative Draft Municipal Regional Permit

Mr. Wolfe:

This letter provides the San Mateo Countywide Water Pollution Prevention Program (Countywide Program)'s comments on Water Board staff's May 1, 2007 Administrative Draft (Draft) municipal regional stormwater permit (MRP). The Countywide Program also echoes and supports comments submitted by the Bay Area Stormwater Management Agencies Association (BASMAA). However, given the significant length of the Draft, relatively short turnaround time for providing comment, and the series of meetings between Board staff and BASMAA managers to discuss the Draft, there has been insufficient time to fully engage the Countywide Program's member agencies in the review and comment process. Therefore, these comments may not fully capture all of the member agencies' major concerns.

On behalf of the Countywide Program, I appreciate meeting with you and your staff and other BASMAA program managers to discuss the Draft, which is organized and formatted significantly better than the October 16, 2006 "working draft." Unfortunately, however, many of the concerns detailed in our December 8, 2006 comment letter were not addressed in the Draft. These concerns and others are detailed as follows:

- The Draft continues to lack prioritized requirements to allow allocation of increasingly limited municipal resources toward pollutant control activities that are likely to have the greatest benefit to water quality. The Countywide Program urges the Water Board to establish a realistic timeline for implementing the proposed requirements, which in some cases may require phasing over multiple permit terms, rather than during one five-year period. Funding for municipal stormwater programs is severely constrained under the requirements of Proposition 218. As such, the Countywide Program and its individual member agencies have limited resources with which to implement expanded permit requirements. These requirements must be both prioritized to allow municipalities and the Countywide Program to redistribute existing resources and phased if additional funding must be sought. BASMAA's September 2006 submittal includes proposed performance standards that were optimized to fit existing resource limitations, and the Countywide Program continues to recommend incorporation of that document into the proposed MRP.

- The Draft includes extensive monitoring requirements that are not supported by clear management questions. The management questions that Water Board staff intends to answer with the monitoring program should be clearly stated in the MRP so all stakeholders can provide feedback. As indicated in our previous comment letter, the Countywide Program supports focused monitoring requirements that will provide specific information needed to evaluate or improve the effectiveness of municipal stormwater programs.

Because ill-defined monitoring and data collection efforts can be extremely expensive, all monitoring requirements should be designed to answer specific, important questions.

- While the Draft includes improved language with regard to replacing municipal street sweepers, the requirement to replace 75% of sweepers with high efficiency models in the course of normal replacement remains both overly prescriptive and unsupported by scientific data. Street sweeping equipment should be purchased and utilized based on community-specific information.

- Although the Countywide Program recognizes the importance of controlling trash in urban runoff, the proposed trash control requirements are not well crafted to address the issue. Areas that accumulate trash should be systematically assessed, sources of trash in urban runoff identified, and pilot projects implemented to determine what control measures are feasible, rather than mandating action based on numeric triggers that don't take into account the broad spectrum of trash sources and multiple jurisdictional issues associated with trash accumulation in our water bodies. As recommended by Regional Board members at the March 14, 2007 stormwater workshop, Water Board staff should establish a trash "task force" consisting of all entities involved in controlling trash sources, including regional agencies such as the California Integrated Waste Management Board and State Water Resources Control Board. The Countywide Program looks forward to an update on Water Board staff's progress in establishing such a task force.

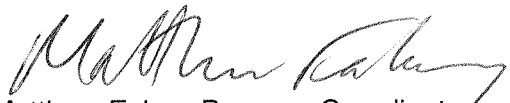
- The Draft continues to ratchet down the Provision C.3 New and Redevelopment requirements. The existing C.3 requirements have been in full effect for less than a year, and in many municipalities in San Mateo County, there are few, if any, projects that have been designed, constructed, and are in the maintenance phase with regard to stormwater treatment measures. Hydromodification management requirements were just adopted by your Board in March 2007 and went into effect in June. As such, municipalities are still gaining experience implementing the C.3 requirements, and it is premature to consider revising those requirements without supporting justification that the changes are necessary. The impervious surface data Board staff provided in the November workshops as justification to reduce the applicability threshold for treatment measures illustrated that the current requirements are already capturing about 97% of all of the impervious surface area created and/or replaced in the sampled cities, and the remaining projects are almost exclusively single-family homes. Yet in the Draft, Board staff are proposing lowering the threshold from 10,000 square feet to 5,000 and requiring collection of information on projects down to 1,000 square feet. The Countywide Program strongly urges Water Board staff to allow municipalities time to gain experience complying with the existing C.3 provisions and re-evaluate the C.3 requirements in the next permit cycle when sufficient data will then exist on real-world implementation of the current requirements.

- The Draft continues to include excessive and overly prescriptive reporting requirements, without justifying the increased reporting requirements are necessary to either improve water quality or evaluate effectiveness of the stormwater programs. The Draft requires dozens of new information tracking efforts, creation of numerous new databases, and an overwhelming amount of reporting that all requires time and resources to implement. The next Draft should clearly indicate what information is necessary and useful for ensuring permit compliance, and all extraneous reporting requirements should be deleted. The Countywide Program recommends a focused stakeholder effort to evaluate the appropriate level of reporting in context with all of the other actions required in the Draft.

- Attachment K, the Standard Provisions for NPDES Permits, was not included with the Administrative Draft. We assume this was not included due to the draft nature of the permit but recommend it be included in the next version to allow for review and comment. Assuming the Standard Provisions are the August 1993 version on the Water Board's website, they may require updating to reflect the more prescriptive nature of the proposed MRP.

On behalf of the Countywide Program, I am hopeful that the recent meetings between BASMAA managers and Regional Board staff and continued dialog with all stakeholders will result in an improved draft MRP. Thank you for your consideration of these comments. Should you have any questions, please contact me at 415-508-2134 or by email at mfabry@ci.brisbane.ca.us.

Sincerely,



Matthew Fabry, Program Coordinator
San Mateo Countywide Water Pollution Prevention Program

Cc: Technical Advisory Committee