



# CITY of SARATOGA

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Bruce Wolfe, Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
ISIS Clay St., Ste 1400  
Oakland, CA 94612

COUNCIL MEMBERS:

*Aileen Kao*  
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*Jill Hunter*  
*Ann Walton Smith*

Subject: Municipal Regional Permit (MRP) – Regional Water Board Working Draft – May 2007

Dear Mr. Wolfe,

Thank you for the opportunity to submit comments regarding the Regional Water Board's May 2007 working draft of the Municipal Regional Permit (MRP). The staff of the City of Saratoga appreciates the steps taken by the Board to respond to and incorporate our comments on the previous (October 2006) draft MRP. In particular we were pleased to see the revisions and clarifications regarding the single family home exemption (provision C.3.c), the street sweeper purchase requirements (provision C.2.1), and the provision governing reimbursement by project applicants for the cost to the City of engineering consultant services (provision C.3.h.ii). Nonetheless, the most recent draft of the MRP still contains a number of requirements that staff believes will impose significant and unmanageable burdens on the City's very limited resources.

Based on this Department's review, the draft MRP raises concerns in several areas:

- Provision C.3.b.ii provides that after three years the threshold for regulated projects will decrease from 10,000 square feet of impervious surface to 5,000 square feet. As we noted in our previous comments to the Board, this aggressive timetable does not allow permittees, like the City, enough time to adjust to the new enforcement and monitoring requirements. Moreover, it does not allow cities or the Board enough time to gauge the effectiveness of the new requirements before dramatically expanding their application. We suggest that the Board wait until there is sufficient data regarding how effective the permit requirements are before requiring cities to impose them on smaller projects.
- Provision C.3.b.i.4 (defining regulated road construction projects) is also of concern. Although we appreciate the Board's clarification of which road projects are subject to the C.3 requirements, we are concerned that the proposed threshold is still too low. We recommend that permittees only be required to implement numerically sized stormwater treatment measures when replacing 50,000 square feet of an arterial street or road, rather than 10,000 square feet. In addition, we recommend that this threshold not decrease in three years, as the threshold for other regulated projects will.

- Provision C.4.b.ii.1.c would require permittees to maintain a database with a list of businesses that could reasonably be considered to cause or contribute to pollution of stormwater runoff, including, in particular, mobile businesses such as carpet and pool cleaning, landscaping, and painting businesses. Creating this database, and subsequently inspecting these businesses, would be very difficult for the City because we do not currently have a list of all mobile businesses operating in the City, nor is the information we do have adequate to create such a list.
- In general, we are concerned that the increased data management and reporting requirements of the draft MRP will overload the City's current capabilities and resources. To comply with the reporting requirements alone, the City – and, indeed, all permittees – would likely be forced to hire additional staff. As other commenters have noted, the State Constitution and other laws limit cities' ability to increase fees or taxes to cover such additional expenses. Thus, staff recommends that the Board either eliminate or, at the very least, postpone some of the reporting and database management requirements.

In short, Saratoga is a small city with limited staff and resources. While Saratoga staff supports the MRP's laudable goal of reducing stormwater pollution throughout the Bay Area, we believe the approach to achieving this goal outlined in the draft MRP is infeasible. Thank you again for the opportunity to comment on the working draft of the MRP.

Sincerely,



John Cherbone  
Public Works Director  
City of Saratoga