


 CITY OF
ARROYO GRANDE
 CALIFORNIA

September 8, 2011


 Jeanie Townsend, Clerk to the Board
 State Water Resources Control Board
 P.O. Box 100
 Sacramento, CA 95812-2000

Subject: Comment Letter – Phase II Small MS4 General Permit

Dear Ms. Townsend:

The City of Arroyo Grande ("City") appreciates this opportunity to comment on the draft General National Pollution Discharge Elimination System ("NPDES") Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems ("Draft MS4 Permit"). As a small municipality that is economically dependent on local retail and services, the City has a strong interest in supporting permit requirements that will aid the City in maintaining the quality of its water resources.

Although the City recognizes the importance of environmental stewardship, it is deeply concerned that the Draft MS4 Permit is unachievable as proposed. The City has placed water quality and creek preservation as a high priority and has funded technical studies specific to its local hydrologic conditions so that creek protection projects may be implemented strategically over time. The draft permit contains substantial changes and additions, many of which have little applicability to this small community and impose a tremendous burden on the City's very limited staff and funding resources. In addition to clearly exceeding the federal mandate in nearly every area of regulation, the draft permit fails to provide a single funding source in accordance with Article XIII B, Section 6 of the California Constitution. All draft permit provisions above and beyond the federal requirements should be State funded or removed from the permit. The City does not have the ability to fund and thus implement the proposed draft permit provisions.

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As an alternative, the City recommends that the State Water Resources Control Board work with the State legislature to amend Proposition 218 so that small MS4s may properly fund stormwater programs instead of adopting additional requirements. Any inefficacy of stormwater programs of small MS4s is the direct result of inadequate funding. These programs are not adequately funded,

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because the programs were established after the passage of Proposition 218 in 1996 (the "Right to Vote on Taxes Act") which requires that all new fees be approved by two-thirds of those residing in the area affected by the fee. This effectively prevents small MS4s from establishing stormwater fees similar to water and wastewater utilities. Therefore, small MS4 stormwater programs must compete for funding with other municipal services such as police and fire protection, which generally receive a higher priority.

In conclusion, the City urges your Board to reconsider the draft permit in light of the current fiscal challenges faced by the State and local governments. There is much more value in efficient State-local partnerships than in the unfunded centralized regulatory approach found in the proposal. Please note that these comments represent a preliminary response to the Draft MS4 Permit since City staff did not have sufficient resources to respond in a comprehensive manner within the time allotted. The City trusts that your Board can resolve our mutual desire to protect and enhance our water resources with serious attention to the fiscal challenges we are all facing.

Thank you again for the opportunity to provide comments on the draft permit, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,



Teresa McClish, AICP
Community Development Director