



September 2, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100



Subject: Comment Letter – Phase II Small MS4 General Permit

Dear Ms. Townsend and Members of the Board:

The City of Cloverdale offers the following comments on the Draft NPDES General Permit and Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Draft Permit).

Cloverdale is a member of the Russian River Watershed Association (RRWA) – nine public agencies in the Russian River watershed in Sonoma and Mendocino Counties that have come together to coordinate regional programs for clean water and watershed enhancement. Seven RRWA member agencies are currently regulated under the existing Phase II MS4 Program, and the Draft Permit proposes to add the City of Cloverdale as an eighth RRWA member agency to be newly regulated under that program.

We have significant concern regarding the permit as currently drafted. The Draft Permit requires Phase II permittees to meet or exceed the requirements of Phase I agencies in an accelerated timeframe; new designees are being asked to transition from no program to a comprehensive, demanding, and costly program. Phase II permittees do not have the resources of their Phase I counterparts – technical, financial or human resources. It is imperative that the State Board and the Phase II communities develop a permit that combines protection of water quality with a feasible implementation structure for the regulated community.

Following are some specific concerns that the City of Cloverdale has as a small community that would be newly permitted under the Draft Permit:

The Draft Permit assumes a financial and technical resource base that is not developed in many Phase II communities.

The City of Cloverdale has a population of approximately 8,500, and we have limited resources to address the Draft Permit's requirements.

The Draft Permit assumes resources to carry out the requirements in a very prescriptive way. This places an unnecessary burden on small communities, such as Cloverdale, without a definable water quality benefit. For example:

- The Draft Permit relies heavily on Geographical Information Systems (GIS) mapping, and many small MS4s do not have GIS systems or staff trained in GIS mapping.
- The requirement to use Community Based Social Marketing (CBSM) to carry out the public education and outreach requirements is beyond the staffing capacity of most small Phase II agencies, who would need to contract with professional support to comply with this provision,

yet there is no clear water quality benefit from such a prescriptive requirement.

The City of Cloverdale recommends that the State Board partner with the Phase II agencies in the next redraft so the permit will realistically reflect the technical and financial means of small MS4 communities. Establishing Phase II program requirements that are within the capacity of the current and anticipated resources of permittees will create a more effective tool to protect water quality.

The nature and number of requirements, and the proposed timeline of the Draft Permit, are not reflective of the current economic conditions throughout the State of California.

The Draft Permit is a complex and prescriptive regulation that requires the Phase II communities (i.e., usually smaller agencies) to meet or exceed the requirements of the Phase I communities (i.e., usually larger agencies with more financial and staffing resources) on a timeline that is more aggressive than Phase I agencies have ever faced. In addition, the Draft Permit includes program requirements that represent higher levels of regulation than recommended by federal guidance.

The City of Cloverdale supports the recommendation of the California Stormwater Quality Association (CASQA) to change the permit to align with the six Minimum Control Measures recommended by the US Environmental Protection Agency. This would result in deleting sections E. 10, E.11 and E.13. The City also supports CASQA's recommendation to eliminate the accelerated single-term permit timeline requirements when Phase I permittees had three to four permit terms (15-20 years) to develop the current level of permit compliance.

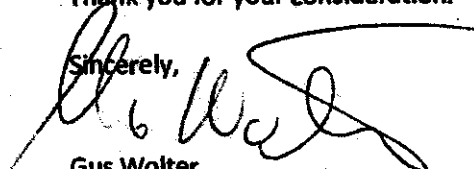
As proposed, new designees such as the City of Cloverdale are being asked to transition from no required program to a comprehensive, demanding, and costly stormwater program. This burden is compounded in the current financial constraints faced region- and state-wide. The City asks that new designees have an expanded compliance timeline when compared to existing Phase II agencies.

The City of Cloverdale asks the State Board to work with the operators of the small MS4 systems to reduce the financial impacts of this Draft Permit by considering all options to achieve the Board's water quality objectives in more efficient and cost-effective ways.

Further, the City of Cloverdale urges the Board to redraft the permit to eliminate redundancy and excessive reporting, and to build a regulatory structure in the permit that aligns with existing Phase I's and with which the regulated small MS4s can comply.

Thank you for your consideration.

Sincerely,



Gus Wolter
Mayor

c: Virginia Porter, RRWA Executive Director
Thomas Howard, SWRCB Executive Director
Catherine Kuhlman, RWQCB – Region 1 Executive Officer
Rebecca Winer-Skonovd – CASQA Phase II Committee Chair