



July 18, 2011

Jeanine 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,

This letter is submitted on behalf of the North Bay Watershed Association's (NBWA) regulated agencies in response to the draft Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit (draft permit) which expired on May 1, 2008. The NBWA is a group of 16 local public agencies from Marin, Sonoma, and Napa Counties. The organization was created to facilitate regional collaboration among agencies and stakeholders to promote stewardship of the North Bay watersheds. Participants work on water and natural resources issues that impact areas beyond traditional agency boundaries.

Thank you for the opportunity to submit comments on the draft permit. Our comments are as follows:

1. We understand that approximately 80 cities, counties and other affected public agencies have requested a 60 day review extension to create a new comment deadline of October 7, 2011. These time extension requests were sent to you to allow the regulated agencies an opportunity to fully study the operational and economic impact of the draft permit.

Given the scope of the new draft permit that the State Water Resources Control Board (SWRCB) issued, we feel that this request is reasonable and must be granted to provide a public review process that is meaningful and productive. Once the review period extension is granted, please provide public notification to this effect.

2. Additionally, we appreciate the recent decision by the SWRCB to issue a second draft of the draft permit. We understand that the scheduled second draft release date is October 2, 2011, and that a 30-day comment period will be granted. If the comment period for the first draft permit is not extended, please allow at least a 60-day comment period for review of the second draft permit.

3. The current economic situation will make it difficult for municipalities to fund and comply with the prescriptive, extensive and expensive requirements in the draft Phase II Permit. Without the appropriate level of staffing and funding, municipalities may struggle to comply with the re-issued permit and may face fines and third party lawsuits.

Bel Marin Keys Community
Services District

Central Marin Sanitation Agency

City of Petaluma

City of San Rafael

City of Sonoma

County of Marin

County of Sonoma

Las Gallinas Valley Sanitary District

Marin County Stormwater Pollution
Prevention Program

Marin Municipal Water District

Napa County Flood Control and
Water Conservation District

Napa Sanitation District

North Marin Water District

Novato Sanitary District

Sonoma County Water Agency

Sonoma Valley County
Sanitation Agency

Associate Members:

City of Novato

The Bay Institute

Tomales Bay Watershed Council

Group Members:

City of Mill Valley

Sewerage Agency of
Southern Marin

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In addition, the requirements in the draft permit, on the whole, exceed the requirements in many of the recently issued Phase I Municipal Stormwater Permits throughout the state. We therefore respectfully request the State Water Resources Control Board to direct staff to revise the draft Phase II Permit to make it more cost-effective:

- a. Allow Phase II communities more time to ramp up their programs and scale requirements according to population.
 - b. Reduce tracking and reporting requirements.
 - c. Phase in cost-effective prescriptive requirements over the next three permit terms.
4. The draft permit includes some presently unfunded mandates and Proposition 218 limitations leave municipalities without suitable options for raising money to expand their stormwater programs. This makes it critically important to slowly phase in new requirements.
5. The draft permit will create new compliance burdens on development and local businesses. For this reason, we also recommend that the state take a phased and flexible approach to requiring development projects and businesses to comply with new requirements.

Thank you for your time and for your consideration of our comments. Please contact our NBWA Executive Director Harry Seraydarian at (415) 389-8237 if you would like to discuss the recommendations in this letter or to coordinate any future meetings.

Respectfully submitted,



Jack Gibson, Chair

CC: Geoff Brosseau, CASQA
Jim Scanlin, BASMAA