



August 6, 2011

Charles R. Hoppin, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Draft General NPDES Permit for Small MS4s (Phase II Permit)

Dear Mr. Hoppin,

The Monterey County Hospitality Association represents the hospitality industry throughout Monterey County. The Hospitality industry is the second largest industry in Monterey County and generates more than \$2,000,000,000 in direct visitor spending while employing more than 23,000 people. MCHA is very concerned about the potential of the new draft General NPDES Permit for Small MS4s (draft Permit) to damage our industry.

The draft Permit is another unfunded mandate whose costs will be passed on to local residents and businesses. The draft Permit will require increased inspections and the retroactive installation, implementation and maintenance of several new stormwater Best Management Practices. Our industry is inspected annually by MRWPCA for Fats, Oil, and Grease (FOG). The Monterey County Environmental Health Bureau inspects semi-annually. The draft Permit will trigger another round of annual inspections that would increase costs to businesses that are already struggling in these difficult economic times.

The draft Permit mandates that the following BMPs be implemented by our businesses:

- a. Minimizing Exposure of Business Activities to Storms
- b. Good Housekeeping
- c. Maintenance - Regular Inspections of Equipment
- d. Spill Prevention and Response Procedures (secondary containment, spill response equipment and staff training, etc)
- e. Erosion and Sediment Control BMPs - stabilization of areas susceptible to erosion
- f. Management of Storm Water Runoff - diversion, infiltration, reuse or containment
- g. Annual Employee Training on Storm Water Runoff issues
- h. Elimination of Non-Stormwater Discharges
- i. Waste, Garbage and Floatable Debris (i.e. Trash Management)

Many of the BMPs can be implemented as part of our business practices but all of the BMPs have a cost. We are very concerned with those BMPs that could require extensive modifications to our businesses operations and properties. For example, item a. requires that

August 8, 2011

processing and material storage areas be located indoors or under protective covering and that those areas be bermed or curbed to prevent runoff of "contaminated flows." We would also be required to divert run-on from other businesses away from areas that lead to waterbodies of the State. Item f. states "Industrial/Commercial facilities shall divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges." Those requirements may not be permissible under other local and state regulations. There is nothing however in the draft Permit to address what happens when the requirements of the Permit are not feasible due to cost, local regulation or site constraints.

It is unrealistic to expect that our business community can afford to implement these very severe requirements. The State Board must conduct an analysis of the fiscal impacts of these new regulations on the business community and residents. We are also very concerned that the State Board has not attempted to notify the business community of the draft Permit. We were only recently made aware of the draft Permit through the efforts of the Monterey Regional Storm Water Program Manager. These new regulatory requirements on the business community are buried in this new far-reaching regulation.

We request the State Board remove the business retrofitting requirements from the draft Permit and determine a way to consolidate the various agency inspections into just one inspection in order to conserve public agency staff time and business resources. We also request that business and residents be allowed to maintain their status quo provided they do not have a demonstrable adverse stormwater impact.

Sincerely,



Janine Chicourrat, President
Monterey County Hospitality Association