Belli
architectural group

August 22, 2011



Jeanine Townsend
Clerk to the Board
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 Ms. Townsend and Members of the Board:

On behalf of my company, Belli Architectural Group, please accept this comment letter on the draft General NPDES Permit for Small MS4s (draft Permit). We develop designs for agricultural processing and shipping facilities, Typically expanding or renovationg existing leggacy facilities 40 or more years old. Mostly in a very compact development. our options to add BMB's are limited due to available land. The reason our developments are compact has been to conserve farm land, although these facilituies need to be ajacent to farm land for food saftey issues. I do not have a problem with the standards as such, just the speed and manor they are being implemented. The unintended consequences will be the loss of farm land as existing facilities will no longer beable to be expanded or renovated economocally, and new facilities will be constructed where these standards can be constructed . This will create brownfield sites, instead of incrementally improvement.

We have conducted a review of the extensive draft permit order and found it contains provisions (section E.11) requiring our local municipality to not only inspect our business site but as well require, retroactively, the installation, implementation and maintenance of 11 categories of stormwater Best Management Practices. The permit states "The BMPs the Permittee shall require must include the following:" (emphasis added). The permit goes on to list the following categories of BMPs that must be implemented by our business:

a. Minimize Exposure
b. Good Housekeeping
c. Maintenance
d. Spill Prevention and Response Procedures
e. Erosion and Sediment Control BMPs
f. Management of Runoff
g. Salt of De-icing Material, Storage Piles or Piles Containing Salt
h. Employee Training
i. Non-Stormwater Discharges
j. Waste, Garbage and Floatable Debris
k. Dust Generation and Vehicle Tracking of Industrial Material

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While many of the BMPs cited are actions that can be easily implemented, we are highly troubled by those BMPs such as item a. Minimize Exposure and item f. Management of Runoff which would require extensive site work modifications. The following elements contained within these items raise serious questions:

- Item a.1 requires locating manufacturing, processing and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance and fueling operations) indoors or under protective covering and including the use of grading, berming or curbing to prevent runoff of contaminated flows and divert run-on away from specified areas.
- Item f. states "Industrial/Commercial facilities shall divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in discharges."

It is unclear how we are practically to implement these requirements without significant site modifications. What if our local planning agency were not to allow a business to install new roofing structures to cover portions of a site due to setback or aesthetic issues? Would the business be fined? There are no allowances in this permit for infeasibility for cost or other issues that could come up. Besides the costs associated with the BMPs themselves, we would possibly be subject to entitlement, permitting and processing fees by our local planning and public works departments. Further, will the retrofitting requirements be exempt from CEQA or will we be required to prepare environmental documentation as well?

A business case analysis has not been prepared by the State Board and we are finding it difficult to fully understand the fiscal impacts to our business. It is unrealistic to expect that our company and companies like us can afford to implement these draconian requirements; especially without being able to fully understand the fiscal impacts. We respectfully request the State Board remove the retrofitting requirements from the draft Permit.

Lastly, we are very concerned that the State Board has not made any attempt to notify the business community of these regulations. We only recently were made aware of this permit through the efforts of others. The State Board must conduct an analysis of the fiscal impacts to the business community and to the State as a result of these new regulations.

Thank you for your consideration of our comments.

Sincerely,

Raymond Lino Belli, Jr. AIA, LEED AP

cc: Senator
Assemblymember

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