



Town of Windsor
9291 Old Redwood Highway
P.O. Box 100
Windsor, CA 95492-0100
Phone: (707) 838-1000
Fax: (707) 838-7349

www.townofwindsor.com

Mayor
Debora Fudge

Vice Mayor
Robin Goble

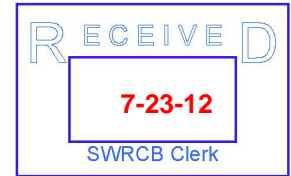
Councilmembers
Steve Allen
Sam Salmon
Cheryl Scholar

Town Manager
J. Matthew Mullan

Public Comment
Draft Phase II Small MS4 General Permit
Deadline: 7/23/12 by 12 noon

July 19, 2012

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



Subject: Comment Letter – Second Draft Phase II Small MS4 General Permit
("Second Draft Permit")

Dear Ms. Townsend and Members of the Board:

I am writing to convey our appreciation for the State's changes to the First Draft Permit. There were some provisions that were deleted or modified that showed that the State heard our concerns.

However, the Town of Windsor still has serious concerns with the Second Draft Permit that was issued by the State Water Resources Control Board on May 18, 2012. If adopted as released, the Permit would have significant fiscal impacts to the Town of Windsor. In addition, this mandate has little opportunity for special funding, except under the Town's General Fund.

Just as the State's General Fund is in a condition of critical distress, so is the Town of Windsor's, along with virtually all other municipalities. Imposing these Permit requirements, especially under the time frame stipulated in the Draft Permit, would put the Town in the position of having to choose between more public services being cut or face stiff fines and penalties for our inability to comply with the Permit. This State mandate is being imposed at the same time the State eliminates potential funding options for municipalities, such as redevelopment agency funds.

We believe the Draft Permit over-reaches and unfairly transfers responsibilities for water quality of the waters of the State onto the shoulders of local agencies and communities and in a timeframe that is unreasonable and unrealistic, given the current state of our economy. A more reasonable time frame, such as extending the permit requirements over a 10-year period versus a 5-year period would allow local agencies to work with legislators to develop funding sources to properly implement the Phase II permit. Such legislation will likely require voter approvals of some sort and because of that, will take time. It serves no purpose to impose requirements that simply cannot be implemented or implemented poorly.

Storm water program management costs under this new permit would substantially increase over the next 5 years – estimates from other local agencies show anywhere from 4 to 7 times current costs. Given the state of our Town budget, furloughs and unfilled and eliminated positions have become necessary to adjust to our fiscal crisis. Adding these new requirements will force the Town to make decisions to fund the mandated storm water program

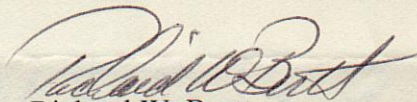
at a level that will result in further reduction in municipal services, such as police, fire, maintenance of streets and utilities – services that are equally important to our citizens.

In summary, our specific comments are:

1. Extend the permit requirements to cover a 10-year period versus a 5-year period.
2. Allow current practitioners who can demonstrate at least 5 years of direct experience in erosion control and storm water quality inspections to count towards the pre-requisites for QSP certification (“grandfather clause”).
3. Delete or soften requirement to perform outfall monitoring due to access constraints (for example, access through private property needed or safety issues).
4. Do not adopt draft permit until a sufficient fiscal impact analysis is performed by a third party and presented to the Board and the public for consideration. This analysis should also identify a plan for providing sources of funding through the State (or State legislation process) that can be made available to municipalities.

We implore you to consider these concerns before adopting the Draft Permit. We also urge you to support the comments submitted by CASQA and RRWA as these groups represent the concerns of the Town of Windsor

Sincerely,



Richard W. Burt
Public Works Director/Town Engineer

c: Russian River Watershed Association (RRWA)
J. Matthew Mullan, Town Manager
Town Council

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