



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

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street 24th floor
Sacramento, CA 95814



Subject: Comment Letter- 2nd Draft Phase II Small MS4 General Permit

Dear Ms. Townsend and Members of the Board,

This letter presents the City of Cloverdale's comments on the second Draft of the Phase II MS4 permit. The City is a member of the Russian River Watershed Association, and fully supports and agrees with the contents of their comment letter concerning that second draft. Cloverdale commented on the first draft of the permit and, although some changes were made, the draft permit remains largely intact and did not address the City's main concerns. These concerns are the following:

- The permit is overly burdensome, with much of the work lacking a benefit to storm water quality.
- The draft permit requirements still reach far beyond those of the Phase I permit requirements, despite the far fewer technical, financial and human resources of the Phase II permittees.
- The cost of this program will provide a significant burden to the City's General Fund. This would require the City to make difficult decisions between funding MS4 permit compliance activities or funding basic city services, such as policing. Over the past four years due to financial constraints, the City has eliminated 25% of its workforce.
- The timeline to ramp up permit compliance is unrealistic and extremely improbable for new permittees to meet. New permittees would need to create a new and resource intensive program and comply with most if not all requirements of the program in a very condensed timeline.

As a result of a variety of state voter-approved ballot initiatives, cities in California do not have funding mechanisms to pay for this new program without imposing a tax or assessment that would require voter approval to be enacted. With the exception of recovering some costs for efforts related to new development, financial resources for complying with this permit would need to come from the City's dwindling General Fund. It cannot be emphasized enough the large burden this unfunded mandate would impose on the City of Cloverdale at the expense of other critical services to its residents.

An extensive costing of the new program for the City has not been done. However, the Fact Sheet for the draft permit states that a survey completed by CUCS estimated the annual cost per household for the six storm water programs in the Phase I permit ranged from \$18 to \$46. Based on this, the Fact Sheet estimates a median cost below \$32 dollars per household to implement the new draft permit.

Feedback from Phase I permittees indicates the draft Phase II permit compliance effort is orders of magnitude greater than that required by Phase I permittees. To make matters worse, small communities like Cloverdale would not benefit from economies of scale experienced by larger cities, such as Santa Rosa. For smaller cities, including Cloverdale, the cost of implementing the draft Phase II permit can be expected to far exceed the high end of the Phase I cost range. Even a conservative (low) estimate of \$60 per household per year would result in a program for the City costing close to \$200,000.

These funds are simply not available from Cloverdale's General Fund. Larger cities can hire staff to manage the program, whereas the City of Cloverdale would likely need to rely on the more expensive approach of hiring consultants to ramp up and maintain the program, and would heap further duties onto existing employees already burdened with added duties resulting from staff reductions.

The City requests that the draft permit be substantially revised to:

- Make it consistent with Phase I permits;
 - Eliminate ineffectual reporting requirements;
 - Extend the ramping up of the program over at least the first two permit terms;
 - Extend the initial six-month period for starting the compliance clock to one year to enable the establishment of critical program components, including budget, staff and consultant contracts;
 - Delete the sections covered by other programs and regulations, including land use planning and pesticide applications, among others;
 - Delete the requirement to "enter private property for the purpose of inspecting . . . for noncompliance," because it endangers public employees; and
 - Revise the monitoring requirement from all outfalls to a sample of the outfalls, and limit this sampling to a single annual event, such as the first rain after the summer dry period.
- Monitoring results are sensitive to sampling methods, timing, exact location, etc. and have not been shown to be effective in improving water quality.

The City is committed to storm water quality, and wants to work with the State and Regional Board toward this goal. However, the effort put toward a storm water program, to be successful, must be focused on actions that will achieve results, rather than completing and submitting excessive and burdensome reports. The amount of time and resources that would be necessary to be in compliance with reporting and documentation requirements will drain resources from tasks that have demonstrable water quality benefits.

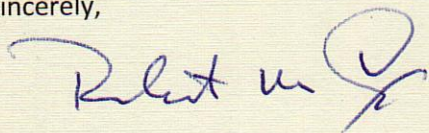
A number of specific comments included in the RRWA and other membership agencies' letters make it clear that the second draft Phase II permit is not feasible from both cost and implementation perspectives, and is inconsistent with the approaches taken for the Phase I permits. The City requests another round of changes be made to the draft permit to address these concerns. Undergoing that effort would better assure successful implementation of these permits.

Comment Letter- 2nd Draft Phase II Small MS4 General Permit, cont'd

July 17, 2012

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Sincerely,

A handwritten signature in blue ink, appearing to read "Robert M. Cox". The signature is stylized with a large, circular flourish at the end.

Robert M. Cox
Mayor

CC: Russian River Watershed Association