



City of Morro Bay

Morro Bay, CA 93442

(805) 772-6200

www.morro-bay.ca.us



July 23, 2012

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street 24th Floor
Sacramento, CA 95814-0100

Re: Comment letter – 2nd Draft General NPDES Permit for Small MS4s (Phase II Permit)

Dear Ms. Townsend

On behalf of the City of Morro Bay, thank you for accepting our comments on the Draft Phase II Small MS4 General Permit. The City appreciates the diligent work the State Board put into the redraft of the permit but the City is submitting comments again on this Draft Permit due to the implications this permit will have on the City of Morro Bay. The City would also like to state its support for the California Stormwater Quality Association's (CASQA) and the Statewide Stormwater Coalition (SSC) comment letters regarding the Draft Permit.

Good water quality is essential and a priority to the City of Morro Bay. As a coastal community, we rely on the fishing and tourism communities for our economic health. Morro Bay has worked closely with the Central Coast Regional Water Board over the last three years to develop a Stormwater Program we are proud of. Morro Bay has made great strides in implementing the Central Coast Water Board's healthy watershed approach, but we feel this Draft Permit goes far beyond what the City can implement.

Morro Bay has great concerns with the Permit. This permit will exponentially increase the cost of implementation. The fact that California is in a severe recession and that the City of Morro Bay has had significant cutbacks is a fact that cannot be dismissed. Also the Permit requirements will put the City in a vulnerable position to the possibility of third party lawsuits and/or enforcement actions by the Regional Water Board.

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPT.
715 Harbor Street

PUBLIC SERVICES
955 Shasta Avenue

HARBOR DEPT.
1275 Embarcadero Road

CITY ATTORNEY
595 Harbor Street

POLICE DEPT.
870 Morro Bay Boulevard

RECREATION & PARKS
1001 Kennedy Way

The City of Roseville retained Best Best and Krieger (BB&K), Attorneys at Law to provide legal comments on the draft permit. The City is supporting the comments made by BBK. These comments are extremely important and need to be addresses before adoption of the permit.

The City of Morro Bay's MAJOR concern with the Draft Permit is the Receiving Water Limitation Language. The language in the Draft Permit does not clearly allow permittees to comply with water quality standards over time by using best management practices supplemented by the iterative process. The Draft Permit would require the City of Morro Bay to achieve all allocations by November 19, 2013. This is an unachievable allocation and therefore the Draft Permit is setting up the City for enforcement actions and third party lawsuits even if the City is fully implementing its stormwater program.

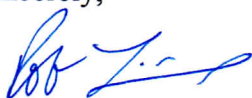
The City of Morro Bay is concerned about the open-ended and vague permit terms, which leave allow our local regional water board to apply stricter regulations than this permit. If this permit meets the clean water act then why should one region be subject to stricter regulations. The permit should be a general permit for the entire state to follow.

There are areas in this permit which are redundant of other stormwater permits, and duplicate reporting for these permits should be removed. For example in the Section E.9.b Illicit Discharge Source/Facility Inventory. The City should not be responsible for inventorying these facilities. If the City finds that one of these facilities has an illicit discharge in the MS4 then the City will contact the local Water Board and inform them of the issue.

Another concern the City has with the permit is the over-specificity. There are areas in the permit in which the State Water Board is to detailed and there areas should be left up to the City to determine how the situation will be handled and there can be used as guidelines. For example in Section E.9.c Field Sampling to Detect Illicit Discharges. Monitoring should only be required where the source can not be determined and these parameters should be used as a guide to determine what the source is IF unknown.

It is the City of Morro Bay's position these higher levels of services and increasing permit regulations with no perceived tangible water quality benefit are excessive. The current economic times make such a program difficult to fund and yet still provide adequate police, fire protection, street repairs, and other essential services. Lastly the City would just like to reiterate the importance of implementing a permit that will accomplish water quality results and is implementable in these tough economic times. The State Board should evaluate the Draft Permit and the resulting economic impacts the Draft Permit would have on our economy. The City of Morro Bay is requesting that the Board take the City of Morro Bay's comments/concerns and revise the Draft permit accordingly.

Sincerely,



Robert Livick, PE/PLS

Public Services Director/City Engineer

Cc: Andrea Lueker, City Manager, Rob Schultz, City Attorney, City Council