



# CITY OF SAN PABLO

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April 1, 2009

ATTN: Municipal Regional Permit Staff  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**Subject: Comments on MRP Revised Tentative Order dated February 11, 2009**

Dear Water Board Staff:

This letter serves as the City of San Pablo's (City) comments on the San Francisco Bay Regional Water Quality Control Board's (Water Board's) Municipal Regional Permit (MRP) Revised Tentative Order (TO) dated February 11, 2009.

For the last four years, the City has actively participated in the MRP process with the hope of having a comprehensive, integrated, and prioritized permit. At the release of the Revised Tentative Order, the City was happy to see some changes in sections C.2-C.7 and even C.10. However, the remaining sections are mostly unchanged and unfortunately, these are the most costly sections of the permit.

We received Board Staff's Response to Comments three weeks ago. The City was pleased to have some of our issues addressed, however San Pablo still has some concerns over the Revised TO. In addition to the comments below, the City strongly supports comments submitted by BASMAA and the Contra Costa Clean Water Program (County Program).

New Development and Redevelopment

- The threshold should be maintained at 10,000 square feet for this permit cycle so that we can learn and modify the guidelines for the proper construction of the treatment and flow control facilities.
- There is no justification to why alternative compliance only applies to infill and redevelopment projects. Public roadway and sidewalk projects should be eligible for alternative compliance if onsite conditions limit the construction of C.3 facilities.

Water Quality Monitoring

- Though there have been some reductions in the monitoring requirements, it is still a huge undertaking compared to our current programs. The County Program's suggestions to reduce certain sections of this provision should be considered.
- Algae monitoring has been added to this version of the permit, however, the methods have not yet been developed. Algae should be deleted from the permit until there is a standardized method or else we are wasting limited resources.

### Trash Maintenance

- We are once again opposed to installing trash capture devices since it assumes that trash only enters the water bodies via the storm drain system.
- Per the findings of the Blue Ribbon Panel, Action Levels are meant to be goals. Please clarify so that it is not mistaken to be a water quality objective.
- The previous TO allowed for a 25% credit for sea curtains but the revised TO reduced it to 10% without any justification. Sea curtains are viable options in some areas and should be given more credit.
- Provision C.10.c. which requires no impact to beneficial uses in the long term is unrealistic. Even if all catchbasins were equipped with the expensive trash capture devices, illegal dumping and homeless camps are societal issues that will require resources outside the stormwater program's purview to resolve. Please see proposed language in the County Program's comments.
- In certain hot spots, it may be difficult to meet the requirement of 100 pieces of trash within a 100 foot reach of creek. However, if the municipality has substantially reduced the amount of trash in that particular area, it would be more cost effective to move to another hot spot rather than spend more resources to get to the 100 piece goal.

### General Pollutant of Concern comment (C11-14)

- Since there are two TMDLs for the Bay Area, the pilot studies should focus on these two, mercury and PCBs.
- The total number of pilot studies should be reduced to no more than 4 in the entire permit cycle. Other studies should be conducted by other programs such as the Regional Monitoring Program or in future permit cycles.

### Exempted and Conditionally Exempted Discharge

- In the Water Board staff's Response to Comments, it stated that Board staff met with water utilities in February of 2008 and made changes to the MRP. However, the MRP still places the burden of utility compliance on municipalities even though we do not have control over their activities. We do work with our utilities to ensure compliance but these requirements should be in their NPDES permits since they are ultimately regulated by the Water Board.

Though the City acknowledges that some areas of the MRP have been improved, we believe that the MRP as a whole is still too burdensome. It appears that Water Board have continued to ignore our comments about cost. Given the current economic climate, the recession can no longer be ignored. Municipalities including San Pablo are having to cut back in all departments as well as in personnel. It is unlikely that we will be able to expand our current NPDES program beyond its current scope.

Sincerely,

Leonard McNeil  
Mayor

cc: Don Freitas, Contra Costa Clean Water Program Manager  
City Council  
Brock Arner, City Manager