January 28, 2011

VIA E-Mail: Dale Bowyer dbowyer@waterboards.ca.gov

Bruce Wolf, Executive Director
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Comment Special Projects Proposal/LID Treatment Reduction Credits MRP Provision C.3.e.ii. (2)

Dear Mr. Wolf;

This letter is in regards to the proposed BASMAA Special Projects Proposal/LID Treatment Reduction Credits for Municipal Regional Permit (MRP) Provision C.3.e.ii(2). We appreciate the opportunity to comment on this regional effort to achieve the collective goals of encouraging sustainable infill projects while developing effective strategies to address water quality concerns. We ask that you please adopt the BASMAA proposal as an important step to modify the MRP to encourage a regional emphasis on smart growth.

As an industry severely affected by the current economic downturn, we commend the seventy-six (76) BASMAA permittees and your staff for working to define the proposed Special Projects categories that will encourage infill project development where institutional barriers and site-specific constraints may limit the application of the LID treatment measures allowed by the MRP Provision C.3.

The BASMAA Proposal provides an important opportunity to encourage and support sustainable growth strategies throughout Bay Area. The environmental benefits of compact, infill, and redevelopment projects should be encouraged by allowing greater flexibility in the treatment of stormwater runoff and allowing treatment reduction credits for having less accessory impervious areas and automobile-related pollutant impacts. The addition of tree-box-type filters, sand filter and mechanical vault filtration systems will balance the improved water quality benefits of building at higher densities. For projects in these categories none of the prescribed LID options; infiltration, evapotranspiration, capture and reuse, or biotreatment can be counted on to be feasible for every proposed project. These problems are compounded when you consider; non-infiltrative soils, the close proximity to adjacent structures, limited space, conflicts with underground parking goals, utility location – all further limiting biotreatment and infiltration options.

While progress has been made in technologies for stormwater capture and reuse and green roofs they are not universally applicable due to high cost, structural requirements, limitations in roof design, competition with solar initiatives, financing difficulty, and

liability issues. Without these important considerations, many "smart development" infill projects will be less feasible and the MRP may well end up with the unintended result of encouraging lower density fringe development where bioretention, infiltration, and evapotranspiration are cost effective and feasible.

Local jurisdictions should be allowed to develop a water credit program that applies to certain types of development projects after evaluating the feasibility of meeting LID required with the approved on-site LID best management practices. If it is not feasible to fully meet the treatment or volume control obligations though these options, then specific project types should be able to claim water quality credits which reduce project obligations for selecting and sizing other treatment best management practices or participating in other alternative programs.

We ask that you expand the BASMAA proposal to include volume credit reductions and encourage the construction of smart growth. Thank you for your time and consideration, we look forward to participating in this process.

Very truly yours,

Walter P. McEnerney
Lenox Homes