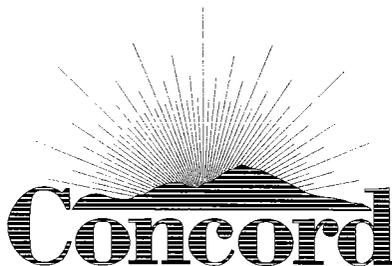


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February 29, 2008

MRP Tentative Order Comments

Attn: Dale Bowyer
S.F. Bay Water Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Mr. Bowyer:

We are writing to support the comment letters submitted by the Contra Costa Clean Water Program and the Bay Area Stormwater Management Agencies Association regarding the draft Municipal Regional Permit. Although much hard work has been done by these agencies and by the City of Concord, significant corrections still need to be made to the draft permit. Again, as we said in our December 8, 2006 letter on the last draft, the permit needs more cohesiveness. It is obvious that the different sections were written by different members of your staff with different priorities. What is, overall, the most important part of the permit? What are we hoping to accomplish? This is still not clear. Board staff has stated that "Everything in the permit is a #1 priority." If everything becomes a priority, nothing is a priority. Here are some areas we would like to highlight for your reconsideration and change:

1. I want to emphasize again that the City of Concord has a finite set of resources. The proposed permit, as it stands now, would cost the City of Concord an additional \$700,000 a year in municipal maintenance alone. There is no way to accomplish all these new requirements given our limited resources. Our stormwater revenues are capped. Our personnel are stretched to the limit now. The only way to raise funds would be with a Proposition 218 ballot that our surveys predict would not pass. New staff would need to be recruited, hired, and trained. It is very important that this permit lay out the relative priority of each of the hundreds of requirements. It is also important that new requirements be phased in throughout the five-year permit cycle and into the next permit. Reducing pollutants of concern should be our primary focus. All other activities should be put on the back burner until the pollutants of concern are under control.
2. Paragraph 3.j.i requires us to track of projects that create 1,000 square feet of impervious surface although this will not improve water quality. This requirement should be eliminated.
3. The draft permit would require us to create and maintain several electronic databases:

- Section C.3.b.i.(3)ii. requires a database of roadway projects.
- Section C.3.c.ii. requires a database of single family homes
- Section C.3.e.ii.(4) requires a database of stormwater treatment systems.
- Section C.3.j.i and 3.j.ii. and 3.j.iii specify a database of impervious surface data
- Section C.3.j.i and 3.j.ii. and 3.j.iii (again) specify a different database of impervious surface data
- Section C.4.c.i.l. requires an inspection database
- Section C.5.e.ii requires a self-evaluation database
- Section C.6.e.iii and 6.g.iii and 6.j.i. and 6.j.ii.2 and 6.j.iii and require construction inspection databases
- Section C.8.c requires a status and trends database

It is not at all clear why we are creating all these electronic databases and sending copies of the databases to the Regional Board every year. What do we hope to gain that could possibly be worth the huge expense of creating and maintaining electronic databases? We recommend not creating any new databases without a really good reason.

4. The draft permit contains a lot of minutia like the type of street sweeper to buy, the inspection of kennels and drapery cleaners, the frequency of inspection of construction sites, the number of press releases needed, city interdepartmental relations, to name a few. There is way more detail than should be spelled out in an NPDES permit. If the permit tells us what needs to be done; we can determine the best way to do it with our local resources and expertise.
5. All of the efforts in Section C.10, trash reduction, are focused on street sweeping and storm drain screens. Experience from our creek cleanups suggests that most of the trash in our creeks does not come through a storm drain pipe. Most of the trash comes from other sources e.g. windblown, homeless encampments, illegal dumping, from adjoining land. Perhaps in other cities, the trash comes through storm drains. We recommend that the method of reducing trash be left up to each city. This will allow local experts to implement the right approach for their local conditions.
6. The draft permit, Sections C.8-C.14, requires a huge increase in water assessment and monitoring without any discussion of how it is supposed to improve water quality. This will cost \$5M-\$10M for the Contra Costa Clean Water Program so we need to be sure that the money is spent on something that will make a difference. Testing just for the sake of testing is not the best use of our limited resources.
7. Section C.3.b.i.5 requires treatment of stormwater runoff for road projects that involve rehabilitation to the gravel base. In most cases, there is not sufficient right-of-way to install stormwater treatment facilities. A requirement to procure right-of-way and construct stormwater treatment facilities would dramatically increase the cost of roadway maintenance. The result would be roads crumbling due to lack of funding to meet proposed requirements. As roads degrade, they contribute sediment to stormwater runoff. Poor road condition also contributes traffic congestion, increased pollution, and fuel consumption. Road maintenance and road reconstruction projects should be exempt from the MRP.

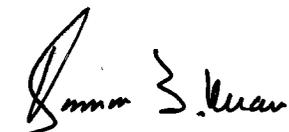
8. The draft permit proposes lowering the threshold for projects that must incorporate post-construction water treatment from 10,000 square feet to 5,000 square feet. There is not yet enough evidence to support either the 10,000 square foot threshold or the 5,000 square foot threshold. Would lowering the threshold result in water quality benefits enough to justify the expense? Discussion from permittees at the last public hearing indicated there would be no noticeable water quality improvement.
9. Sections 4.b.ii.I.W. and 4.b/ii.III.A. require inspection and reporting on NOI facilities that are not permitted or regulated by the municipalities. The State receives fees from these facilities for inspection and permitting. Local municipalities should not be required to inspect and report on NOI facilities.
10. The amount of reporting is significantly increased from what is currently required – quarterly audits of street sweeping, annual report on street repair staff training, reporting on street flushing, reporting of trash cleanup and anti-littering enforcement, an electronic database of construction site inspections, and a lot more. We currently spend over 400 labor hours and \$30,000 preparing the annual report. Extra reporting requirements impose a significant administrative burden and divert limited resources from programs that should be used to improve water quality.

I would urge you to reconsider the BASMAA draft permit language. We spent several weeks rewriting the entire permit and hammering out our differences. It is not an insignificant accomplishment to get 76 cities to agree to something as complicated as an NPDES permit.

Again, the important thing is to make as much improvement in water quality as possible with the resources we have available. Whatever we do to reduce reporting, recordkeeping, inspecting, and monitoring will free up people to do things that have a real impact like creek repair, drainage systems maintenance, public education, and street sweeping.

Thank you for this opportunity to comment on the proposed permit. I look forward to working with you this spring with the Municipal Regional Permit Administrative Draft. Please don't hesitate to contact me if you have any questions.

Very truly yours,



Qamar Khan
Director of Public Works

cc: Edward R. James, City Manager
Kay Winer, Assistant City Manager