



PUBLIC WORKS DEPARTMENT

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February 26, 2008

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments on the Administrative Draft of the San Francisco Bay Region
Municipal Regional Stormwater NPDES Permit Update of December 14, 2007

Dear Mr. Wolfe:

The City of Cupertino appreciates the opportunity you have accorded us to comment on the Board's current draft Tentative Order, which proposes significant changes to the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP).

We find ourselves in agreement with the comments of other local agencies in the region on a number of the proposed changes. As do they, we recognize that the fundamental goals underlying the proposed MRP changes are laudable and worthy of support, but must emphasize in the strongest possible terms that the increased costs entailed are beyond our ability to fund at present without sacrifice of other existing programs or the infusion of additional funds from some as yet unknown source. We also share an overall concern that some of the proposed revisions to the MRP may not fulfill their intended purposes, and therefore need to be subjected to additional discussion and comment prior to being imposed as MRP requirements.

Among the proposed revisions to the MRP that we find problematic are

- The lowering of the C3 requirements applicability threshold for new and redevelopment projects from 10,000 square feet to 5,000 square feet of impervious area by the third year of the new MRP;
- The setting of the C3 requirements applicability threshold for road projects at 10,000 square feet of newly created or replaced impervious surface; and
- The increasing requirements for data collection and reporting.

These proposed revisions and others in the draft Tentative Order, once put into effect, will have significant associated costs in terms of increased agency staffing and outlays for construction and maintenance of public roadways. And these costs would have to be dealt with in an economic climate that already has local governments anticipating falling revenues and increasing taxpayer resistance to imposition of additional fees or taxes, no matter how worthy the asserted purpose.

Therefore, we add our voice to a virtually unanimous request from the region's MRP permittees that the Regional Board consider phasing in certain of the proposed revisions over a longer period and subjecting others to additional review and comment before their inclusion in the MRP, as recommended in detail in the MRP comments submitted by SCVURPPP and BASMAA.

Sincerely,

Glenn Goepfert
Assistant Director of Public Works

cc: Adam Olivieri, Program Manager, SCVURPPP
Donald Freitas, Chair, BASMAA