



**Transportation and Operations Department**

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www.fremont.gov

November 8, 2006

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

**Subject: Draft Municipal Regional NPDES Permit dated October 13, 2006**

Dear Mr. Wolfe:

I am writing to convey the City of Fremont's grave concerns with the Draft Municipal Regional Urban Runoff NPDES Permit issued on October 16, 2006. The draft includes many proposed new or expanded requirements that will result in a significant expenditure of city resources, which are unlikely to improve water quality. Fremont, like most cities, has finite resources and it is critical to utilize them in the most effective way possible. Unfortunately the draft permit is excessively prescriptive and gives cities little flexibility to prioritize activities to address local conditions or meet water quality objectives. In fact, the proposed record keeping and reporting, along with other expanded requirements, will divert resources from existing activities that have a beneficial impact on water quality. In addition, the format of the document is inconsistent, making it extremely difficult to review and understand the full extent of requirements.

The Alameda Countywide Clean Water Program (ACCWP) is submitting a detailed letter identifying specific areas of concern. The City, as a member agency, agrees with the issues and concerns identified in the letter. We will not reiterate them here; however, we are extremely concerned that that the draft Municipal Regional Permit (MRP);

1. contains new and significantly expanded requirements that are costly to implement with little or no demonstrated water quality benefit (e.g. replacement of 50% of existing street sweepers)
2. contains provisions outside the scope of a municipal discharge permit (e.g. conduct surveys to identify and fix roads susceptible to potential erosion and excess sedimentation)
3. disregards the work product from the MRP workgroups (especially the Monitoring and Watershed Assessment section)
4. requires action outside of permittee's authority (e.g. requirement to work with County Agriculture Commissioners to ensure they actively enforce pesticide laws for over-the-counter products and as well as report violations of pesticide regulations)
5. imposes an enormously burdensome level of reporting with questionable benefit
6. adds more restrictive requirements without sufficient evaluation of existing requirements (e.g. reduced threshold for numeric treatment requirements to 5,000 square feet)

In order to address these concerns and advance the draft MRP to a workable document, we recommend the Water Board utilize the performance standard tables submitted by the Bay Area Municipal Stormwater Management Agencies Association (BASMAA). These tables were developed with input from Water



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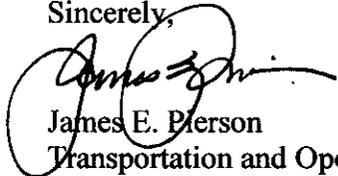
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Board staff, representatives of the Permittees and NGOs (non-governmental organizations). They reflect the MRP work group's products and BASMMA agencies' review and consideration of those products. We believe these tables would expedite the permit development and drafting process and convey the requirements in a consistent and organized way.

We request that Water Board staff utilize these tables to address the concerns of local agencies in developing a permit which uses resources wisely, streamlines reporting and provides local agencies flexibility to meet water quality improvement goals.

If you have any questions, please contact Kathy Cote at 510.494.4583

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Pierson", written over a circular stamp or seal.

James E. Pierson  
Transportation and Operations Director

CC Shin-Roei Lee SFBRWQCB  
Janet O'Hara, SFBRWQCB  
Kathy Cote, City of Fremont