

November 8, 2006

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

Subject: Comments on RWQCB's Draft Municipal Regional Permit

Dear Mr. Wolfe:

Thank you for the opportunity to review the draft Municipal Regional Permit (MRP) for local agencies, distributed by Regional Water Board staff on October 14. We appreciate the efforts by the Regional Board staff in the preparation of the draft MRP.

The City of Pleasanton has been a co-permittee of the Alameda Countywide Clean Water Program (ACCWP), since inception of the program. We have supported the approach and requirements contained in past permits which allowed the Bay Area countywide programs to take on proactive measures for public education and outreach in our communities to mitigate and improve the detrimental environmental impacts of urban runoff pollution. We believe the latest public survey results, conducted by Evans/McDonough Company in June 2006, is a testimony to the success of our public outreach and education.

However, based on our review of the draft MRP document, we do not believe the proposed MRP will significantly improve urban water quality as past permits have. In fact, we believe the requirements within the proposed MRP may have the opposite effect, since it requires significant effort and resources to be taken away from existing ACCWP countywide and permittee programs just to comply with the additional provisions of the new MRP. For example, as it is explained in detail below, funding proposed to be allocated for replacing street sweepers (regardless of their condition), could be utilized more effectively for justified measures which would improve urban runoff quality.

The draft MRP permit consists of many new requirements. The impact of these on the City's and ACCWP's county-wide efforts need to be fully understood and analyzed in order to assess and plan for each new requirement's financial and staffing impacts. We understand that the Board has scheduled public workshops to discuss the new permit on November 15-16, 2006. This short MRP review period will not allow us to fully assess all of the implications of the proposed MRP permit on our municipal operations and budget. In the time since we have seen the full draft MRP, we have assembled the following list of comments and concerns:

- 1) We recommend utilizing a table of definitions in the draft MRP, to describe terminologies and phrases used in the permit and utilize these phrases consistently throughout the permit sections. For example, the term “permittee” (the county programs) is utilized in various sections where it appears the intent is for “co-permittees”, (the cities), and vice versa. The permit needs to define clearly what requirements are intended for individual agencies, which are part of the larger permit.
- 2) Page 3. The new MRP requires that permittees replace 50% of their street sweeper fleet over a five-year period, once the Board approves the permit. This requirement needs to provide reasoning, justification and more defined guidelines for replacement of street sweepers. For example, it needs to define if certain criteria are not met through utilizing existing street sweepers to trigger replacement to achieve specified measurable improvements to water quality.
- 3) Page 12. “Recording/Reporting”. This section requires annual inspection, cleaning, and maintenance for each drain inlet. Our agency (based on provisions in the current 2003 NPDES permit) inspects, cleans, and maintains all drain inlets each year. However, providing individual records for thousands of inlets in the City will result in additional staffing and costs for developing a required database. This new requirement does very little to improve water quality. We recommend continuing to report on the number of inlets inspected and cleaned and eliminate the need to keep individual records for each inlet.
- 4) Page 14. Implementation Level. This section requires monitoring dissolved oxygen (DO), conductivity, and other pollutants. It also requires exploring the possibility of diverting dry weather and first flush discharges from stormwater pump stations to sanitary sewer. Chemical testing for stormwater facilities and establishing a database for reporting will result in additional significant cost and staffing requirements in our agency. The first flush and dry weather storm flows to sanitary sewer lines will ultimately end up in the Dublin San Ramon Services District (DSRSD) wastewater treatment plant (WWTP). This flow will result in reducing the existing treatment capacity of the plant and may require expanding treatment capacity or other measures at the plant for accommodating this extra flow. This may carry with it non-budgeted expenses in capital and operation costs at each WWTP.
- 5) Page 22. This section requires that new swimming pool drains be connected to the sanitary sewer system. We suggest, for the reason stated above about the constraints on WWTPs, that alternate treatment measures, such as directing pool runoff through landscaping or other filtering devices, be also allowed.
- 6) Page 23 of 116, (b) Regulated Projects, (i), (2), specific exclusions”. Under this section repaving within the same footprint is excluded from compliance. However, same page, section (3) states that a project that replaces 10,000 s.f. is not excluded, (regardless of being in the same footprint). It appears that there is a contradiction in these two sections that needs to be clarified.

- 7) Page 26 of 116, (c) Single Family Homes, (i). The new MRP requires single-family homes that create or replace 5,000 s.f. or more of impervious surfaces to implement one or more BMP. This requirement requires a significant amount of staff time to implement, provides small measurable water quality benefits, and demands a significant amount of funding with little benefits to be achieved. This section further requires establishing a database for the BMPs installed at 5,000 s.f. homes and appears to eventually provide reporting for tracking the installed BMPs. Under the current permit, single-family homes are conditionally exempt if they have detached roof leaders and are discharging their roof runoffs through a grassy swale or other bio filtering methods. We believe the Board should allow a reasonable amount of time to the county program permittees to fully assess this 2003 permit approach before making a change. This new MRP requirement also appears to place an onerous requirement for single family homeowners for being approached for inspecting the BMP on their property and being reminded or cited for not maintaining the BMP on their property. It is difficult to estimate the amount of staffing and funding would be needed to comply with this section of the permit and the negative impact this will cause between the homeowners and co-permittees.
- 8) Page 46 of 116, section (a), (ii), (4). This section states that rainfall can occur during any month of the year; hence, erosion control must be in place when rain falls. This section notes the legal authority to fine and/or stop work when erosion control BMPs are not installed. Same page, section (b), (ii), (1), states; if BMP measures are not in place by October 15, it is considered a violation. These two sections appear to be contradictory and confusing for what may be considered a violation and perhaps whether a citation/fine could be issued.
- 9) Page 48 of 116, section (e), (i) and (ii). It appears parameters required to be defined by the permittees for small and large sites are provided by the permit in section (ii). Clarification is needed to explain what parameters are required to be defined by permittees.
- 10) Pages 49 and 50 of 116, row "Large", column "Frequency", "Screening". This section states our inspectors are required to inspect sites with one acre or larger of disturbed areas three times a week. Inspection of the sites is defined on page 50 of 116, section (g), (ii), (2), as "full walk of the site." Would it not be more appropriate that these inspections be conducted by Regional Board staff, as they are collecting the fees for this inspection?

Thank you in advance for your review of the above noted comments. We believe with adequate time for review, we may perhaps be able to provide more comments for refining the draft MRP permit. We look forward to working with the Water Board staff at the county program level to discuss these comments and additional comments provided by other county program members for enhancement of the draft MRP permit. Please contact me at (925) 931-5653 if you would like to further discuss any of the above.

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San Francisco Bay Regional Water Control Board
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Sincerely,

ROB WILSON
Director of Public Works

cc: Shin-Roei Lee, Water Board
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