



*"Small Town Atmosphere
Outstanding Quality of Life"*

February 29, 2008

Mr. John Mueller, Chair
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

SUBJECT: Municipal Regional Permit Tentative Order

Dear Mr. Mueller:

Thank you for the opportunity to comment on the Tentative Order for the Municipal Permit (MRP) released by the San Francisco Bay Regional Water Quality Control Board in December 2007 with addendums.

Our agency has worked hard to meet the requirements of the current permit issued to the Contra Costa Clean Water Program. Danville recognizes and supports the need to protect water quality, and currently implements numerous programs and policies to support this goal.

This letter identifies major concerns that the Town has with respect to implementing the proposed MRP. In general, these can be grouped into three major areas:

First, these requirements represent a significant unfunded cost liability for local agencies. Preliminary estimates prepared indicate that the new MRP requirements will essentially double the cost of program implementation for Danville, from \$425,000 to \$840,000 annually. The magnitude of these increased costs appears to be consistent with costs being developed by other local agencies. We call upon the San Francisco Bay Regional Water Quality Control Board, the State of California, the federal government and all other stakeholders to work with local governments to identify new sources of funding that will be needed to successfully implement the new MRP. Absent the ability to identify a dedicated revenue source, municipalities will not be in a position to support and fund these new requirements on a permanent, on-going basis.

Second, there are a number of areas in the proposed MRP including but not limited to water quality monitoring, new development, data gathering and reporting etc., where it would be appropriate to allow additional time for current permit requirements to either operate or be assimilated, in order to ascertain their effectiveness prior to imposing

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added requirements. For example, in Danville, new development subject to the new C.3 requirements imposed in 2003 is only now being constructed, yet further changes are recommended in the new permit.

Third, we urge the Board to take a more practical and collaborative approach to implementing the new MRP especially as it relates to the goal of reducing trash.

As presently proposed, Danville is concerned that many of the new requirements will be aggressive and costly, and will not translate to a commensurate improvement in water quality for our community. We seek to achieve the goals sought by the proposed MRP in a way that most effectively utilizes resources available and results in the most direct and tangible benefits for our communities.

In addition to supporting comments made on the proposed MRP by the Contra Costa Clean Water Program and BASMA, following is a detailed review of those aspects of the proposed MRP which present major areas of concern for the Town, along with recommendations/requests related to some of these areas:

A. Provision C.8 - Water Quality Monitoring & C.11 (Mercury), C.12 (PCBs), C.13 (Copper), C.14 (PBDE - Legacy Pesticides and Selenium)

Currently all water quality monitoring efforts are conducted through the Contra Costa Clean Water Program (CCCWP), at an annual cost of approximately \$420,000 for 2007-08. As estimated by Brown and Caldwell, the proposed MRP monitoring program will increase these costs by up to 400%.

The CCCWP contributes annually to the San Francisco Bay Estuary Institute (SFEI) to maintain an on-going Regional Monitoring Program (MRP) for San Francisco Bay. This program is well respected in the scientific and environmental communities and provides direction and information to Clean Water Programs throughout the Bay Area. These studies have identified Pollutants of Concern, and this information is used in our County to target Pollutants of Concern through increased monitoring, inspection and enforcement efforts. This has resulted in certain pollutants being taken off the list when levels have decreased.

The CCCWP has been conducting Biological Assessments and Creek Survey data for several years. As a result of this and other data collected, Special Studies have been funded as required to further identify pollutant sources and problems. These Biological Assessments are extremely effective in determining long term stream health and identifying where pollutant sources may exist. The proposed MRP requires nine

