



# CITY OF MOUNTAIN VIEW

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February 29, 2008

MR BRUCE WOLFE – EXECUTIVE OFFICER  
SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD  
1515 CLAY STREET #1400  
OAKLAND CA 94612

## MUNICIPAL REGIONAL STORMWATER NPDES PERMIT FORMAL COMMENT SUBMITTAL

Dear Mr. Wolfe:

Thank you for the opportunity to review and submit comments on the Tentative Order for the Municipal Regional Stormwater NPDES Permit (Regional Permit), which was issued by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) on December 4, 2007. The purpose of this letter is to submit the City of Mountain View's (City's) formal comments in accordance with the deadline for written comments established by the Regional Water Board's Revised Notice of Opportunity for Comment dated December 26, 2007. This letter lists a compilation of questions and concerns that were identified during a comprehensive, multi-departmental review of the Regional Permit.

The City of Mountain View supports the Regional Permit as a mechanism to ensure consistent implementation and reporting requirements among regulated Bay Area stormwater agencies. The City also appreciates the effort by Regional Water Board staff, BASMAA, the six Bay Area stormwater programs and the individual permittees to develop the Regional Permit. While a great deal of progress has been made in developing the Regional Permit, the City is concerned that some of the proposed requirements will result in increased demands on City resources and significant increases to the City's budget. These cost increases would be realized in the need for additional staff due to increased service levels, installation and maintenance of costly control mechanisms, and increased cost to participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which anticipates an increased operating budget of as much as 40 percent due to numerous additional requirements in the Regional Permit. Questions and concerns regarding specific requirements and other general comments regarding the Regional Permit are listed below.

Specific Regional Permit Provision Questions and Comments

*C.2.d.—Sidewalk/Plaza Maintenance and Pavement Washing*

The Regional Permit required the City to implement BMPs for pavement washing operations, which prohibit discharges of wash water to storm drains. The Regional Permit also requires implementation of the BMPs included in BASMAA's Mobile Surface Cleaner Program. These two requirements are contradictory as the BASMAA Mobile Surface Cleaner Program BMPs do not prohibit wash water discharges from pavement cleaning when specific BMPs have been implemented. The City incorporates the Mobile Washing BMPs into sidewalk and pavement cleaning operations. Requiring capture and disposal to the sanitary sewer of all sidewalk and pavement washing activities would significantly increase the time it would take to conduct this activity.

The City recommends a revision to this requirement stating that BASMAA's Mobile Surface Cleaner Program BMPs must be implemented during sidewalk and pavement washing operations. Furthermore, the City recommends revisions to clarify that the BMP for some types of cleaning operations may require collection of the wash water and disposal to the sewer, while wash water from other washing operations may discharge to the storm drain if BMPs are installed.

*C.2.f.—Catch Basin or Storm Drain Inlet Inspection and Cleaning*

The Regional Permit requires municipalities to inspect and clean all storm drain inlets annually before the rainy season. This requirement represents an increased level of maintenance activities and tracking, and requires cleaning activities that may not be necessary. Unnecessary cleaning activities impact the City's operations and budget as resources could be used to complete other important tasks. Additionally, the requirement to clean all drain inlets prior to the rainy season is unrealistic as the City's Utilities crews typically complete a number of critical assignments, such as sanitary sewer system inspection and flushing, infrastructure construction and repair, overflow, spill and complaint response; and supporting other City departments' construction and maintenance activities. The City's Utilities Section will need flexibility to conduct cleaning activities throughout the year.

The City recommends a revision to this requirement removing the statement that all catch basins must be cleaned annually before the rainy season, and allows flexibility to forego cleaning catch basins when an inspection shows cleaning is not needed. Is supporting information available showing that annually cleaning all storm drain inlets will improve water quality? Does the Regional Water Board intend to require cleaning of storm drain inlets when inspection of inlets shows that cleaning is not needed?

*C.3.b.i.(1)—New Development and Redevelopment—Regulated Projects*

The Regional Permit maintains the 10,000 square foot threshold for new development and redevelopment projects but reduces the impervious surface threshold to 5,000 square feet for special land use categories. This requirement places a burden on the City's Development Review Process and the BMP tracking program by significantly increasing the number of projects that will need to be evaluated for applicability during the Development Review Process, reviewed during plan review, inspected during construction, and tracked for operations and maintenance activities after completion of the project. Additionally, the reduced threshold potentially places significant cost increases on small improvement projects to a degree that a project may not be feasible.

Is supporting data available showing that reducing the impervious threshold to 5,000 square feet for projects at special land use categories will improve water quality?

The requirement that this new threshold apply to development projects that have received "final discretionary approvals" places an applicant that may have a complete development application, but is unable to be placed on the agenda for the approving body's calendar prior to the July 1, 2010 deadline, in a position of having to potentially redesign the project to meet the new condition. The City recommends retaining the "Deemed Completed" definition currently to clarify the deadline for both developers and municipal staff.

*C.3.b.i.(4)—New Development and Redevelopment—New Road Projects*

The Regional Permit requires stormwater treatment BMPs for bicycle lane and certain trail projects greater than 10,000 square feet. The current permit exempts trail projects from the stormwater treatment requirement. This requirement potentially increases design, construction and maintenance costs for trail projects. This requirement may add costs to a level that will make a trail project infeasible. This requirement also discourages the addition or expansion of bicycle lanes or trails. Bicycle lanes and trails have a net environmental benefit as they promote alternative transportation.

The City recommends exempting bicycle lane and trail projects from the stormwater treatment BMP requirement to keep costs of these projects at a manageable level and prevent creating a disincentive for these valuable City amenities. Is supporting data available showing that requiring treatment BMPs on bicycle lane and trail projects will improve water quality?

*C.3.b.i.(5)—New Development and Redevelopment—Road Expansion or Rehabilitation*

The Regional Permit requires treatment BMPs for road expansion, replacement and rehabilitation projects greater than 10,000 square feet within an existing footprint. Installation of treatment BMPs for these types of projects would be difficult to incorporate into existing roadway grading and drainage, and the Regional Permit does not provide flexibility or alternatives for these types of projects where treatment BMPs are not feasible. Additionally, implementation of this requirement would result in significant project cost increases.

The City recommends exempting road replacement and rehabilitation projects within an existing footprint. Is supporting data available showing that requiring treatment BMPs on road expansion and rehabilitation projects will improve water quality?

*C.3.e.i.(3)(d)—Transit-Oriented Development Projects*

The definition in Footnote (2) for Transit-Oriented Development does not correlate with the definition of transit-oriented development that the City of Mountain View uses when evaluating projects. With both the Caltrain corridor and the VTA light rail traversing Mountain View, the City is a proponent of transit-oriented development and feels that this exemption would allow us to continue to construct effective and attractive projects.

The City requests that the Board identify the source of these definitions of Transit-Oriented Development so that we may more carefully evaluate the rationale behind this set of standards and the standards currently adopted by the City of Mountain View to better comment and make recommendations that will serve the intent of encouraging transit-oriented development in our community and in others around the Bay Area.

*C.3.g.—Hydromodification Management*

The Regional Permit significantly modifies the Hydromodification Management threshold and applicability area definition that are currently implemented by SCVURPPP permittees.

The City requests a phased approach to implementation of hydromodification requirements to allow agencies to develop a methodology to refine the areas needing further study (pink areas) on the applicability map. Additional time is also needed to modify the City's existing Development Review Process and to inform City staff and developers of this requirement, which would dramatically impact applicable projects. The impacts would be realized in the costs to design and construct the control

measures to comply with this requirement, which would most likely involve installation of an on-site retention pond. Retention ponds would also reduce the amount of land available for development, which would also increase prices of the new properties.

*C.4.b.—Industrial and Commercial Site Controls*

The Regional Permit requires inspections of additional facility categories and a number of mobile sources. Identifying mobile sources and conducting an inspection program of those businesses will be difficult to implement due to the transient nature of these mobile businesses. These increased inspection requirements represent an increased service level that will impact the City's resources and budget.

**Is supporting data available showing that the proposed additional facility categories and mobile sources contribute runoff pollutants and require stormwater inspections?**

*C.5.d.—Illicit Discharge Detection and Elimination—MS4 Map Availability*

The Regional Permit requires the City to make storm sewer maps available to the public either electronically or in hard copy. For homeland security reasons, the City is concerned about publishing detailed infrastructure maps.

**Has the Regional Water Board evaluated the requirement to make storm sewer maps publicly available for potential conflicts with Federal Homeland Security regulations?**

*C.6.c.—Construction Site Control—Minimum Required Management Practices*

The Regional Permit mandates that the City require erosion and sediment BMPs during construction on all projects with disturbed or graded land area not protected by vegetation or pavement and subject to a building or grading permit. This requirement will significantly increase the number of projects that are subject to including this requirement, reviewing for compliance and inspection. Additionally, based on the definition, the City would need to review and inspect a large number of projects that would not pose a significant construction runoff threat.

**The City recommends revising the definition to eliminate the requirement that "all" projects require the BMPs. The City recommends an allowance for flexibility to determine which projects are subject to the requirement for sediment and erosion control BMPs.**

*C.6.c.—Construction Site Control—Minimum Required Management Practices*

The Regional Permit requires implementation of advanced treatment for sediment removal at construction sites determined to be an exceptional threat to water quality.

**The City believes that the Construction General NPDES Permit is the appropriate mechanism for requiring advanced treatment controls at construction sites.**

*C.8.—Water Quality Monitoring*

The Regional Permit prescribes an extensive monitoring program, including follow-up actions that would be required based on monitoring trends. These monitoring requirements are overly prescriptive and may result in significantly increased costs, especially during the later years of the permit cycle. The increased monitoring costs would further increase the SCVURPPP budget, which will result in an increased cost for the City to participate in SCVURPPP. Additionally, the monitoring program described in the Regional Permit does not allow stormwater agencies to develop the monitoring program, or the flexibility to streamline or modify monitoring activities based on analytical results.

**The City recommends revisions to the monitoring provision that will allow the stormwater agencies flexibility regarding the development and implementation of the monitoring activities based on analytical results.**

*C.10.—Trash Reduction*

The Regional Permit requires the City to implement "enhanced trash control measures" at 10 percent of the urban area identified as a priority trash source area. Additionally, the Regional Permit requires installation of "full trash capture treatment devices" within the storm drain infrastructure of at least 5 percent of the priority trash source area by July 2012. This requirement presumes that the "enhanced trash control measures" will not adequately control trash problem areas and automatically prescribes installation of full capture devices. This requirement represents a "one size fits all" approach, which would require costly installation and maintenance of full trash capture devices. Additionally, these costly full capture trash capture devices will only treat stormwater-related trash sources, and the Regional Permit does not take into account other potentially significant nonstormwater sources of trash discharges to creeks. Lastly, the Regional Permit only allows a credit of treating one-quarter a catchment tributary area if trash booms or sea curtains are installed, and does not take into account other features of a system that may enhance trash removal.

The City believes that the Regional Permit should be modified to allow the flexibility to implement cost-effective trash controls that are appropriate for local conditions and severity of trash problem areas. Is supporting data available showing that installation of full trash capture devices will effectively remove trash to a level that will cause noticeable improvements to water quality? Is supporting data available showing that trash booms and sea curtains have one-quarter the effectiveness of other trash capture devices to support the reduction in credit for treatment area? Could trash booms and sea curtains be considered full capture devices if used concurrently with other trash controls?

*C.11.—Mercury Controls and C.12.—PCB Controls*

The Regional Permit requires municipalities to investigate and abate land sources of mercury and PCBs. The investigation and abatement requirements in the Regional Permit would require significant staff and budget, and most likely would need to be conducted by professionals with specialized training investigating these sites.

The City believes that site investigation and determination of mitigation measures for mercury- and PCB-contaminated sites is not typically a local agency function and should be completed by the appropriate oversight agency.

*C.15.—Exempted and Conditionally Exempted Discharges*

The Regional Permit requires monitoring and reporting of groundwater from foundation dewatering systems, as well as planned and unplanned discharges from water system operations. The requirement to identify uncontaminated groundwater dewatering locations and track monitoring from those locations would require additional staff resources. Additionally, the requirement to monitor and report planned and unplanned discharges from water system operations and maintenance would significantly increase fieldwork-related recordkeeping tasks impeding operational efficiency. These additional requirements would significantly impact City water utility maintenance operations by adding monitoring and data recording steps to these routine operations.

The City recommends regulating discharges from municipal water utility operations by continuing to require BMPs during routine and nonroutine activities. Is supporting information available showing that discharges from municipal water utility operations are contributing to receiving water pollution and additional monitoring and controls are needed?

Other Regional Permit Provision Questions and Comments

*Extensive Reporting Requirements*

The Annual Report form contained in Attachment L of the Tentative Order requires the City to report additional detailed and specific information related to a number of program elements that are not currently reported. In particular, the additional reporting requirements related to industrial/commercial inspections, construction inspections, illicit discharges and pump station inspections would require the City to report narrative information on individual inspections or incident responses, which is significantly more information than has been required in the past 17-plus years. Reporting this additional detailed information would require the City to modify existing databases and increase staff hours and spending to compile and report this additional information.

**The City recommends that the Annual Report forms include summary information as previously reported by municipalities to minimize onerous reporting and reduce the impact on municipalities. Further, the City recommends making the Annual Report form in Attachment L consistent with the reporting sections in the Regional Permit.**

*Stormwater Pump Station Diversion to POTWs*

Different sections of the Regional Permit require Bay Area municipalities to monitor pump stations and study the feasibility of diverting first flush and dry weather flows from stormwater pump stations to POTWs. The organization of the Regional Permit outlines monitoring and feasibility investigations, but presumes that pump station diversions would be beneficial and feasible by requiring diversions from five pilot pump stations. Diversions from stormwater pump stations would not only be potentially costly to implement but would increase POTW treatment costs.

**The City recommends modifications to the Regional Permit which would provide flexibility to allow municipalities and sanitary sewer agencies the opportunity to evaluate the potential benefits, impact and cost implications of proposed diversions to POTWs in an organized, controlled and fiscally responsible manner.**

*Prioritization of Regional Permit Requirements*

Individually, many of the increased requirements included in the Regional Permit and identified in this letter would not be insurmountable for the City to achieve and accomplish. Combining all of the proposed requirements concurrently represents a significant impact to the City's resources and operating budget.

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The City recommends that the Regional Water Board reevaluate priorities in the Regional Permit. Prioritizing major goals and long-term phasing of these requirements will provide municipalities the opportunity to successfully accomplish the challenge of meeting the enhanced requirements using a phased approach. From a budget planning perspective, this phasing will be critical as municipalities continue to seek ways to fund a wide range of important services in an increasingly difficult financial climate. Additionally, requirements that list a July 1, 2008 deadline will not be feasible as budgets for that time are already established.

The proposed Regional Permit will be the fourth Municipal NPDES Stormwater Permit that the City will implement. Mountain View has a comprehensive stormwater pollutions prevention program and is committed to implementing measures to reduce pollutants found to cause impairment to local waterways and San Francisco Bay. The City also supports using comprehensive and conclusive data to show that a source exists and that the required measures will effectively control the pollutant of concern. The City's position is that this data should be used as the basis for the enhanced requirements in the Regional Permit. Thank you for considering these comments. The City of Mountain View looks forward to the opportunity for further discussion of these issues at the public hearing on March 11, 2008.

Sincerely,



Eric Anderson  
Urban Runoff Coordinator

EA/8/FIR  
151-02-26-08L-E^

cc: Mr. Adam Olivieri, SCVURPPP Program Manager

City Council

CM, ATCM—Woodhouse, SACA—Emerson, FM, PWD, CDD, CSD,  
PSM—Hurlburt