



July 13, 2007

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Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
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MAYOR
Brad Nix

Subject: Municipal Regional Permit (MRP) – Regional Water Board
Working Draft (Revised Version Dated May 1, 2007)

VICE MAYOR
Kevin Romick

Dear Mr. Wolfe:

COUNCILMEMBERS
Pat Anderson
Bruce Connelley
Carol Rios

This letter is to provide written comments from the City of Oakley on the Regional Water Board staff's May revision of the draft Municipal Regional Permit. We also endorse the Comments of BAASMA and CASQA. These comments are the comments we sent regarding the October version as there has been virtually no response to the earlier comments by way of text revision.

General Comments:

First, we are concerned about the prescriptive nature of the draft permit, particularly within the area of municipal maintenance. The current permit establishes categories of activities that are to be engaged in and reported based on the performance standards in that permit. The proposed MRP establishes specific activities within the categories, frequencies for conducting those activities, and requirements for recording information in detail with summary annual reporting. All of the new requirements are established in isolation without consideration of the impact of these specific activities and frequencies on agency staff ability.

The proposed permit necessarily means that new tracking and recording systems will have to be designed, implemented and maintained. A fair reading of the proposed permit indicates 31 new activities or specific mandates instead of general categories, 12 new programs, 51 new guidance, management or recording documents, 3 new data bases, and 30 new reports. The increased level dramatically raises the risk of an agency being unable to comply and gives rise to the concern that any failure to comply will result in a violation of the permit. .

Second, it has been our experience that, in the words of Board staff, a lack of an accumulation of violations necessarily means there is a lack of enforcement. Staff has implied that rather than accepting that there truly may not be a problem, local agency staff has not been effectively enforcing the permit. The mandated increase in effort puts us at greater risk of implied failure to enforce the permit, and creates the need to expend limited resources searching for things that may not be there in order to increase enforcement documentation.

Construction Site Stormwater Pollution Management

This entire section is a duplication of the activity required by the State General Construction Permit, but makes no mention of or reference to that permit. This creates the potential of uncoordinated requirements, and local agencies potentially being held to two conflicting sets for requirements. All of the requirements and authorities required here are present elsewhere in existing ordinances and other parts of the proposed MRP. At the very least, to avoid conflicts and confusion, this section should invoke the General Construction Permit, or state "as required by the State General Construction Permit".

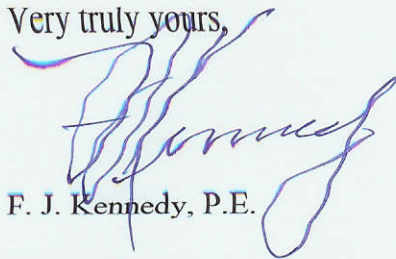
At C.6.f, the proposal includes inspection frequencies. Current practice is to inspect during the construction season for general site housekeeping practices, before the rainy season for implementation of the SWPPP in preparation for the rainy season, during regular site engineering inspections and after each storm. Dictating three screening inspections a week has no basis. At C.6.j, in the reporting of the inspections, the proposal is now determining what format of inspection form for hard copy and electronic forms and the establishment of a yet another database to record the information. Unless the Board is willing to provide these tools, it seems an intrusion and imposition on the local agency in how it is to do business.

Water Quality Monitoring

The proposal contains requirements that clearly are beyond the ability, and resources of the local agency. The financial impact of these requirements is too great to estimate but will create an enormous burden and perhaps could best be absorbed by the resources of the state.

Please consider these comments in your further deliberations.

Very truly yours,



F. J. Kennedy, P.E.

City of Oakley
Stormwater Program Coordinator