



B A S M A A

Alameda Countywide
Clean Water Program

Contra Costa
Clean Water Program

Fairfield-Suisun
Urban Runoff
Management Program

Marin County
Stormwater Pollution
Prevention Program

Napa County
Stormwater Pollution
Prevention Program

San Mateo Countywide
Water Pollution
Prevention Program

Santa Clara Valley
Urban Runoff Pollution
Prevention Program

Sonoma County
Water Agency

Vallejo Sanitation
and Flood
Control District

Bay Area

Stormwater Management

Agencies Association

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September 15, 2011

Mr. Charles R. Hoppin, Chair
State Water Resources Control Board

Subject: Comments on Core Regulatory Fee Schedules for FY

Dear Chair Hoppin:

On behalf of the NPDES stormwater permittee members of the Bay Area Stormwater Management Agencies Association (BASMAA)¹, thank you for the opportunity to comment on your consideration of a proposed Resolution adopting emergency regulations revising the Core Regulatory Fee Schedules for FY 11-12. BASMAA strongly supports the use of the Stormwater Fee Rebalance option in the adopted Resolution. BASMAA also strongly supports the comments of the California Stormwater Quality Association (CASQA) regarding the use of the Stormwater Fee Rebalance option in the adopted Resolution. Additionally, BASMAA and its member agencies have the following comments:

- Water Code Section 13260, which requires the State Water Board to adopt an annual schedule of fees by emergency regulations, is highly problematic and needs to be changed. The fee increases are approved at a time when municipal budgets are already set for the year. In these extremely lean times, jurisdictions do not have extra, un-appropriated funds in their budgets to pay for fee increases. Annual fee increases, when justified, need to be adopted at a time when jurisdictions can plan for the increases as part of their budget processes.
- There is an automatic 21% surcharge added to all stormwater permit fees to fund the statewide Surface Water Ambient Monitoring Program (SWAMP). Any time the base fees are increased; it increases the amount of the surcharge. There is no justification anywhere in the staff report that the SWAMP program requires additional funding.
- The fees collected for Municipal Stormwater Programs should be directed back to the Regional Water Boards who regulate the dischargers. For example, San Mateo county jurisdictions alone will be paying \$215,000 in annual fees (not including the SWAMP surcharge), which should be enough to fund a full-time staff person dedicated to oversight of San Mateo jurisdictions. In fact, we are continually told Regional Water Board staff does not have the resources to adequately oversee stormwater permittees. There must be over \$1 million in Bay Area MS4 stormwater permit fees going to the State Water Board – what benefit are the permittees receiving for the fees they are required to pay?



¹ BASMAA is a 501(c)(3) non-profit organization comprised of the municipal stormwater programs in the San Francisco Bay Area representing 96 agencies, including 84 cities and 7 counties. BASMAA is focused on regional challenges and opportunities to improving the quality of stormwater that flows to our local creeks, San Francisco Bay and Delta, and the Ocean.

Additionally, our taxpayers support and fund our stormwater programs with the expectation that their taxes will be spent on reducing stormwater pollution and improving the quality of stormwater that flows to our waters. It is not at all clear from the proposed Core Regulatory Fee Schedules if any, let alone all of the proposed increase will be spent on that intended purpose – achieving our stormwater quality goals.

Please contact me at (510) 670-6548 if you have any questions or would like to discuss our comments further.

Sincerely,

A handwritten signature in cursive script that reads "James Scanlin".

James Scanlin
Chair, Bay Area Stormwater Management Agencies Association

cc: Fran Spivy-Weber, Vice-Chair, State Water Board
Tam Doduc, Member, State Water Board
Tom Howard, Executive Director, State Water Board
Caren Trgovcich, Chief Deputy Director, State Water Board
Darrin Polhemus, Deputy Director, State Water Board
Miles Burnett, Assistant Deputy Director, State Water Board
David Ceccarelli, Fee Unit Manager, State Water Board
Bruce Fujimoto, Stormwater Section Manager, State Water Board
Bruce Wolfe, Executive Officer, Regional Water Board-San Francisco
Tom Mumley, Assistant Executive Officer, Regional Water Board-San Francisco
BASMAA Board of Directors