



October 6, 2011

Bruce Wolfe, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Letter of Support for the 'Special Projects' Amendment to Provision C.3.e.ii of the Municipal Regional Stormwater NPDES Permit

Dear Mr. Wolfe,

We would like to support the proposed 'Special Projects' amendment to Provision C.3.e.ii of the Municipal Regional Stormwater NPDES Permit (MRP) that allows certain types of smart growth, urban infill and transit-oriented development projects with inherent environmental benefits to receive low impact development (LID) treatment reduction credits for treating storm water runoff from their sites. We specifically support the allowance of LID treatment reduction credits for the following project categories:

- Category B Special Project - Maximum Two Acres, Higher Density
- Category C Special Project - Transit Oriented Development

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area. The Association of Bay Area Governments (ABAG) is the Bay Area's regional planning agency and council of governments. As you may be aware, MTC and ABAG are leading the Bay Area's FOCUS program with support from our partner agencies the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC). FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern, linking land use and transportation by encouraging the development of complete, livable communities in areas served by transit (Priority Development Areas (PDA), and promoting conservation of the region's most significant resource lands (Priority Conservation Areas (PCA). This program, and the current effort to develop the Sustainable Communities Strategy (SCS), will direct growth and development to the PDAs along existing and proposed local and regional transportation routes. To this end we would like to make sure projects supportive of these regional goals are not impeded by overarching regulatory statutes, and that projects constructed within PDAs receive incentives in the form of significant LID treatment reduction credits. MTC and ABAG supports special projects Category B and C because these project types support regional goals of housing, livability and transit supportive land use in our region.

We are very concerned that a blanket requirement that all regulated projects utilize 100% LID treatment on-site will deter or stop the development of infill projects that will be critical to the region's successful implementation of SB375. Failure to consider the site specific constraints and the multiple

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environmental, economic and equity benefits of special projects as outlined in Category B and C could cause hardship many infill development projects resulting in significant delays and added costs that could prevent the projects from being built.

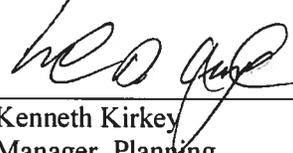
We would also like to support the allowance of additional options for treatment facilities, such as tree-box-type high rate bio filters or below-ground vault based high-rate media filters to treat runoff.

Understanding the needs for the new stormwater regulations, we should make sure that good intentions do not deter good land use practice in Bay Area.



Ann Flemer
Deputy Executive Director, Policy
Metropolitan Transportation Commission

Sincerely,



Kenneth Kirkey
Manager, Planning
Association of Bay Area Governments