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www.dublin.ca.gov

June 29, 2015

Transmitted via email: mep.reissuance@waterboards.ca.gov

Subject: City of Dublin Comments – MRP 2.0

Dear Dr. Mumley:

By email dated May 11, 2015, the tentative order for the SF Bay Regional Municipal Regional Stormwater Permit (MRP) was released. Notice was given that the deadline for receipt of written comments on the Draft MRP is 5:00 pm on Friday, July 10, 2015.

In response to the Water Board notice, I am filing the attached written comments on behalf of the City of Dublin. Thank you for the opportunity to file these comments. We appreciate the time that you and your staff have taken to meet with the permittees in an attempt to reach agreement on the next phase of the MRP.

The attached table outlines the City of Dublin's concerns with the draft tentative order.

Do not hesitate to contact me with any questions at 925-833-6630.

Sincerely,

Andrew Russell
Assistant Public Works Director/City Engineer

Attachments: Table of Specific Comments

Provision	Issue	Suggested Revision
C.3.e.v: Reporting on Special Projects	The purpose of the Special Projects provisions, per the language in the permit, is to incentivize projects that are beneficial at a watershed scale. Requiring Special Projects to first demonstrate LID infeasibility does little to incentivize these projects. Furthermore, requiring Special Projects to demonstrate infeasibility for <u>off-site</u> LID treatment is vague and unnecessarily difficult.	Remove the Special Projects reporting requirements.
C.3.b.ii(1)(a)(iv): Stand-alone parking lots	As written, it is unclear if a project which otherwise would not qualify as a Regulated Project includes a parking lot that replaces/creates more than 5,000 SF of parking lot, is just the parking lot surface created/replaced subject to C.3.c and C.3.d requirements or would the entire project site would be considered subject to C.3.c and C.3.d requirements.	Revise to specify that only the impervious surface area(s) of uncovered parking lot created and/or replaced are subject to the requirements of Provisions C.3.c and C.3.d.
C.3.e.ii(3)(a)(iv) and C.3.e.ii(4)(a)(iv) C.3.e.ii(5)(e)(i)b: Incidental parking	Special projects should be allowed to also include minimal incidental surface parking for commercial uses if the project is a mixed use project (i.e. residential with ground floor retail).	Revise to allow incidental surface parking for commercial uses (applicable for mixed-use projects - residential with ground floor retail).
C.3.j: Green Infrastructure	There is a lack of direction and information for development of a Green Infrastructure Plan. There are no guidelines or reference plans that we can use to develop our own plan. We are concerned that we will expend our limited resources on the development of such a plan, which will then be rejected by Water Board Staff as being inadequate.	Provide a single plan example that meets Board's requirements. Or give specific direction on the development of the Green Infrastructure Plan. It is a common practice that the scientific research is conducted in advance of a regulation to ensure the efficacy of the law. In this case there is no such scientific backup.
C.3.j: Green Infrastructure	We are not convinced of the water quality benefits that will be achieved from the Green Infrastructure Plan and the construction of Green Infrastructure projects. The cost/benefits ratio for some Green Infrastructure projects will be too high to justify project planning, development and construction.	Provide scientifically sound information (data) that demonstrates the water quality benefits that will be achieved from the Green Infrastructure projects.

C.3.j: Green Infrastructure	Green Infrastructure projects, particularly those incorporated into roadway projects, will often times be unable to meet the C.3.d sizing criteria. Greater flexibility is needed.	Revise to allow Permittees to propose an approach to dealing with project constraints at the Permittee or countywide program level. Add alternative compliance and allow the treatment facility to be located outside the watershed.
C.3.j.i(1): Green Infrastructure Framework	The time to develop a framework for a Green Infrastructure Plan is infeasible. Twelve months is not enough time to develop the framework and have it approved by the City Council. While the permit does allow for a City Manager to approve the Green Infrastructure framework, such a plan would have to be approved by the City Council given the cost implications of the plan.	Revise to give more permittees more time to develop a framework.
C.5.e: Mobile Businesses	The provision contains very specific requirements that may turn out not to be the most effective approach.	A proposed alternative approach that allows greater flexibility while still ensuring that the problem will be addressed will be submitted through BASMAA.
C.6.ii.e.ii(2)(b): Inspection of hillside projects	<p>Not all Permittees have such hillside development areas defined. The new requirement raises several questions concerns:</p> <ul style="list-style-type: none"> • Is this the pre-existing slope or the post-construction slope? • Is this the average slope across the entire project site? What is the definition of "slope" as it applies to this requirement? How is "slope" measured? • If any portion (regardless of the net amount) of the site exceeds the minimum slope threshold does this trigger the requirement for monthly inspections of the entire site (i.e. say 100 SF of a 0.9 acre site is considered "hillside")? 	The default definition for "hillside" development should be revisited and further discussed prior to implementation. Also, a minimum disturbed surface should be included in the definition of "project."
C.7.a.i & C.7.a.ii: Storm Drain Signage	These provisions would be more appropriate in other sections of the Permit.	Move the marking of municipally maintained inlets requirement to Provision C.2 and move the marking of privately maintained inlets to Provision C.3.

C.9.a.iii(2): Reporting on IPM strategies	Alternative language preferred.	Revise from “Permittees shall provide a description of two IPM actions implemented in the reporting year” to “Permittees shall provide a description of any new IPM actions implemented in the reporting year.”
C.9.d: Interface with County Agricultural Commissioners	The language in the current permit is adequate. Not all permittees will need to communicate with the county agricultural commissioners.	Revise to state that permittees shall describe any communications that they have with the County agricultural commissioners.
C.10.a.ii.b: Parcels plumbed directly to storm drain system	The requirement for cities to map all land greater than 5,000 square feet that are plumbed directly to the storm drain system by 2018 is burdensome and will not provide any water quality benefits.	Remove this requirement from the permit.
C.10.b.ii.b(ii): Non-FTC Assessment	Draft permit requires visual assessment covering 10% of a jurisdictions management areas. This is an unduly burdensome requirement, especially for large jurisdictions, and no rationale for this high rate of assessment is provided.	Decrease the minimum required area.
C.10.b.iii.iv: Source Control	Source control is an important strategy in reducing trash. A five percent load reduction for all source control actions is not adequate and does not incentivize cities to implement source control measures.	Increase the percent load reduction for source control to 15%. In addition, cities should be able to claim a percent load reduction for outreach efforts. Outreach efforts are the only strategy that changes people’s behavior.
C.10.b.iii.v: Receiving Water Observations	The amount of trash within receiving waters is not necessarily an indication that the on-land control measures are effective or ineffective. Trash within the receiving water is extremely variable and can include trash that doesn’t originate from the MS4, such as trash from homeless encampments & wind-blown trash.	We recommend that this requirement be removed or delayed until a regional study has been done that provides a quantifiable link between the trash within the MS4 & receiving waters.
C.11.c: Plan and Implement Green Infrastructure to reduce PCB	Provision C.11.c incorrectly assumes that mercury reduction concerns can drive the decisions of where initial Green Infrastructure projects are constructed.	Remove C.11.c from the Permit. The Green Infrastructure plans should not be tied to TMDLs.

<p>C.12.a.ii(4): PCB load default approach</p>	<p>The approach to assign specific load fractions for PCBs based on county population in each city is flawed. The City of Dublin has a relatively high population; however, we have very little old industrial and old urban areas. The majority of development in Dublin occurred in the past 10-15 years. Using the default approach would result in Dublin's requirement being high despite the fact that we have almost no sources of PCBs.</p>	<p>Remove the default approach from the permit.</p>
<p>C.12.c: Plan and Implement Green Infrastructure to reduce PCB Loads</p>	<p>Provision C.12.c incorrectly assumes that PCB reduction concerns can drive the decisions of where initial Green Infrastructure projects are constructed.</p>	<p>Remove C.12.c from the Permit. The Green Infrastructure plans should not be tied to TMDLs.</p>
<p>C.12.f: Manage PCB-Containing Materials and Wastes during Building Demolition and Renovation Activities</p>	<p>A framework for managing PCB containing materials and wastes during building demolition activities is something that should be developed at the state level, similar to asbestos abatement or lead based paint.</p>	<p>Remove this requirement from the permit.</p>
<p>Annual Reporting</p>	<p>Annual Reporting is extremely time consuming now and would be even more onerous if we were required to report on two separate permits.</p>	<p>Regardless of when the MRP 2.0 is adopted, the City requests that the annual reporting requirement not be split between two different permits.</p>