



CITY OF EMERYVILLE

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Thomas E. Mumley
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San Francisco Bay Regional Water Quality Control Board
Transmitted via email: mrp.reissuance@waterboards.ca.gov

Dr. Mumley,

Thank you for the opportunity to comment on the Municipal Regional Stormwater NPDES Permit Tentative Order issued May 11, 2015.

The City of Emeryville has an aggressive and proactive program of stormwater pollution prevention, and would like to ensure that our extensive efforts on this program are spent on reducing or eliminating discharges rather than on unproven or administrative activities. To that end, we have the following comments on the Tentative Order issued on May 11, 2015.

Our primary comment is about which BMPs are credited with preventing discharges, and at what rate. The City of Emeryville does on-land cleanups throughout the entire city seven hours a day, seven days a week, year-round. A crew averaging ten County furlough workers and one City employee cover nearly the entire one-square-mile city each day, picking up trash. Emeryville has only 19 miles of street, which means that on average, each worker walks about two miles of street each day picking up trash. Visual observations demonstrate that these frequent on-land cleanups are at least as effective as Full Trash Capture devices at preventing discharges into the storm drain system, and we request that the Board include this measure as equivalent to Full Trash Capture.

In addition to the request to have daily on-land cleanups recognized as an effective BMP, the City of Emeryville has the following comments on other sections of the Tentative Order:

Administrative Requirements

The completion of the Annual Report is a very time-consuming activity; we in Emeryville estimate that up to 30% of the staff time we have for stormwater pollution prevention is spent on reporting rather than implementation, even before the proposed requirement for visual assessments is taken into account. We ask that reporting requirements be extensively streamlined to include the key information needed for program review. Data that are not reviewed by Water Board staff and data that are duplicative from one section of the report to another should be removed from the reporting requirement, thus allowing significantly more time for Permittees to work on actually reducing the pollutant load into receiving waters.

The current reporting requirement, for a single permit in a reporting period, is already extremely burdensome. If Permittees need to also report on the new permit, with new requirements, metrics, and reporting responsibilities in the same reporting period, the time required to prepare the reports may

realistically take more than half of staff's annual time available for the implementation of the program. Permittees should not be required to report on two permits in one reporting period. We recommend that the new permit have an implementation date of July 1, 2016 to avoid this problem. Alternatively, Permittees could be asked to report only on the permit that is in effect for the majority of the reporting period.

C.3.i Green Infrastructure Planning and Implementation

The Green Infrastructure Planning section of the Tentative Order is very aggressive, and imposes planning processes and timelines on jurisdictions that do not necessarily match their existing planning structure. The requirement to plan right-of-way improvements over a 50-year period does not reflect the way this work is done or how it is driven at the local level. The program's many requirements, in a short timeframe, appear to require Permittees to add staff to handle this significant additional workload. There is, of course, no funding available for new staff at the local level. If the local agency were able to identify funding for new staff, the timeline it would take to appropriate the funds and recruit for the position would need to be accounted for in the timelines for meeting the newly imposed goals of the MRP.

Provision C.3.j.1.g requires roadway projects to meet the C.3.d sizing requirements. As demonstrated through the Green Streets pilot projects already completed under the current permit, it is often impossible for roadway projects to achieve C.3.d sizing criteria due to constraints inherent in existing infrastructure design. In addition, the sections of this requirement that ask for "goals," "appropriate reductions," and "targets" for jurisdictions are too vague to be consistently and reliably interpreted by jurisdictions or overseen by the Water Board. The permit should spell out requirements; goals and targets should be removed from the Tentative Order in the interest of clarity for all concerned.

C.10 Trash Load Reduction

Our main request in C.10 is described above: the acknowledgement of the effectiveness of daily on-land cleanup as at least equivalent to Full Trash Capture.

The requirement to map the drainage of all private property down to 5,000 ft² in certain trash generation areas would entail extensive staff time and effort, and there is no demonstrable benefit from this huge undertaking. The mapping requirement in C.10.a.ii.b should be eliminated.

C.12 PCB Controls

There is not a clear path to compliance for PCB load reductions; studies do not exist that can help Permittees reliably quantify the effectiveness of various proposed actions. Compliance with the permit should be based on actions that are known to be effective, that are measurable, and that are within the purview of the Permittees' jurisdictions.

Controlling PCBs in building demolitions should be the responsibility of state or regional agencies, as other potential emissions from building demolition, including asbestos and lead. Local agencies have neither the expertise nor the staff to take on a technical program such as PCB control. In addition, duplicating that effort among all regional jurisdictions is fiscally irresponsible.

As currently written, there is no mechanism by which a Permittee can know its "share" of the regional PCB reduction requirement. The numeric load reduction requirements are premature in the face of so many unknowns regarding the quantity of PCBs in the environment and the effectiveness of various BMPs in preventing their discharge into receiving waters. Numeric load reduction targets should be removed in favor of the implementation of BMPs and continued research that will allow more quantification.

Once again, thank you for the opportunity to comment on the proposed permit. It should be noted that these comments are provided solely to assist the Water Board's consideration of and potential reaction to concepts or language it may, in its discretion, elect to advance relative to the reissuance of the Municipal Regional Permit for stormwater discharges. It is not intended and should not be misconstrued as an offer to take on, or volunteer for, any potential permit requirement that represents a new program or higher level of service relative to the MRP or its predecessor permits.

Sincerely,



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