



March 25, 2009

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

Dear Mr. Wolfe,

The Alameda County City Manager's Association (ACCMA) is submitting these general comments with regard to the Tentative Order for the Municipal Regional Stormwater NPDES issued on February 11, 2009. The ACCMA requests that you include these comments in the record of this administrative proceeding.

Our member cities are co-permittees of the Alameda Countywide Cleanwater Program. The Alameda Countywide Cleanwater Program is a recognized leader in protecting water quality, providing policies, procedures and programs used as models for stormwater programs throughout California.

In December 2007, Board staff issued the first Tentative Order of the Municipal Regional Stormwater NPDES permit. Based on input from a number of co-permittees, the Regional Board has made some positive changes to the permit, and we appreciate these efforts. However, despite these improvements to the permit, ACCMA has several ongoing concerns related to the Tentative Order that we would like to see addressed.

1. Funding: Cities and Counties across the state are dealing with unprecedented fiscal challenges in trying to maintain basic municipal services. Priority services such as police and fire protection are in jeopardy of reduction, revenues are deteriorating rapidly, and local budgets are strained to the point of breaking for many of us. While the present draft is an improvement, the currently constructed Tentative Order fails to recognize or account for the fiscal impacts that are certain to befall our cities. Further consideration of the current economic conditions we all find ourselves in is critical not only from a practical standpoint of cities being able to implement new prescriptive requirements, but also politically as we try to communicate new requirements to our communities and their associated costs. Even in the best of economic conditions, resources are scarce as they are allocated to local priorities. Future permits must recognize local governments' constraints in our ability to fund such requirements.

**Office of the City Manager**

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2. Timing: Related to point number one, as these financial pressures mount and the fiscal and political realities of more onerous requirements become more widely known and understood, our members believe an extension of the current permit for a three year period is essential to the success of any subsequent permit.
3. Strategic Approach Necessary: An extension of the current permit would provide us all the opportunity to hopefully benefit from a recovering economy, as well as develop longer term solutions to what are certainly issues of mutual concern to the Board as well as our member cities. The objectives are clearer than the steps to effective implementation: we need a strategic approach to the latter to reach our desired outcomes in a reasoned and realistic way. The most significant problems are in the areas of conditionally exempt dischargers, increased monitoring and new development (c.3) requirements. Solutions that are based on quantifiable scientific data that can be measured over time to determine their efficacy, as well as a balance in the financial implications of such solutions, is essential to support and strength of any proposal. Examples of the types of productive, state-wide efforts and initiatives that could be jointly pursued by municipalities, stormwater agencies, Regional Board staff, and State Water Resources Control Board staff during the extension period might be:
  - a. Coordinate with the California Building and Standards Commission to incorporate baseline hydro-modification and stormwater treatment controls into California Building Code requirements. This would ensure more uniform and consistent implementation of hydro-modification and stormwater treatment controls throughout California, and could allow the removal of these requirements from NPDES permits.
  - b. Address the statewide funding issue for stormwater program implementation through modifications to Proposition 218 requirements, as well as changes to the State Revolving Fund Loan program to provide funding for any infrastructure associated with the MRP, such as “full-capture” trash controls.
  - c. Address trash and litter with a more comprehensive strategy that incorporates all of the sources (including highways via the Cal-Trans Stormwater Permit), provides a funding mechanism, and addresses the social issues associated with littering through state-wide education and outreach. Focusing only on cleaning up the end result of this nagging social problem without a corresponding effort to address the cause is short-sighted and unfairly burdens local government.

*Bruce Wolfe*  
*NPDES*  
*Page 3 of 3*

The ACCMA membership requests you strongly consider our issues and take affirmative action to extend the current permit period to provide us all the opportunity to arrive at solutions that we can all support and ultimately implement with enthusiasm.

On behalf of our 13 members,

Gregory T. Jones  
City Manager, City of Hayward  
President, ACCMA