

**BERG & BERG ENTERPRISES, INC.**

*10050 Bandley Drive  
Cupertino, CA 95014-2188  
(408) 725-0700 fax (408) 725-1626*

3/24/09 revision 1

mrp@waterboards.ca.gov  
Regional Water Quality Control Board Region 2  
1515 Clay St., Suite 1400  
Oakland, CA 94612

**Reference: Proposed Regional Municipal Permit TO R2-2009-xxxx NPDES  
CAS612008**

**Subject: Industry and Municipal Input**

**We have learned the Regional Water Quality Control Board has been developing a new NPDES permit for municipalities in the Bay Area which dose not include nor meets the test of a cost benefit analysis.**

**The projected costs of compliance of the 2001 Santa Clara County dischargers NPDES permit dwarf the acreage/unit fees for municipal area storm water fees and sanitary sewer fees. As such the new regional permit should consider decreasing requirements and rolling back requirements, not increasing requirements. Projects should be allowed the election to pay reasonable in lieu fees. Municipalities should be able to bank in lieu fees and apply them to projects at their discretion and timing. Parcels of 5 acres and less should be totally exempt. Requirements for redevelopment of existing projects with no change in land use are equally if not more onerous because of trying to retrofit existing systems and should be exempted from the permit regulation.**

**The cost of your permit compliance is significantly above historical storm and sewer fees, indicating there is a very high incremental compliance cost that fails the cost/benefit test. Meaningful regional mitigation/restoration projects would lower compliance costs and produce significantly better results.**

**Not only are the physical compliance cost requirements high, there are significant hidden additional costs in the form of:**

- Additional municipal staffing and inspection fees**
- Additional permit processing time and resultant land carry cost**
- Additional engineering consultant costs**
- Loss of site design flexibility**
- Loss of land**
- Loss of units or building area**

**Diminution of property values near treatment/detention facilities**  
**Additional storm line footage to divert waters to central detention/retention areas**  
**Higher ongoing maintenance costs**  
**Vector control**  
**Health related costs due to West Nile and Malaria**  
**Firms that might otherwise redevelop existing industrial facilities will defer making improvements due to the onerous nature of your requirements**

**These higher costs affect everyone, home buyers, residential/industrial tenants, property owners, taxpayers, taxing agencies and tax funded agencies such as yours as more companies “offshore” work to avoid the hassle and costs of compliance.**

**You should be carefully listening to the comments of the municipalities and building industries that have had to grapple with these requirements. Objections raised by engineering professionals and municipal officials during the 2001 Santa Clara County dischargers NPDES permit process should be reviewed so that the municipalities’ current comments can be more fully appreciated. Municipalities or Counties should retain all discretionary and engineering project approval, Water Boards should not have any expanded role in project approvals.**

**We incorporate by reference all objections raised by developers, and municipal officials during the 2001 Santa Clara County dischargers NPDES permit process, and similar objections to TO R2-2009-xxxx and NPDES CAS612008.**

**Thank you for your consideration,**

**Myron Crawford**