



April 3, 2009

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

Subject: Comments on the Tentative Order for the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit

Dear Mr. Wolfe:

The purpose of this letter is to express the City of San Bruno's comments on the draft municipal regional stormwater permit (MRP) and to request that the Board engage in a constructive dialogue that results in desired outcomes for both Regional Board, the City, and the environment.

Incorporated in 1914, the City is an aging community laid out on steep hills and low-lying land that presents significant infrastructure challenges. With about 40,000 residents, the City's stormwater parcel tax generates \$540,000 to fund stormwater activities. We carefully target our resources to comply or exceed existing regulations. The City believes the existing stormwater permit to be the result of a well-intentioned and thoughtful process based on building and adopting best management practices. Unfortunately, we believe that the proposed Municipal Regional Permit (MRP), though well intentioned, does not seem to have been thoughtfully developed with sufficient consideration to cost and outcomes. The MRP would significantly increase compliance costs due to new requirements such as new drainage plans, new ordinances, new engineering standards, new pump station inspections, increased inspection of stormwater treatment devices, new stormwater quality measures on redevelopment projects, and new trash control measures.

In today's economic climate, passage of a parcel tax or other financial burden on the public would have a low level of success. Though the City is supportive of environmental measures that can produce results within reasonable economic restraints, today's economy does not support an affirmative vote that would increase the parcel tax and therefore create the needed finances to accomplish the initiatives as described in the MRP.

The MRP would mandate the costly tracking of inspection and maintenance performed on the two stormwater pump stations located in our City even though they are owned by San Mateo County. San Bruno already inspects and maintains these pump stations without compensation and would thus be unable to construct the necessary trash removal devices at these stations. Instead, the City would need to install trash removal devices prior to the pump stations in City's right of way. Removing the collected waste, providing access points for heavy-duty truck mounted vacuum removal equipment, and tracking waste and debris removed would require

\$300,000 for equipment installation and additional costs for annual upkeep estimated at over \$20,000 per year.

The Clean Water Act examined stormwater impacts in the 1970s and concluded that mitigating stormwater concerns in the same manner as sewage would be not be possible. Therefore, stormwater's sudden and untreatable flows were addressed with best management practices, an iterative process that reduces stormwater impacts to the maximum extent practicable. The proposed MRP seems to abandon this practicality and lacks any reasonable prioritization, staged planning, or thought to the lack of resources to implement the proposed regulations.

The following elements in the MRP need further examination and more thoughtful consideration: a) a number of the permit's provisions, such as Provisions C.3 New Development and Redevelopment, C.6 Construction Site Control, and C.15 Exempted and Conditionally Exempted Discharges are overly prescriptive and will require excessive additional staff time gathering data that are not likely to improve water quality; b) the actions needed to comply with some of the permit's requirements are not defined because they are based on monitoring results, such as Provision C.8.e.i.(3); c) uncertainty in the City's ability to achieve trash and litter clean up levels; and d) many of the permit's schedules are unrealistic.

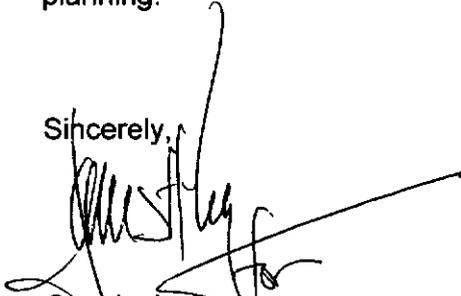
Together the new requirements will likely double San Bruno's stormwater operating costs from \$540,000 to nearly \$1,000,000. Given the current economic environment and the restrictions for raising revenue under Proposition 218, finding resources to meet these overly prescriptive requirements in a short time frame will prove impossible. The MRP is not sufficiently prioritized; thereby demonstrating both a lack of understanding by the State of cities' limited resources as well not recognizing the near impossibility of municipalities gaining new financial resources through the ballot box.

The City recommends the following improvements. First, focus should continue to be placed on the most cost effective measures. For example, BMPs and regulations such as SWPPs for new housing construction development, basins for sediment removal, and grassy swales to capture parking lot runoff have made a positive impact with modest cost implications. Second, the most important water quality issues should be addressed first; with prioritization based on scientific studies of the local receiving waters and not by observation or assumptions. A permit that does not focus on local issues lessens that permit's effectiveness, reduces resources by remedying less critical issues and curtails a municipality's ability to accomplish the greatest public and environmental good.

We need to take advantage of local governments' expertise and draft a permit that integrates the principle of water quality protection, yet still reflects the reality of those charged with actually implementing stormwater policy. Good progress can be made if the Board remains open to collaborating with the innovative leadership demonstrated by local governments and countywide programs.

Thank you for consideration of comments from the City of San Bruno and from other municipalities that are dedicated to the environment, sustainable solutions, and prudent planning.

Sincerely,



Connie Jackson
City Manager