



VALLEJO SANITATION &
FLOOD CONTROL DISTRICT

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*Protecting public health
and the San Francisco Bay
since 1952.*

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March 31, 2009

California Regional Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

**SUBJECT: MUNICIPAL REGIONAL STORMWATER NPDES PERMIT
REVISED TENTATIVE ORDER**

ATTN: Mr. Bruce Wolf

The Vallejo Sanitation and Flood Control District (District) appreciates this opportunity to comment on the Revised Tentative Order of the Municipal Regional Stormwater Permit (MRP). The District fully supports the comments submitted by BASMAA and the legal comments submitted by Morrison/Foerster on behalf of the Santa Clara Valley Urban Pollution Prevention Program. We applaud the hard work and efforts on behalf of your staff in addressing this complicated task and appreciate the changes made since the last Tentative Order. However, we believe that there are significant issues in the Tentative Order that must be addressed before we can support the adoption of the revised MRP. We urge the Board to carefully consider our comments as well as comments from BASMAA and other agencies before adopting this Permit.

In addition to the detailed comments submitted by BASMAA, the District offers the following general and specific comments:

The Tentative Order represents a serious fiscal burden

Although the District supports your efforts in protecting the quality of the Bay and agrees with the concept of addressing stormwater pollution on a regional basis, we are greatly concerned with the fiscal consequences represented by the MRP. Given the current economical environment and limited availability of funding sources, agencies like the District are finding it more and more difficult to implement current programs, let alone new requirements. Therefore, it is imperative that the Water Board consider the current financial crisis and the fiscal ramifications of mandating additional provisions without sound funding sources. The District encourages the Water Board to further examine the Tentative Order and work collaboratively with BASMAA and other permittee representatives to limit the fiscal impact of the MRP.

C.8. Water Quality Monitoring

As written these requirements will place a tremendous financial burden on the District with no defined benefit to water quality. For example, Provision C.8.d proposes long-term monitoring to detect exceedances of water quality objectives in

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receiving waters. This provision appears to go beyond the boundaries of the Clean Water Act; please refer to the Santa Clara Program Legal Comment No.4.

Although the District believes that data collection to address management questions should be the purview of the Water Board which receives funding for these activities, we would be more amenable to reduced monitoring requirements that address existing questions directly linked to stormwater discharges. The District believes that this approach would reduce the cost of monitoring and support the development of measurable solutions for improving water quality.

C.10.b. Trash Hot Spot Assessment
i. Assessment and Reporting

In the recent 303(d) State's listing process the Board recommended that Rindler Creek in Vallejo be added to the states 303(d) list for impairment due to trash. No field data were collected to reach this impairment recommendation. The decision was based entirely on the analysis of a small number of photographs submitted to the Water Board. This methodology was then supported in the Board's response to our comments:

"We did not merely look at the photos and make an impressionistic listing call based on gut reaction. Rather, as we described in the Staff Report, we methodically inspected every photo and applied the systematic and quantitative trash assessment methodology to the photos. The rigorous application of the trash assessment methodology to the photos produces data that can be quantified and qualified. Therefore, our use of photographic information is not merely "descriptive, estimated, or projected" and, as such, can be used as the primary line of evidence to support listing."

The District would be able to save considerable staff time and resources if allowed to use the SCVURRPP Urban Rapid Trash Assessment (RTA) methodology on photographs of suspected trash hot spots in lieu of performing RTA in the field. Given that this methodology has been used by Water Board Staff and defended as scientifically reputable and repeatable, we are requesting the Water Board to consider revising Section C.10.b.i to allow the inspection of suspected trash hot spot photographs as an alternative to onsite Urban RTA's.

In closing, the District would like to thank the Water Board for considering the comments and suggested improvements to the MRP. We are looking forward to continuing this collaborative effort to develop a Municipal Regional Permit that focuses on measurable solutions and programs to decrease pollution and improve water quality, while taking into account the realities of the current economic crisis. Please contact me at 707-644-8949 ext. 261 if you have questions regarding the District comments and suggested changes.

Sincerely,



Daniel T. Tafolla
VSCFD Environmental Services Director