



April 1, 2009

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

**SUBJECT: COMMENTS ON FEBRUARY 11 TENTATIVE ORDER MUNICIPAL NPDES  
REGIONAL STORMWATER PERMIT**

Dear Mr. Wolfe:

This letter provides the City of Walnut Creek's comments on the Water Board's February 11th Tentative Order Municipal Regional Stormwater NPDES Permit (MRP). We commend Water Board staff's effort in making improvements to the previous version of the MRP by allowing flexibility in implementation toward stated goals and outcomes in areas such as construction inspection, public information and outreach. The City continues to support the opportunity to achieve consistency in municipal performance throughout the Bay Area and understand that *some* additional requirements may need to be added to address the TMDLs in our region.

However we still have concerns regarding other MRP provisions especially those addressing the monitoring and trash reduction requirements that have not yet been adequately addressed in the February 11th proposed MRP.

1. New monitoring requirements represent a very significant increase in resource demands and some of the requirements are still not based on sound science and are too prescriptive to allow for adaptive monitoring. As an example, the requirement to conduct long-term trend monitoring is confusing and appears to be a merger of disparate monitoring requirements that have significant overlap with other monitoring provisions.

Though water quality monitoring is an important component of the Permit, these requirements are not without cost and need to bear a reasonable relationship to the management requirements that municipal stormwater programs are charged with addressing under the federal Clean Water Act. As currently drafted, many of the monitoring requirements are not necessary, will provide little or no useful information, and are not prioritized. Some sampling parameters (such as algae and nutrient) are based on methods that are yet to develop and nutrient criteria guidance that has not been formally adopted by the Board. We request that the

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requirement for nutrient and algae sampling be removed from the MRP and replaced by the design of a nutrient characterization study to be conducted in the next permit term.

2. The proposed Trash Reduction provision was based on a flawed assumption that litter problems occur in all cities in the Bay areas. It does not recognize progressive efforts already implemented by those cities that have successfully controlled litters and illegal dumping problems. In the current economic crisis faced by many municipalities, investing in full-capture devices as the ultimate mechanism to control trash or litters is a waste of financial resources for some cities. This provision should allow some flexibility for cities to choose the appropriate best management practices to achieve the established trash reduction goal.

Moreover the MRP must clarify that the proposed Trash Action Level (TAL) of “100 trash items per 100 feet of creek” is a goal and potential trigger for follow-up BMP-based actions and not a water quality objective or numeric effluent limit. Having a specific number of trash items established as the TAL goal is more consistent with the goal statement provided in Provision C.10.a.(i) and allows less subjectivity than the Urban Rapid Trash Assessment Protocol.

In addition to the comments above, the City of Walnut Creek strongly supports comments submitted by BASMAA, which represents the collective thinking of all 76 Phase 1 co-permittees in the Bay Area. The document provides a thoughtful comprehensive, integrated, and optimized approach, from a local government perspective, on practicable and realistic stormwater management. We look forward to continuing our cooperative working relationship as we endeavor to address significant challenges in reducing stormwater pollution, an objective to which the City of Walnut Creek is firmly committed.

Sincerely,



Gary Skrel  
Mayor

cc: Donald Freitas, Contra Costa Clean Water Program