

October 6, 2011

Mr. Dale Bowyer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

Engineering  
Planning

Re: Draft Tentative Order R2-2011-XXXX  
Amendment Revising Order No. R2-2009-0074

Mailing Address:  
P.O. Box 26460  
San Jose  
CA 95159-6460

Dear Mr. Bowyer:

I am a principal in a local Civil Engineering firm providing site design for development projects throughout Silicon Valley. This letter is written in response to the proposed revisions to the MRP regarding the changes to the Santa Clara Permittees Hydromodification Management Requirements (Provision C.3.g., Attachment F).

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We strongly urge the Board not to adopt the proposed revisions to Provision C.3.g., Attachment F or the Santa Clara Permittees HM Map with this revision. The changes as proposed are such that there is no ability to discuss whether a property should be subject to HM controls – if the property is located in a “green” area, then HM controls are required. This “cast in stone” approach is not reasonable. It is our understanding that the HM Map was prepared at a “large scale” level. Therefore, we do not believe it accurately depicts all areas where catchments and subwatershed areas are greater than or equal to 65% impervious. This is especially true for the recent study of the “pink” areas. From discussions when this study took place, we believe there are areas that have been changed to “green” on the Map that should actually be shown as “red”. Section 5 of Appendix F allows the Program to evaluate individual receiving water bodies for implementing alternative methods to achieve HM controls. Similarly, Appendix F should be revised to provide a means to allow the Program (or project proponents) to provide studies and analysis to determine the imperviousness of an individual catchment or subwatershed area. This process is allowed by other regulatory bodies (FEMA, for example, with regard to FIRM maps), and would solve the “cast in stone” concern mentioned above.

In addition, the lack of sufficient identifiable landmarks (major local streets and expressways, or other physical features) makes it very difficult to accurately identify the location of a property on the HM Map. This results in negotiation between the developer and the jurisdiction, particularly for those properties that are on the border between colors.

I strongly urge that adoption of the revisions to Provision C.3.g. and the Santa Clara Permittees HM Map be delayed until the issues listed above are addressed.

Sincerely,



Michael C. Sheehy, RCE, QSD  
Vice President/Principal Engineer