

April 3, 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 THE REVISED MUNICIPAL REGIONAL
STORMWATER NPDES PERMIT TENTATIVE ORDER

Dear Mr. Wolfe:

These comments are filed on behalf of the Unincorporated Area of Alameda County and the Alameda County Flood Control and Water Conservation District (Alameda County) with regards to the Revised Tentative Order for the Municipal Regional Stormwater NPDES Permit for Discharges from Municipal Phase I Permittees in the San Francisco Bay Region (Revised Tentative Order) issued on February 11, 2009. I request that you distribute a copy of these comments to the Regional Board members and include the comments in the record of this administrative proceeding.

We support and concur with the comments filed by the Alameda Countywide Clean Water Program (ACCWP), Gary Grimm, legal counsel to and on behalf of the ACCWP, and by the Bay Area Association of Stormwater Management Agencies (BAASMA).

With the serious decline in government revenues over the past few years, local agencies are having difficulty funding the current stormwater programs and do not have the resources to take on additional costly and burdensome requirements. And while we appreciate that you have incorporated several of the suggestions submitted by co-permittees in this Revised Tentative Order, we still have great concerns with unaddressed items and new requirements that provide little or no water quality benefit. Of particular concern are the requirements involving excessive monitoring and reporting presented to you in ACCWP's April 3, 2009 comment letter on the Revised Tentative Order, attachments 2 and 3. In addition, we describe our specific concerns below with proposed revisions to permit provisions. We hope that you and your Board will direct your staff to work with local agencies to address these concerns so that we can move forward in addressing pressing water quality problems expeditiously and efficiently.

C.2.d.ii (2) DO data

Concern: The Revised Tentative Order requires the collection of DO data from all pump stations twice a year during the dry season.

Proposed Resolution: Change the maximum sampling required to twice per year for two years and allow an exemption from monitoring in situations where it can be demonstrated that there is no potential water quality problem, such as in Livermore, where the summer discharge is to a dry arroyo or where the discharge rate is too minimal to impact water quality.

C.2.d.ii (4) SW Pump Stations Implementation Level

Concern: Requiring inspection on pump station in the first business day after every ¼ inch storm is excessive.

Proposed Resolution: Change inspection of pump stations in the first business day after a ¼ inch storm to after a ½ inch storm.

C.10.a.v. Trash Capture Requirements

Concern: The Revised Tentative Order reads “Previously Installed Trash Capture Device Credit- Credit can be claimed for trash full capture devices...” Other devices such as sea curtains and booms, used more commonly by the Flood Control District, that have been previously installed should be eligible for credit as well.

Proposed Solution: Revise to clarify that trash capture devices other than full capture devices are also eligible for credit.

C.4. Industrial and Commercial Site Controls

Concern: The Revised Tentative Order defines several requirements to be implemented by “each permittee” throughout Provision C.4. Certain entities do not have industrial and commercial facilities (i.e. the Alameda County Flood Control and Water Conservation District).

Proposed Solution: A statement should be added to this provision, deeming this provision non-applicable for permittees that do not have industrial and commercial facilities.

C.5.e.ii. Collection System Screening – Implementation Level

Concern: This provision requires “Permittees” to “implement the screening program by conducting a survey of strategic collection system check points (one screening point per square mile of Permittee urban and suburban jurisdiction area, less open space)...” This requirement is geared more toward cities and not toward non-populated Permittees such as the Alameda County Flood Control and Water Conservation District.

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Proposed Solution: This provision should exclude non-populated Permittees or include requirement that are specific for non-populated Permittees.

We believe it is essential that the Tentative Order be further revised as outlined in our comments and those of the ACCWP in order to achieve maximum water quality benefit with the resources available. These changes are necessary in order to avoid waste and reflect our budget realities. We look forward to continuing our dialog with you and your staff on the issues described in this letter and we request your consideration of Alameda County's recommended changes to the Revised Tentative Order.

Sincerely,

Original signed by

Bill Lepere

Deputy Director of Development Services