



# Alameda Countywide Clean Water Program

A Consortium of Local Agencies

951 Turner Court, Hayward CA 94545-2698  
(510) 670-5543 FAX (510) 670-5262

November 8, 2006

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the Alameda  
County  
Flood Control  
District

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

**SUBJECT: PRELIMINARY COMMENTS ON STAFF DRAFT MUNICIPAL  
REGIONAL NPDES PERMIT DATED 10-16-06**

Dear Mr. Wolfe:

The Alameda Countywide Clean Water Program (ACCWP) appreciates the opportunity to review and provide comments on the draft Municipal Regional Permit (MRP) distributed by Water board staff on October 14. The ACCWP, along with other Bay Area stormwater programs and municipal agency staff, have spent countless hours working with Water Board staff and NGO (non-governmental organization) representatives for over two years to develop a Municipal Regional Permit that will satisfactorily coordinate and implement urban runoff pollution control in the San Francisco Bay area. We are very dismayed that the draft MRP does not reflect the time and energy that has been devoted to this effort nor does it reflect the consensus that was reached within the technical work groups that spent six months wrestling with the details of the component performance standard tables.

The short turn-around time has not allowed us to develop a complete or detailed set of comments, therefore, the attached comments should be considered preliminary. However, a review of the draft permit has raised many significant concerns, including, but not limited to the following: (1) it is not internally consistent in content or format which makes it difficult and in places impossible to understand the extent of the requirements; (2) it is far too prescriptive, for example, specifying the content of annual industrial and commercial business inspection training sessions; (3) it includes requirements that are outside the proper scope of municipal stormwater discharge permits, for example, requiring controls on discharges to waters of the State that do not pass through a municipal storm drain system; (4) it proposes an enormously burdensome level of reporting with little benefit; (5) it proposes a very expensive monitoring and assessment program much of which has little connection, to or nexus with, improving water quality; (6) it makes permittees responsible for regional activities that are outside of their authority to control; and (7) it adds more restrictive requirements without sufficient

evaluation of the effectiveness of existing requirements, for example, reducing the threshold for the implementation of numeric treatment requirements at new development or redevelopment sites from 10,000 to 5,000 square feet. The attached enclosure provides additional detail about these concerns.

The Bay Area Municipal Stormwater Management Agencies Association (BASMAA) submitted a proposed draft permit to the Water Board on September 22, 2006 that reflects the countless hours spent working on the development of that document. The document is consistent in content and format, is based upon the tables developed by the technical work groups, provides for streamlined reporting and incorporates an increased level of performance across all components and in particular for the pollutants of concern, which we believe should be the priority and focus for this round of permitting. It furthermore provides for real achievements in water quality protection and improvement. For these reasons, we believe the BASMAA document should be the basis for the ongoing permit negotiations. Consequently, we request that you modify your ongoing process to reflect our concerns. We believe this will result in an improved document that better achieves the Water Board's and local agencies' objectives for improving water quality.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Cote".

Kathy Cote  
Management Committee Chair

Attachment: Preliminary comments on draft Municipal Regional Permit

Copy: Shin-Roei Lee, SFBRWQCB  
Janet O'Hara, SFBRWQCB