



Department of Public Works  
Engineering Division

July 13, 2007

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 MAY 1, 2007 ADMINISTRATIVE DRAFT MUNICIPAL  
REGIONAL PERMIT

Dear Mr. Wolfe:

This letter provides the City of Berkeley's comments on Water Board staff's May 1, 2007 Administrative Draft (Draft) municipal regional stormwater permit (MRP). The City agrees with and strongly supports comments submitted by the Bay Area Stormwater Management Agencies Association (BASMAA). However, given the significant length of the Draft, relatively short turnaround time for providing comments, and the current series of meetings between Board staff and BASMAA managers to discuss the Draft, there has been insufficient time to fully review the Draft. I anticipate that the City will provide additional comments following the meetings between your staff and BASMAA and during the formal commenting period.

I want to call your attention to a particular portion of the permit, Provisions C.3.b.(3) and C.3.b.(4). These provisions will have significant adverse impacts to the City as well as other agencies by changing Provision C.3.c.i.3 of our current permit. The current Provision C.3.c.i.3 was mutually agreed upon after endless discussions, significant studies of this provision and cost analysis to implement. Provision C.3.c.i.3 is the exclusion of certain roadway projects from the Group I definition.

Currently, the proposed changes embraced in Provisions C.3.b(3) and (4) would adversely impact local street and road construction and maintenance. Due to the unstable and declining local road maintenance funding, increased construction costs, and continued deterioration of aging roads, there is a large unfunded backlog of repairs. The proposed changes would exacerbate an already difficult infrastructure management situation.

Implementation of Provisions C.3.b(3) and C.3.b(4) would unreasonably increase the costs for rehabilitation of all roadways. This expanded requirement would deter simple, routine

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surface repaving of the streets carrying the majority of traffic through municipalities. Rehabilitation of roadways are currently subject to major costs due to the need for structural capacity and provision for accessibility and traffic impacts. The proposed change would increase project costs for a benefit that has not been shown to exist. Additional discussion on this matter between your staff and BASMAA is needed to clarify these provisions, so that constructive comments can be submitted.

The City continues to support reducing stormwater pollution and the cooperative relationship between the Alameda Countywide Clean Water Program and the Water Board. We look forward to developing a sensible and mutually agreeable MRP.

Sincerely,



Jeffrey L. Egeberg  
Manager of Engineering

cc: Lorin Jensen, Supervising Civil Engineer  
Danny Akagi, Assistant Civil Engineer