



July 13, 2007

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

Re: City of Sunnyvale Comments on Municipal Regional Permit (MRP) –
Administrative Draft

Dear Mr. Wolfe:

Thank you for the opportunity to review and provide comments on the May 1, 2007 Administrative Draft (Draft) of the Municipal Regional Permit. We also appreciate that you and your staff were able to meet with representatives of the Bay Area Storm Water Management Agencies Association (BASMAA) to discuss a number of details and concerns we share about many of the permit requirements.

The organization of May 1, 2007 Administrative Draft was a significant improvement over the October 16, 2006 version of the MRP. However, the City of Sunnyvale still has a number of concerns that were expressed to you in our comment letter dated November 8, 2006 which have not been addressed in this Draft, including the following:

- There is still no indication of priorities or focus in the Draft: There is still a relatively large “wish list” of activities and requirements that have not been linked to water quality benefits. This results in a larger financial burden on the permittees than the current funding climate will support.
- Lowering the threshold for municipal application of the C.3 requirements for new and redevelopment projects in the local planning approval process from 10,000 square feet of impervious area to 5,000 square feet without any assessment of the existing projects that commenced implementation barely a year ago is premature. The water quality benefits for compliance with C.3 requirements for projects of this size have not been shown in communities that are highly developed or built out.
- There are a number of new reporting requirements for Conditionally Exempt discharges that were not in October 16, 2006 Draft. The new requirements will be burdensome to

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municipalities and will not provide any significant water quality benefits that we can identify.

- Section C.10 contains a very prescriptive list of requirements to deal with trash problems that does not leave room for innovation or the use of alternative methods for trash/litter control. After having used the Urban Rapid Trash Assessment Methodology at several sites in the City of Sunnyvale over the past three years, we find there are some problems in using this tool as the only mechanism at downstream locations to identify highly impacted waterways.
- While Attachment F does address some of the concerns Sunnyvale expressed earlier regarding the third-party review requirements, we will still need additional review of the proposed language by our City Attorney to determine the impact to the City's existing Storm Water Ordinance, SMC 12.60.

As was expressed by the BASMAA representatives at the meetings that were held in June, many concerns that were provided in our previously submitted comments remain. In addition, a number of provisions were added to the May 1, 2007 Draft that are new and continue to expand requirements for municipalities without demonstrating their water quality benefits. Sunnyvale agrees with the concerns BASMAA highlighted in their July 13, 2007 letter and supports their comments on the Administrative Draft permit.

If you have questions regarding these comments, please contact me at (408)730-7268.

Sincerely,



Lorrie B. Gerwin
Environmental Division Manager

cc: Tom Mumley, Assistant Executive Officer
Shin-Roei lee, Chief – South Bay Watershed Management Division
Adam Olivieri, Program Manager, SCVURPPP
Donald Freitas, Chair, BASMAA