

J. AARO



CITY OF DUBLIN

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JUL 18 2007

July 13, 2007

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

Subject: Draft Municipal Regional Permit

Dear Mr. Wolfe:

The City of Dublin appreciates the opportunity to review the draft Municipal Regional Permit (MRP) for local agencies which was distributed by Board staff on May 1, 2007.

The City of Dublin is committed to a good-faith effort to continue reduction of pollutants and improvements to water quality within the Bay Area. We recognize the effort put by Board staff into the preparation of the draft MRP. We also recognize that Board staff has made numerous revisions to the permit since it was first released in draft form last October.

Following detailed review of the current version of the permit, we remain concerned that many requirements of the permit will not result in improved water quality and may detract from Permittees' ability to carry out existing or improved local clean water programs due to demands on funding, staff, and other resources. The permit continues to require an extraordinary amount of record keeping and reporting. The permit requires a greatly increased monitoring effort under Section C.8, as well as numerous other redundant monitoring requirements in other sections of the permit.

Section C.3 contains several new requirements of concern to local agencies. The new permit would lower the threshold for the requirement of water-quality measures for new development from the current limit of 10,000 square feet down to 5,000 square feet, with an accompanying increase in local agency staff time to review, inspect, and monitor these sites. We believe that the time and effort (including reporting requirements) spent on what are largely in-fill projects would be better spent on area-wide measures associated with larger developments, or enhancements to local agency maintenance programs that would benefit the entire community.

Section C.3 also contains a provision that local agencies install treatment measures in conjunction with reconstruction of pavement on arterial streets. This is regardless of whether or not the pavement reconstruction results in increased impervious surface area. The additional cost of treatment measures will severely dilute the availability of funds to address the current backlog of pavement maintenance needed throughout the Bay Area. We believe that the current permit conditions may lead agencies to address the added costs by simply deferring needed reconstruction, which will result in none of the intended water quality improvements as well as continued deferral of pavement repairs. We believe that there are other permit requirements (such as copper reduction under Section C.13) that address runoff from arterial streets, and that the specific requirements regarding street reconstruction can be removed without adversely impacting water quality goals.

Section C.10 requires an entirely new effort to reduce or abate accumulation of trash in drainage systems. We believe that this is a worthwhile effort, and have no issues with the overall goals of this section, but find the permit to be overly restrictive in terms of process. We have suggested changes that we believe would reduce cost and result in a more flexible process for Permittees to meet the permit goals.

Similarly, Sections C.9, C.10, C.11, C.12, and C.13 include requirements for reduction of metals and other pollutants of concern. We concur with the pollutant reduction goals but are concerned with monitoring requirements that are overlapping and redundant with the requirements of Section C.8. Further, these sections contain requirements that we believe are outside the jurisdiction of municipalities to perform, and that some of these tasks are better handled at the State and Federal level.

Specific comments on each section of the permit are as follows:

C.1 (Water Quality Standards Exceedances)

1) Sections C.1b and C.1c: it is suggested that the 30 day period for a Permittee to respond to notifications from the Board and/ or to implement revised control measures be extended as mutually agreed upon by the Permittee and the Board, dependent on the nature of the issue. For Permittees, 30 days is an extremely short and potentially unrealistic time period in which to develop and implement changes to the Permittees' clean water program, since these measures may require budget revisions and additional staff, training, or other resources.

C.2 (Maintenance)

1) Section C.2c(i): It should be permissible for sweeper operator training to be conducted at the county or regional level, as the smaller individual Permittees would not have the resources to provide training in a cost-effective manner.

2) Section C.2e.(i): The requirement that Permittees shall mark and maintain all storm inlets with an awareness message should be revised to require that Permittees have an ongoing program for marking and maintaining markings on inlets. The City of Dublin has and continues to use volunteer work parties (schools, Boy and Girl Scouts, Dublin Pride Week, etc.) for installation of storm drain markers as a public outreach and education effort. The value of these events is not so much the installation of additional markers but the understanding that participants (particularly students) come away with regarding water-quality issues and things that they can do to prevent pollution. Requiring that agencies immediately mark inlets would eliminate this opportunity for ongoing outreach and education.

C.3 (New Development and Redevelopment)

1) Section C.3.a(i)(3): Pollutant loadings for 303(d) water bodies needs to be allocated to individual Permittees in order for post-project runoff requirements to be set. It is unclear where Permittees will receive this information in order to set conditions.

2) Section C.3.a(i)(9): Connection of swimming pool drains to sanitary sewers may not be possible in all locations due to sanitary sewer capacity, and will require approval of the sewage agencies. The section should be revised to add the language "subject to approval of the appropriate sewage agency".

3) Section C.3.a(i)(10): This paragraph should be deleted. The requirement for LID is vague, redundant with other new development water quality measures, discounts the effectiveness of treatment or other source control or design measures in achieving water quality goals, and maybe in conflict with Permittees' adopted General Plans, Specific Plans, or individual project entitlements.

4) Section C.3.a(i)(11): This paragraph should be deleted for the same reasons.

5) Section C.3.b(i)(3): Modify this paragraph to eliminate the requirement that trails be subject to the treatment provisions. This is a departure from the prior permit draft that excluded trails not constructed as part of a larger project. It should be noted that, under these conditions, a trail infill or gap closure only 500 long (less than a City block), costing approximately \$50,000, would require treatment measures of perhaps equal value. These cost increases would discourage completion of non-vehicle transportation improvements that provide indirect water-quality improvements by reduction of vehicle travel (as well as public safety in some cases). It is also unclear what pollutants are to be treated, since trails are closed to vehicle traffic and accommodate only pedestrians or bicycles.

6) Section C.3.b(i)(4): This paragraph should be eliminated. Reconstruction of pavement does not generate additional impervious surface, and may actually help water quality be eliminating failed and broken pavement that will continue to be washed into storm systems unless repaired. Municipalities are generally facing a backlog of pavement repair and the additional cost of water quality treatment will only further delay needed repairs. This provision may encourage agencies to defer reconstruction in lieu of other repair methods, with the result that no water quality improvements are achieved and the public does not receive the benefit of a properly repaired road.

7) Section C.3.b(ii): This requirement should be eliminated. The inclusion in the permit of all new development (including single family-homes) creating over 5,000 square feet of impervious surface will be time-consuming and cumbersome, and is not a cost-effective use of Permittees' resources. Projects of this size are typically infill projects located in developed areas, where the Permittee is already implementing water-quality measures through its' maintenance efforts. The time and resources spent in achieving limited water-quality improvements for infill projects could be better spent on projects providing agency- or program-wide benefits. It should also be noted that these projects are already subject to plan review, grading, site and building permits and inspection by the municipality, which will preempt most of the water-quality problems associated with these projects.

8) Section C.3.b(iv): It is out understanding that the word "approved" would apply to projects for which construction permits have been issued, as approved project entitlements are do not necessarily lead to construction.

9) Section C.3.c: This section should be eliminated. See comments under Section C.3.b(i)(4) above.

10) Section C.3.c(vi): The requirement to generate a report for lot-scale treatment BMP's is redundant, as numerous existing BMP's are available to Permittees for use on individual lots.

11) Section C.3.e(iii): The O&M reporting process should be simplified. The permit requires reporting on individual O&M inspections, AND reporting on overall percentage compliance of sites inspected, AND reporting on overall percentage of compliance by type of water-quality measure, AND a comparison of the above percentages to prior year reports. This is redundant, unnecessary reporting.

12) Section C.3.j: This section should be eliminated. The requirement for collection of data on new impervious surfaces down to 1,000 sf with the level of detail required in the report is cumbersome and time consuming, and without any apparent contribution to water quality. Permittees are already required under Section C.3.b report the impervious surfaces area of new projects subject to the permit (10,000 sf or more) and to document how these projects will be treated. This requirement, if implemented, will utilize Permittee resources that could be better spent on other issues.

C.4 (Industrial and Commercial Inspections)

1) Section C.4.a(i)(a): It is suggested that the timeframe for cleanup or abatement be increased beyond 48 hours if, in the judgment of the Permittee, the situation does not create an eminent danger of discharge to drainage systems.

2) Section C.4.c: The creation of a formal Emergency Response Plan (ERP) as described in this section is not necessary for agencies to adequately address pollution or discharge issues at sites. The City of Dublin currently has the staff and the resources to provide the required inspections on an annual basis and to follow up on situations requiring correction. Formalizing the practice would be unproductive because the nature of situations varies and response is adopted to fit the situation. Further, the ERP requirements focus heavily on progressive enforcement; the City of Dublin has found that the majority of business owners are responsive to education and will modify their operations voluntarily.

Permittees are required to note unresolved inspection issues in the annual report, which is motivation to complete followup action as necessary to address problems; the ERP is redundant.

Section C.5 (Illicit Discharge) and Section C.6 (Construction Inspection) also include requirements for an ERP. This will result in either three different versions of an agency ERP, or a single ERP with multiple sections, either of which will be difficult and unwieldy for Permittee staff to implement.

3) Section C.4d(iii); The requirement that Permittees provide copies of training evaluation results to the Board is of minuscule benefit to water quality and should be removed. Evaluation of training results is an internal concern of Permittees.

C.5 (Illicit Discharge)

1) Section C.5.b: The creation of a formal Emergency Response Plan (ERP) as described in this section is not necessary for agencies to adequately handle discharge response and cleanup. The City of Dublin currently has the staff and the resources to respond to incidents; formalizing the practice would be unproductive because the nature of incidents varies and response is adopted to fit the incident. Further, the ERP requirements focus heavily on progressive enforcement; the City of Dublin has found that the majority of incidents can be resolved with the initial response and rarely involve repeat offenses.

Section C.4 (Business Inspections) and Section C.6 (Construction Inspection) also include requirements for an ERP. This will result in either three different versions of an agency ERP, or a single ERP with multiple sections, either of which will be difficult and unwieldy for Permittee staff to implement.

Section C.5.c, Spill and Dumping Response, should be retained as written and should serve as the ERP, since it contains adequate requirements for Permittees to respond to incidents.

2) Section C.5.b(i)(2): It is suggested that Board notification not be required for situations not remedied within 48 hours if, in the judgment of the Permittee, that the situation is under control and that eminent danger of discharge to drainage systems is no longer an issue, in order to reduce numerous notifications to the Board.

3) Section C.5.b(i)(6): Reporting of discharges in the Annual Report is already covered by the completion of the Illicit Discharge Inspection Quarterly Summary Reports.

4) Section C.5.d: The requirement for collection system screening is redundant with the requirements for system inspection and cleaning under Section C.2 as well as trash assessments under Section C.10.

4) Section C.5f: This section is unnecessarily detailed. The section should be simplified to require only a brief summary of past and future plans, based (if needed) on the past year's activity. Presumably, Permittees will need to discuss how any outstanding incidents will be treated in the following year. Furthermore, Permittees would address problems or make improvement to their procedures on an ongoing basis, and formal reporting on a year-by-year basis is an unnecessary administrative burden.

5) C.5.g: The reporting of training events is unnecessarily detailed.

C.6 (Construction Inspection)

1) Section C.6.b: See prior comments on the requirement for an Enforcement Response Plan. Construction work within the City of Dublin is completed under either a construction or encroachment permit issued by the City, or under a contract with the City. Work is performed under the ongoing review of inspectors, who have adequate tools (such as stop work orders) to generally create an immediate response to problems and to ensure cleanup or mitigation as needed. Work is completed under a bond or direct contract with the City, which gives the City adequate financial leverage to ensure that problems are addressed.

2) Section C.6.d: The reporting requirements are redundant with reporting requirements under new development. This will result in reporting of two lists, one for development projects and a second for many of those same projects that are now under construction.

3) Section C.6.f(ii): The requirement for screening level inspections is redundant with the requirement that Permittees send out September 1st notices followed by October 15th inspections. Under the above requirement (which the City of Dublin is currently following), all construction sites will be inspected prior to the wet season.

The Alameda County Clean Water Program has developed an erosion control checklist for use by inspectors. This checklist will provide the needed inspection effort required under this section and the detailed description of inspections in this section is not needed.

4) Section C.6.f(ii)(3): The reporting required under this section appears to be redundant with the reporting required under Section C.6.e (iii).

It is suggested that Sections C.6.e and C.6. be streamlined and merged into a single section, with one set of requirements for inspections and reporting.

C.7 (Public Information and Outreach)

1) Section C.7.a: The requirement that Permittees shall mark and maintain at least 90% of all storm inlets with an awareness message should be revised to require that Permittees have an ongoing program for marking and maintaining markings on inlets. The City of Dublin has and continues to use volunteer work parties (schools, Boy and Girl Scouts, Dublin Pride Week, etc.) for installation of storm drain markers as a public outreach and education effort. The value of these events is not so much the installation of additional markers but the understanding that participants (particularly students) come away with regarding water-quality issues and things that they can do to prevent pollution. Requiring that agencies immediately mark inlets would eliminate this opportunity for ongoing outreach and education.

2) Section C.7.g: Under this section the City of Dublin will be required to participate in two Community Involvement Events. This is in addition to the City participate in at least four public outreach events during the year, for a total of at least six events. This is an increase of 50% over the level of public outreach the City is required to participate in under the current permit.

Given that, under the new permit, Permittees will need to deal with the cost and staffing issues of numerous other additional requirements (increased monitoring, reporting, TMDL's, trash reduction, etc.), the cost and effort associated with the additional public outreach effort is arbitrary and punitive. The additional public outreach requirements should be eliminated from the requirement, unless other requirements of the permit of equal cost and effort are removed.

3) Section C.7.h: The requirements to asses and quantify awareness and behavioral change are difficult to achieve, are of questionable accuracy, and not a cost-effective use of resources. It is suggested that Sections C.7.h(ii) and (iii) be eliminated.

4) Section C.7.i: This section should be eliminated. Public officials will become fully aware of the new permit requirements trough the Permittee budget revisions that will be necessary to implement the new permit.

5) Section C.7m: This section should be eliminated. The research required under this section is of questionable value and accuracy, and, given the resources that Permittees will need to devote to other requirements of the permit, not a cost-effective use of resources.

C.8 (Monitoring)

1) General: Permittees within Alameda County will be responsible for, in addition to ongoing contribution to the Regional Monitoring Plan, new monitoring efforts that include Status and Trends Monitoring for over a dozen creeks, at least one long-term monitoring effort at a fixed site, five monitoring projects (one per year), and TMDL monitoring, preparation of reports meeting SWAMP and other specific formats, and public outreach. This is a monitoring effort that appears to be double to triple the monitoring effort under the current permit.

The proposed monitoring program will be time-intensive and costly. The proposed monitoring program (including the sediment study and TMDL study) requires monitoring on a very broad front as opposed to being focused on specific locations or types of pollutants. The proposal appears to give no credence to past monitoring efforts performed over the last two decades which, presumably, have resulted in the collection of valuable data and would allow development of a more focused monitoring program of trouble areas or tracking of specific pollutants of concern. Focused monitoring of trouble areas and/or specific pollutants, followed by development of response plans would be a better use of agency resources.

2) Section C.8.c(iv): Permittees are required to submit an Electronic Status and Trends Report not later than May 1 of each year, based on the foregoing July 1 – June 30 period. Does this refer to the PRIOR fiscal year data collection, allowing the period July 1 through May 1 to be available for preparation of the report. This implies that the report will take the better part of a year to prepare, in turn implying that the report will be time-intensive and expensive to prepare.

Also, data will be unavailable for a year and always a year out of date.

C.9 (Pesticides Toxicity Prevention)

1) Section C.9.e(i): The permit requires that Permittees track and participate in regulatory decisions by the U.S. Environmental Protection Agency and the State of California Department of Pesticide related to pesticides. This requirement should be eliminated. Tracking of Federal and State legislation and regulations is beyond the scope of municipalities. This is a task better performed at the State level.

If the Regional Board has determined that certain pesticides pose a hazard to water quality, Permittees, through the program, could provide support to the Board's effort to eliminate these products through action at the State and Federal level.

2) Section C.9.f(i): The permit requires that Permittees work with County Agricultural Commissioners to enforce pesticide laws regarding over-the-counter products. This requirement should be stricken. Enforcement of pesticide regulations is prohibited at the local and county level, and is reserved for State and Federal agencies.

3) Section C.9.h(i): Permittees are required to conduct public outreach at the point of purchase. This should be revised to require outreach on pesticides to be completed in conjunction with other public outreach efforts. Permittees have no authority to enter private property and distribute information advising customers not to purchase products that are legally on sale.

4) Section C9.h(ii): The reporting requirements include documentation of "increased level of awareness and behavior changes resulting from outreach". This requirement is vague and subjective. Reasonably accurate results could be obtained only through extensive surveys of public awareness, bringing further cost to a program already heavy in reporting, surveys, and monitoring.

C.10 (Trash Reduction)

1) Section C.10.a: It is unclear if activities required apply to individual Permittees, or if "Permittees" refers to the Alameda County Clean Water Program as a whole. It is noted that the nature of the tasks lend themselves to a group county-wide effort.

2) Section C.10.a(ii): The requirement to use the SCURTA, Version 1 method for the trash assessment sites should be modified to allow modification of the assessment method as determined to be appropriate by the Permittees.

3) Section C.10.a(ii): The requirements for site sampling are once after April 15th and once prior to October 15th. These samples will actually occur in reverse order, since the sampling requirement will not kick in until the second year of the permit, presumably the 2008-09 Fiscal Year. The Fall sampling will occur prior to October 15, 2008 and the Spring sampling prior to April 15, 2009. It is suggested that the permit be revised to note the actual dates that the work will occur.

4) Section C.10.a(ii): The requirement for Permittees to develop pilot wet weather trash transport assessment methods is vague and of unclear value. Basically, trash caught by runoff will flow downstream. Analysis of specific assessment sites will be needed in any case

to determine site-specific mitigation methods, the requirement for generic analysis is unnecessary.

5) Section C.10.c: The term "by Year 4" is unclear as to whether this task needs to be completed in the 3rd Year (by start of the 4th Year) or during the 4th Year.

6) Section C.10.d(v): The term "by Year 5" is unclear as to whether this task needs to be completed in the 4th Year (by start of the 5th Year) or during the 5th Year.

7) Section C.10.e: This section requires a minimum of 20 new pilot trash capture measures within Alameda County. The prior section (Section C.10.d) requires that Permittees implement enhanced trash reduction measures needed to meet the trash standards in Section C.10.c. It is unclear if the 20 new pilot programs are a minimum needed in addition to measures implemented under Section C.10.d, or if measures installed under Section C.10.d can be applied to the 20 minimum sites under Section C.10.e.

Implementation of measures under Section C.10.d is performance-based, while the requirements under Section C.10.e are statutory. It is not clear how or if the requirements are related.

The time frame for completion of the Section C.10.e measures (within the lifespan of the five-year permit) is not clear.

The term "pilot" suggests that the 20 measures required under this permit will be the initial phase of a larger program to follow. It is unclear as to what the criteria will be for requiring additional measures in the future, and how or if this will be based on the results of the assessment site monitoring.

C.11 (Mercury Load Reduction)

1) Section C.11.c: The mercury fate, transport, and uptake studies appear redundant with the monitoring required in Section C.8. The requirement for separate mercury studies under this section should be eliminated, or the monitoring under Section C.8 should be scaled back in favor of pollutant-specific monitoring.

The purpose of the studies required under this section is unclear. Reduction of mercury would seem to be a better use of available resources as opposed to further studies.

The permit language gives no credence to prior studies that may provide the data useful in developing better reduction measures.

2) Section C.11.d: The 18-month period to develop a County-wide mercury allocation program with Caltrans appears short, given that the studies and monitoring needed to evaluate existing mercury loads will not be completed until Year 4 (if the intent is to use existing data, that may work; however, if existing data is adequate for that purpose, there appears to be no need for the studies required under Section C.11.c).

In addition to Caltrans, there are numerous other land areas under the jurisdiction of other government agencies over which the Permittees have no jurisdiction. For example, Camp Parks, the Santa Rita Jail and other Alameda County buildings, and the BARTD Station and right-of-way are located within Dublin. Other sites that come to mind are UC Berkeley, Cal State East Bay, and the Oakland Army Base. Pollutant loading and reduction from these sites should also be included within the allocation.

3) Section C.11.e: As stated under Section C.11.c, the specific monitoring requirements for mercury are redundant with the overall monitoring requirements under Section C.8. Either these or the Section C.8 requirements should be scaled back.

4) Section C.11.e(ii)(1): The requirement that the benefits of efforts to reduce mercury-related risk to wildlife and human health be quantified should be eliminated: The Permittees can report on quantities of mercury removed. Judging the impact of this effort on human or wildlife health requires biological and medical knowledge that are beyond the scope of a stormwater permit. Presumably, the standards set in the Basin Plan are based on past scientific study of mercury health risks.

5) Section C.11.e(ii): Specific mercury load limits and load reductions are specified in these sections. This being the case, the studies required under Section C.11. c appear redundant.

6) Section C.11.f: The requirement for construction site mercury monitoring appears redundant with the studies required under Section C.11.c and with construction site pollution control measures required under Section C.6.

7) Section C.11.h: The site-specific sampling requirements would appear to have some value in locating mercury "hot spots" and developing reduction or cleanup measures. It is suggested that these requirements be left as is, in lieu of the studies and monitoring required under Section C.11.c and Section C.8.

8) Section C.11.j: This section should be deleted as a specific requirement and should be allowed as an option under Section C.11.i. It is questionable that POTW's will ever allow diversion of storm flows to sanitary sewer systems on a wide-spread basis, and that diversions will remain the exception rather than becoming a standard treatment measure. The resources spent on what at best may become an isolated demonstration project would

be better spent on other, more standard measures that can be implemented on a wider basis.

9) Section C.11.k: The pollutant-specific sampling requirements would appear to have some value in locating mercury "hot spots" and developing reduction or cleanup measures. It is suggested that these requirements be left as is, in lieu of the studies and monitoring required under Section C.11.c and Section C.8.

C.12 (PCB's)

1) Section C.12.a(i): This section should be modified to limit evaluation of PCB removal programs to only those sites under the control of Permittees.

2) Section C.12.a(ii): This section should be eliminated. Regulation of PCB's is not within the scope of actions performed by municipalities.

3) Section C.12.a(iii): Permittees can agree to incorporate identification of PCB equipment into stormwater business and industrial inspections, and forward the findings to the appropriate State or Federal agency, provided that funding for such training is provided by a State or Federal agency. Identification of PCB's or PCB equipment would be limited to that which would be apparent in the course of a normal stormwater inspection.

Removal of PCB's or PCB equipment, beyond that which may be located on a Permittee facility, is beyond the jurisdiction of Permittees.

4) Section C.12b: It is suggested that this section be modified to allow use of existing data regarding presence of PCB's in commonly used construction materials, Permittees can comply with reduction measures by modifying existing permitting procedures to require screening for PCB-containing materials and documentation of PCB removal and disposal during construction.

Demolition permits within the Bay Area currently require a signoff from the Bay Area Air Quality Management District with regards to the presence, removal, and disposal of hazardous materials. The City of Dublin, in the course of closing out demolition permits, requires documentation that any materials noted in the BAAQMD review have been dealt with appropriately.

5) Section C.12.c: See response to Section C.12.a(iii) above.

6) Section C.12.d: This section requires major revisions. The underlying premise of this section seems to be that PCB's are widely present within Permittees' drainage systems. This section should provide greater flexibility for Permittees to determine the extent of PCB's within the drainage system.

The section should also be revised to eliminate abatement of PCB's on private property. Permittees can be responsible for removal of pollutants, including PCB's, which are present in the Permittees's drainage system, or which are actively being discharged into the system. Permittees should not be responsible for PCB's that are present and are not in eminent danger of discharge from the site. The responsibility for abating pollutants on private property is the responsibility of various State and Federal agencies. Permittees can assist these

agencies with identifying pollutants that may become obvious in the course of Permittees conducting their own stormwater programs, but Permittees should not be responsible for abatement.

7) Section C.12.g: See comments above for Section C.11.j regarding POTW diversion.

8) Section C.12.h: See comments above for Section C.11.h and Section C.11.k regarding sampling and monitoring.

9) Section C.12..i: See comments above for Section C.11.e(ii)(1). Evaluation of health risk reduction is a public health issue beyond the scope of a stormwater permit.

10) Section C.12.j: See comments above for Section C.11.a regarding transport assessment.

C.13 (Copper)

1) Section C.13.a: This requirement should be eliminated or revised. Adoption and enforcement of an ordinance prohibiting discharge of washwater from copper architectural features is both impractical and redundant. Enforcement is not practical, since powerwashing or other washing of private buildings does not require a permit or other action from the municipality. The provisions of this section are already covered by the prohibition of washwater under the City of Dublin Municipal Code, as well as other portions of the MRP that require construction and post-construction BMP's for runoff from development.

Further, it is unclear what significance washwater from copper architectural features has in terms of total copper pollutant loading. Resources spent on compliance with this section could potentially be better used in dealing with the brake pad issue, a universal concern to all Permittees.

2) Section C.13.b: it is suggested that the provisions regarding discharge be moved to Section C.3. The remainder of the section should be eliminated.

As a more general comment, there are numerous requirements in the permit for Permittees to adopt ordinances dealing with specific, somewhat narrow topics of pollution. The City of Dublin Municipal Code refers to the adopted stormwater permit by reference and prohibits

discharges that are in violation of the permit. It is suggested that the implementation of the new MRP requirements could be streamlined by allowing Permittees to refer to the MRP by reference in their municipal codes, instead of requiring the adoption of numerous ordinances to cover individual topics.

C.14 (PDBE, Legacy Pesticides and Selenium)

Comments on this section are similar to those for Section 12 (PCB's) above. The section provisions are based on the premise that the above pollutants are present in Permittees' drainage systems, but then requires that extensive testing and reporting to determine if there is a problem. As stated above in Sections C.11 and C.12, specific testing for these specific pollutants may have value, but the general monitoring and testing required under Section C.8 should be eliminated.

C.15 (Exempted and Conditionally Exempted Discharges)

This section places an inordinate burden on Permittees for reporting of what are essentially third-party actions which may be beyond the control of the Permittees.

The City of Dublin has completed an analysis of the fiscal and staffing impacts of the new permit. The City of Dublin currently spends approximately \$173,607 per year on activities directly related to its water-quality program, including staff time, materials, and the contribution to the Alameda County Clean Water Program. This amount does not include maintenance activities such as street sweeping, storm drain inlet cleaning, and trash removal from City parks, nor does it include costs associated with review of land development which are reimbursed by developers. Based on new or enhanced activities required under the new permit, it is estimated that the annual cost of clean water activities will increase to \$376,351, an annual increase of \$202,745 or 117%. Again, this cost does not include likely proportionate cost increases in maintenance and development review. A copy of the comparison is attached.

We hope that this cost comparison gives you some appreciation of the impacts from the current permit requirements to the City of Dublin and other municipalities. We recognize that improvements to water quality will not come without cost, but at the same time these costs need to be managed in order to avoid impacts to other municipal services. Moreover, we would hope that costs for reporting, monitoring, or "nice to have" items could be eliminated and that funds spent will for activities that result in actual improvements to water quality.

Mr. Bruce Wolfe
San Francisco Bay Regional Water Control Board
Comments on Draft Municipal Regional Permit (May 1, 2007 Revision)
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We appreciate your attention to these comments and the ongoing dialogue with the Board as we work through the remaining permit issues. Please call Mark Lander, City Engineer, at (925)-833-6635 if you have any questions regarding our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Morton". The signature is fluid and cursive, with a large initial "M".

Melissa Morton
Public Works Director

ML/tma

cc: Shin-Roei Lee, Water Board
Janet O'Hara, Water Board
Jim Scanlin, ACCWP
Richard Ambrose, City Manager
Joni Pattillo, Assistant City Manager
Mark Lander, City Engineer
Jeri Ram, Community Development Director
Libby Silver, City Attorney

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2007 Municipal Regional Permit

19-Jun-07

Comparison to Existing 2003 Municipal Permit

Category	Existing Permit			Proposed Permit			Net Cost Increase		Additional Requirements Under New Permit
	Local Function Cost	Program Function Cost	Total	Local Function Cost	Program Function Cost	Total			
Overall Program (Meetings, Reports, etc)	\$ 37,231	\$ 10,355	\$ 47,586	\$ 74,462	\$ 10,355	\$ 84,817	\$ 37,231		Implementation of new permit requirements
C.2 Maintenance	\$ 20,304	\$ 1,003	\$ 21,307	\$ 43,756	\$ 1,003	\$ 44,759	\$ 23,452		No change in street sweeping (city currently exceeds requirements of permit); Increased staff time for inlet inspection/ reporting, identification of problem areas; mitigation of problem areas included under C.10-C.13
C.3 New Development & Redevelopment	\$ 7,255	\$ 3,750	\$ 11,004	\$ 79,509	\$ 3,750	\$ 83,259	\$ 72,255		Reduces threshold for permit coverage from 10,000 sf to 5,000 sf; adds single-family houses to permit coverage; increase reporting/ HMP implementation; treatment measures for street reconstruction
C.4 Industrial and Commercial Inspections	\$ 20,304	\$ -	\$ 20,304	\$ 26,828	\$ -	\$ 26,828	\$ 6,525		Development of ERP, increased reporting
C.5 Illicit Discharge Detection and Elimination	\$ 13,049	\$ 1,177	\$ 14,226	\$ 19,574	\$ 1,177	\$ 20,751	\$ 6,525		Development of ERP, increased reporting
C.6 Construction Inspections	\$ 7,255	\$ -	\$ 7,255	\$ 7,255	\$ -	\$ 7,255	\$ -		No major changes; costs charged to developer
C.7 Public Information and Outreach	\$ 24,304	\$ 8,785	\$ 33,089	\$ 32,828	\$ 8,785	\$ 41,614	\$ 8,525		Increases public outreach events from 4 to 6
C.8 Water Quality Monitoring	\$ -	\$ 11,336	\$ 11,336	\$ -	\$ 21,081	\$ 21,081	\$ 9,745		Multiple additional monitoring tasks
C.9 Pesticides Toxicity Prevention	\$ -	\$ -	\$ -	\$ 1,087	\$ -	\$ 1,087	\$ 1,087		No change in current City IPM practices; increased coordination w/ State and Federal agencies and public outreach
C.10 Trash Reduction	\$ -	\$ -	\$ -	\$ 25,033	\$ -	\$ 25,033	\$ 25,033		Requirements for 1st Year and 2nd Year Trash Site Assessments; 3rd-5th Year Enhanced Trash Removal; City contribution to 20 pilot program retrofits
C.11 Mercury Load Reduction	\$ -	\$ -	\$ -	\$ 2,180	\$ 2,049	\$ 4,229	\$ 4,229		Requirements for monitoring and studies; treatment measures
C.12 PCB's	\$ -	\$ -	\$ -	\$ 2,180	\$ 2,021	\$ 4,201	\$ 4,201		Requirements for monitoring and studies; treatment measures
C.13 Copper	\$ -	\$ -	\$ -	\$ 2,180	\$ 50	\$ 2,230	\$ 2,230		Requirements for monitoring and studies; treatment measures
C.14 PBDE, Legacy Pesticides and Selenium	\$ -	\$ -	\$ -	\$ -	\$ 620	\$ 620	\$ 620		Additional monitoring and testing; new control measure costs included under C.10-C.13
C.15 Exempted and Conditional Exempted Discharges	\$ -	\$ -	\$ -	\$ 1,087	\$ -	\$ 1,087	\$ 1,087		Reporting, discharger coordination
Stormwater Fee	\$ 7,500	\$ -	\$ 7,500	\$ 7,500	\$ -	\$ 7,500	\$ -		
Total	\$137,201	\$36,406	\$173,607	\$ 325,460	\$ 50,891	\$ 376,351	\$ 202,745		

*Program cost is 2.18% of total program cost, based on ACCWP Estimated Costs for FY09/10, June 12, 2007

Note: Existing local costs do not include current level street sweeping, storm inlet cleaning, or park and public facility trash litter control, which are considered part of ongoing operation and maintenance costs

Total City Costs	Existing	Proposed	Increase
Staff Costs:			
City Engineer: 0.25 FTE existing; 0.50 FTE new	\$ 60,455	\$ 120,910	\$ 60,455
			\$ -
Public Works Technician: 0.60 FTE ex./ 1.01 FTE new	\$ 65,245	\$ 109,830	\$ 44,584
			\$ -
Subtotal	\$ 125,701	\$ 230,740	\$ 105,040
			\$ -
Materials, Supplies:	\$ 4,000	\$ 6,000	\$ 2,000
Local Programs/ Projects		\$ 81,220	
			\$ -
ACCWP Program Costs (2.18%)	\$ 36,406	\$ 50,891	\$ 14,485
			\$ -
Stormwater Permit Fee:	\$7,500	\$7,500	\$ -
Total	\$173,607	\$376,351	\$ 202,745

Existing Cost Detail										
Category	Staff	City Engineer (FTE)	City Engineer (Cost)	PW Tech (FTE)	PW Tech (Cost)	Local Programs/Projects	Supplies	Permit Fee	ACCWP Program Function Cost	Total
Overall Program (Meetings, Reports, etc)		0.10	\$ 24,182	0.12	\$ 13,049				\$ 10,355	\$ 47,586
C.2 Maintenance		0.03	\$ 7,255	0.12	\$ 13,049				\$ 1,003	\$ 21,307
C.3 New Development & Redevelopment		0.03	\$ 7,255						\$ 3,750	\$ 11,004
C.4 Industrial and Commercial Inspections		0.03	\$ 7,255	0.12	\$ 13,049				\$ -	\$ 20,304
C.5 Illicit Discharge Detection and Elimination				0.12	\$ 13,049				\$ 1,177	\$ 14,226
C.6 Construction Inspections		0.03	\$ 7,255						\$ -	\$ 7,255
C.7 Public Information and Outreach		0.03	\$ 7,255	0.12	\$ 13,049		\$ 4,000		\$ 8,785	\$ 33,089
C.8 Water Quality Monitoring									\$ 11,336	\$ 11,336
C.9 Pesticides Toxicity Prevention										
C.10 Trash Reduction										
C.11 Mercury Load Reduction										
C.12 PCB's										
C.13 Copper										
C.14 PBDE, Legacy Pesticides and Selenium										
C.15 Exempted and Conditional Exempted Discharges										
Stormwater Fee								\$ 7,500		\$ 7,500
Total		0.25	\$ 60,455	0.60	\$ 65,245		\$ 4,000.00	\$ 7,500	\$ 36,406	\$ 173,607

New Cost Detail											Additional Requirements Under New Permit
Category	Staff				Local Programs/Projects		Supplies	Permit Fee	ACCW P Program Function Cost	Total	
	City Engineer (FTE)	City Engineer (Cost)	PW Tech (FTE)	PW Tech (Cost)							
Overall Program (Meetings, Reports, etc)	0.20	\$ 48,364	0.24	\$ 26,098					\$ 10,355	\$ 84,817	No change in street sweeping; Increased staff time for inlet inspection/ reporting, identification of problem areas
C.2 Maintenance	0.10	\$ 24,182	0.18	\$ 19,574					\$ 1,003	\$ 44,759	Reduces threshold for permit coverage from 10,000 sf to 5,000 sf; adds single-family houses to permit coverage; additional reporting and HMP implementation
C.3 New Development & Redevelopment	0.06	\$ 14,509		\$ -	\$ 65,000				\$ 3,750	\$ 83,259	Development of ERP, increased reporting
C.4 Industrial and Commercial Inspections	0.03	\$ 7,255	0.18	\$ 19,574					\$ -	\$ 26,828	Development of ERP, increased reporting
C.5 Illicit Discharge Detection and Elimination		\$ -	0.18	\$ 19,574					\$ 1,177	\$ 20,751	No major changes; costs charged to developer
C.6 Construction Inspections	0.03	\$ 7,255		\$ -					\$ -	\$ 7,255	Increases public outreach events from 4 to 6
C.7 Public Information and Outreach	0.03	\$ 7,255	0.18	\$ 19,574			\$ 6,000		\$ 8,785	\$ 41,614	Multiple additional monitoring tasks
C.8 Water Quality Monitoring		\$ -		\$ -					\$ 21,081	\$ 21,081	No change in current City IPM practices; increased coordination w/ State and Federal agencies and public outreach
C.9 Pesticides Toxicity Prevention		\$ -	0.01	\$ 1,087					\$ -	\$ 1,087	Requirements for 1st Year and 2nd Year Trash Site Assessments; 3rd-5th Year Enhanced Trash Removal; City contribution to 20 pilot program retrofits
C.10 Trash Reduction	0.05	\$ 12,091	0.03	\$ 3,262	\$ 9,680				\$ -	\$ 25,033	Requirements for monitoring, studies, and treatment projects
C.11 Mercury Load Reduction		\$ -		\$ -	\$ 2,180				\$ 2,049	\$ 4,229	Requirements for monitoring, studies, and treatment projects
C.12 PCB's		\$ -		\$ -	\$ 2,180				\$ 2,021	\$ 4,201	Requirements for monitoring, studies, and treatment projects
C.13 Copper		\$ -		\$ -	\$ 2,180				\$ 50	\$ 2,230	Additional monitoring and testing; new control measure costs included under C.10-C.13
C.14 PBDE, Legacy Pesticides and Selenium		\$ -		\$ -					\$ 620	\$ 620	Reporting, discharger coordination
C.15 Exempted and Conditional Exempted Discharges		\$ -	0.01	\$ 1,087					\$ -	\$ 1,087	
Stormwater Fee		\$ -		\$ -					\$ 7,500	\$ 7,500	
Total	0.50	\$ 120,910	1.01	\$ 109,830	\$ 81,220	\$ 6,000	\$ 7,500	\$ 50,891	\$ 376,351		

Program Cost Comparisons	06-07 Program Budget	City of Dublin Share (2.18%)	Future Budgets	City of Dublin Share (2.18%)	Comment
Overall Program (Meetings, Reports, etc)	\$ 475,000	\$ 10,355	475,000	\$ 10,355	Assumes no change in current level of work
C.2 Maintenance	\$ 46,000	\$ 1,003	\$ 46,000	\$ 1,003	Assumes no change in current level of work
C.3 New Development & Redevelopment	\$ 172,000	\$ 3,750	\$ 172,000	\$ 3,750	Assumes no change in current level of work
C.4 Industrial and Commercial Inspections	\$ -	\$ -	\$ -	\$ -	Assumes no change in current level of work
C.5 Illicit Discharge Detection and Elimination	\$ 54,000	\$ 1,177	\$ 54,000	\$ 1,177	Assumes no change in current level of work
C.6 Construction Inspections	\$ -	\$ -	\$ -	\$ -	Assumes no change in current level of work
C.7 Public Information and Outreach	\$ 403,000	\$ 8,785	\$ 403,000	\$ 8,785	Assumes no change in current level of work
C.8 Water Quality Monitoring	\$ 520,000	\$ 11,336	\$ 967,000	\$ 21,081	per Arleen Feng estimate, 6-11-07
C.9 Pesticides Toxicity Prevention	\$ -	\$ -	\$ -	\$ -	
C.10 Trash Reduction	\$ -	\$ -	\$ -	\$ -	
C.11 Mercury Load Reduction	\$ -	\$ -	\$ 94,000	\$ 2,049	per Arleen Feng estimate, 6-11-07
C.12 PCB's	\$ -	\$ -	\$ 92,700	\$ 2,021	per Arleen Feng estimate, 6-11-08
C.13 Copper	\$ -	\$ -	\$ 2,300	\$ 50	per Arleen Feng estimate, 6-11-09
C.14 PBDE, Legacy Pesticides and Selenium	\$ -	\$ -	\$ 28,450	\$ 620	per Arleen Feng estimate, 6-11-10
C.15 Exempted and Conditional Exempted Discharges	\$ -	\$ -	\$ -	\$ -	
Total	\$ 1,670,000	\$ 36,406	\$ 2,334,450	\$ 50,891	

City New Cost Programs/ Projects	Cost
Overall Program (Meetings, Reports, etc)	\$ -
C.2 Maintenance	\$ -
C.3 New Development & Redevelopment	\$ 65,000
C.4 Industrial and Commercial Inspections	\$ -
C.5 Illicit Discharge Detection and Elimination	\$ -
C.6 Construction Inspections	\$ -
C.7 Public Information and Outreach	\$ -
C.8 Water Quality Monitoring	\$ -
C.9 Pesticides Toxicity Prevention	\$ -
C.10 Trash Reduction	\$ 9,660
C.11 Mercury Load Reduction	\$ 2,180
C.12 PCB's	\$ 2,180
C.13 Copper	\$ 2,180
C.14 PBDE, Legacy Pesticides and Selenium	\$ -
C.15 Exempted and Conditional Exempted Discharges	\$ -
Total	\$ 81,220

Mitigation of problem areas included under C.10-C.13
 Arterial Street reconstruction: 12 miles x 50 year life = 0.24 miles/year x 6 lanes x 12' / lane = 2.1 acres; treat 2-3 cfs; use \$65,000 for treatment unit retrofit

1st Year Trash Assessment Site development/ selection included in staff costs; 2nd year trash assessments performed by consultant at 4 hours each for 6 sites @ twice per year @ \$100/ hour = \$4,800; 3rd-5th Year Enhanced Trash Reduction Measures provided under C.3 treatment unit retrofit for street reconstruction; City share of Countywide Pilot Program to install 20 treatment unit retrofits = 20 units @ \$100,000 each @ 2.18% = \$43,600; total 5-year cost = \$48,400 or \$9,680

Estimate program provides one treatment project for life of permit @ \$500,000; City share = 2.18% or \$2,180/year

Estimate program provides one treatment project for life of permit @ \$500,000; City share = 2.18% or \$2,180/ year

Estimate program provides one treatment project for life of permit @ \$500,000; City share = 2.18% or \$2,180/ year

New treatment measures included under C.10-C.13