



Transportation and Operations Department

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July 27, 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 Fremont's comments on the May 1, 2007 Administrative Draft Municipal Regional Permit (MRP). Fremont agrees with and strongly supports the comments submitted by BASMAA (Bay Area Stormwater Management Agencies Association) on July 13, 2007. City staff found the organization and formatting of this document to be a significant improvement over the October 16, 2006 draft and we were pleased to see the requirement to replace 50% of existing street sweepers eliminated; however, the City still has continuing concerns regarding the regulatory provisions contained in the MRP, which have remained mostly unchanged from the October draft. In addition, many of the comments provided by the City of Fremont on the Draft Municipal Regional Urban Runoff NPDES Permit issued on October 16, 2006 were not addressed. Specifically, the City of Fremont is concerned that the MRP:

1. imposes an enormously burdensome level of reporting with questionable benefit
2. adds more restrictive requirements without sufficient evaluation of existing requirements (e.g. reduced threshold for numeric treatment requirements to 5,000 square feet)
3. includes many proposed new or expanded requirements that will result in a significant expenditure of city resources, with questionable water quality benefit (e.g. trash assessments, databases)
4. disregards the work product from the MRP workgroups (especially the Monitoring and Watershed Assessment section)
5. does not provide jurisdictions the flexibility to retain once a month citywide street sweeping, consistent with the current requirements. This would negatively impact jurisdictions like Fremont that allocate street sweeping program costs to residential and commercial customers based upon consistent service levels throughout the City.
6. contains provisions outside of the scope of a municipal discharge permit (e.g. requirement to report pesticide violations to Agricultural Commissioners)

The City of Fremont is committed to improving water quality, but the overly burdensome record keeping and excessively prescriptive requirements proposed in the administrative draft will severely detract from the mutual goal of improving the water quality in local creeks and San Francisco Bay.



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We appreciate the fact that staff from the Regional Board has been willing to meet and discuss some of the serious issues that BASMAA and its member agencies have with the administrative draft. We are hopeful that the discussions will be productive and that the next draft of the MRP will reflect the cooperative effort that has gone into those meetings.

Sincerely,



Kathy Cote
Environmental Services Manager

C: Jan O'Hara, SFBRWQCB