



February 20, 2008

Julia Stone

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

Dear Mr. Wolfe:

**SUBJECT: COMMENTS ON DECEMBER 14 TENTATIVE ORDER
MUNICIPAL REGIONAL STORMWATER PERMIT**

This letter provides the City of Walnut Creek's comments on the Water Board's December 14 Tentative Order Municipal Regional Stormwater NPDES Permit (MRP). The comments provided herein highlight the City's primary concerns regarding the proposed MRP.

While the Tentative Order is more clearly written, the regulatory provisions have remained substantially unchanged from the October 13, 2006 draft. The MRP fails to incorporate or address previous City or Bay Area Stormwater Management Agencies Association (BASMAA)'s comments. Most of our principal concerns remain, including:

1. The City of Walnut Creek recommends that Water Board prioritize the various provisions within the MRP based on a cost-benefit analysis and phase implementation over the course of several years. The MRP's failure to prioritize the various new and expanded provisions will result in an inefficient use of limited public funds and a potential loss of public goodwill toward what we can all agree is a laudable goal: cleaner water in the Bay.
2. The new monitoring requirements will demand a significant increase in expenditure of public resources due to increased frequencies and expanded parameters. Though water quality monitoring is an important component of the Permit, these requirements are not without cost and need to bear a reasonable relationship to the management requirements that municipal stormwater programs are charged with addressing under the federal Clean Water Act. As currently drafted, many of the monitoring requirements are not necessary, will provide little or no useful information, and are not prioritized. The Contra Costa Clean Water Program estimated the countywide monitoring costs range from \$4,600,000 to \$13,950,000 for the 5-year period depending on the outcomes found in the baseline monitoring activities. The new costs represent more than a 300-percent increase over the current monitoring costs.

The City of Walnut Creek cannot absorb the significant increase in these monitoring costs; therefore, we urge that the Water Board phase scheduling of these monitoring provisions to help ensure implementation success and allow local agencies to apply scarce resources to solving real water quality problems.

3. 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 is premature. Although the C.3 has been in effect since 2005, relatively few projects have been constructed and fewer yet subject to winter rains. Significant refinement of Contra Costa's Integrated Management Practice (IMP) methodology continues to occur. Similarly, the change to Contra Costa's Hydrograph Management (HM) standards is premature and without sufficient basis. The proposed changes occur before the Contra Costa Clean Water Program has had the opportunity to monitor and empirically evaluate HM effectiveness as required under the current permit. We urge that the Water Board consider eliminating new definition of regulated C.3 projects and modification to Contra Costa HM; this will allow us additional time to evaluate the effectiveness of existing C.3 provisions.
4. The inclusion of roadway rehabilitation projects as regulated projects will exacerbate an already difficult infrastructure management situation. Due to 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 unreasonably increase the costs for rehabilitation of all roadways and further deter routine surface repaving of streets carrying the majority of traffic through municipalities. The ultimate result, unfortunately, will be the continued deterioration of the City's major thoroughfares. The perceived benefit will not occur as cities will either cease to maintain significant roadways or seek alternative and inferior maintenance solutions.
5. While the City recognizes the need to control trash and litter problems locally, the proposed Trash Control provisions in the Permit are cost prohibitive to implement. The proposed language does not leave room for innovation or the use of alternative methods for trash and litter control. Installation of full-capture devices will prevent trash from entering storm drain systems; however, they pose maintenance problems and create a potential flooding hazard. These devices must be maintained frequently and will tax our resources during major storm events when those resources may be needed to tackle other emergency situations. We urge that Water Board focus the efforts on pilot studies to assess effectiveness of various management measures for this permit cycle.

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In addition to the comments above, the City of Walnut Creek strongly supports comments submitted by BASMAA, which represents the collective thinking of all 76 Phase 1 co-permittees in the Bay Area. The document provides a thoughtful comprehensive, integrated, and optimized approach, from a local government perspective, on practicable and realistic stormwater management. We look forward to continuing our cooperative working relationship as we endeavor to address significant challenges in reducing stormwater pollution, an objective to which the City of Walnut Creek is firmly committed.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Regalia".

Gwen Regalia
Mayor

Cc: Donald Freitas, Contra Costa Clean Water Program
City Council