



Fairfield-Suisun Sewer District

Richard F. Luthy Jr.
General Manager/District Engineer

November 8, 2006

UR-180.10.10/06

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

RE: Municipal Regional Permit (MRP) – Regional Water Board Working Draft
(revised version issued October 16, 2006)

Dear Mr. Wolfe:

The Fairfield-Suisun Sewer District (District) is in receipt of the Regional Water Board (RWQCB) staff's most current version of the working draft municipal regional permit (MRP) (version issued October 16, 2006). The District fully supports the RWQCB's efforts to protect our local creeks and the Suisun Marsh from the potentially detrimental impacts of stormwater runoff, and in particular runoff from new development and redevelopment projects.

Please note that prior to receipt of your working draft permit, our Program, along with BASMAA, submitted suggestions for draft text to be used in the MRP. This draft was generated after much effort was spent by this Program and the other BASMAA Programs. Our draft language represented a consensus of 76 cities in BASMAA including our Program's two cities and the Fairfield-Suisun Sewer District. The District strongly encourages you and your staff to review that document. We believe it represents a realistic assessment of what can be accomplished by Bay Area local stormwater programs that will have a meaningful impact on water quality.

In general the working draft language by the Regional Water Board is overly aggressive, impracticable, and diverts resources to areas that will be ineffective to improving watersheds and water quality. In the interest of brevity and because the District understands that the October 16, 2006, document was put forth as a comprehensive "wish list," our comments do not include every concern that the District has with the proposed language. We believe, however, that the following comments are critical to the overall success of our Program, to successful MRP implementation, and to the improvement of water quality in our jurisdiction and in the San Francisco Bay.

1. Municipal Maintenance Activities

On page 3, under Implementation Level column, item 1.a.v: The requirement to replace *50% of existing street sweepers with new street sweeping equipment purchases within 5 years after adoption of this Order* is overly prescriptive and burdensome. Please remove this requirement.

On page 12, under Recording/Reporting column, item 7.a.i: The requirement: *Permittees shall keep records of inspections, cleaning and maintenance for each drain inlet annually, and shall provide such information in a summary form within the annual report.* While our Program realizes that a significant amount of trash can be removed from our creek systems at this point in stormwater collection, this requirement is overly burdensome and will require a significant amount of unnecessary paperwork. Please reword to say: "Permittees shall keep records of inspections, cleaning and maintenance for drain inlet system, and shall report this information in summary form within the annual report."

On page 15, under Implementation Level column, item 8.a.ix: The requirement: *Inspect trash racks and oil absorbent booms during or within 24-hours of significant storm events. Remove debris in trash racks and replace oil absorbent booms, as needed.* This requirement is not realistic, it is hazardous, and it generates additional unnecessary paperwork. Local agencies and contractors have remote capabilities and the knowledge of local pump stations. Some stations will need immediate attention and others may not need any attention for a week or more after a significant storm, at which time the debris can then be removed from a trash rack or wet well.

2. New and Redevelopment Performance Standards

Page 24, item 3.b.i requires that new development threshold be reduced after the fourth year of adoption of this permit to 5,000 square feet of impervious surface. Our Program began implementing the Phase 2 (10,000 square feet of impervious surface) requirements on October 16, 2006. The effectiveness of our current new development requirements has not yet been measured. The District would like to see more research into the long-term effectiveness of these devices before spreading these treatment methods throughout our jurisdictional boundaries.

On page 31 and 32, items j.i and j.iii requires the collection and reporting of all new and redevelopment projects creating 1,000 square feet or more of impervious surfaces. This requirement is not reasonable as the benefit of a permit from either of the cities in our Program is not required for pavement work that occurs outside of the cities right-of-way. Furthermore, this does not seem like a worthwhile expenditure of public employees already encumbered time. We do not see the environmental benefit of this paper-pushing activity.

3. Industrial/Commercial Inspection Program

On page 38, item II.C requires *each Permittee conduct inspections for compliance with ...the General Industrial Permit...* These Industrial facilities pay the State to be permitted under the State's General Industrial Permit. The facilities that hold a State General Industrial Permit are currently inspected as high priority facilities for compliance with local Ordinances, permits, and Health and Safety Codes. Evaluation of each General Industrial Permit holder for compliance with the state's requirements includes the inspection of SWPPP updates, annual certifications and reports, monitoring program results, evaluation of monitoring results, record keeping for compliance with the general permit and reporting to the State. These activities add up to a significant amount of additional work for the local agencies. The transfer of this responsibility is an unfair shift of obligation. Keep these facilities as high priority inspections but do not require locals to inspect and then enforce for compliance with the State's requirements.

4. Public Information and Participation

On page 53 and 54, the definition of Permittee is critical to this section. Does Permittee refer to the whole Program or each individual co-permittee? If each co-permittee has to perform the number of events included in this section, there are a total of 30 events or workshops that will be required of our Program. If Permittee refers to the whole Program we believe our Program can keep up with the requirements contained in this section.

The Program take exception to the footnote on page 54, which says: *Clarification: An activity such as a high school creek monitoring program that goes out monthly to collect samples counts as 1 activity, not 12. If a Permittee hosts 10 sites for Coastal Clean-up Day, that counts as 1, not 10.* These kinds of restrictive definitions seem arbitrary and reduce a Program's motivation to do what is best for the environment.

5. Water Quality Monitoring

The monitoring and reporting requirements contained in the permit are extremely aggressive and unnecessarily burdensome for a program of our size. The District feels more environmentally significant advancements can be made if time and monies are not diverted toward unnecessary monitoring and reporting requirements. From our estimation the monitoring and reporting requirements will take roughly half of the Program's current resources.

Please see page 74 of BASMAA's September 22, 2006 transmittal to the Water Board regarding proposed MRP language. This transmittal shows a significant increase in our current level of monitoring while allowing the Program to comply with the Permit's provisions.

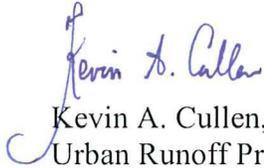
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The District appreciates this opportunity to comment on the Draft Municipal Regional Urban Runoff NPDES permit provisions. We look forward to favorable consideration of our comments.

Sincerely,



Kevin A. Cullen, P.E.

Urban Runoff Program Manager

cc: William Hurley, RWQCB
Jolanta Uchman, RWQCB
Gene Cortright, City of Fairfield
Nick Lozano, City of Suisun City