



WEST VALLEY CLEAN WATER PROGRAM

Transmitted via email to <commentletters@waterboards.ca.gov>

September 15, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100



Subject: Proposed FY 11-12 Waste Discharge Permit Fund Program Regulatory Fee
Schedule for Stormwater (State Water Resources Control Board Meeting,
September 19, 2011, Agenda Item 9)

Dear Ms. Townsend,

The municipalities of West Valley Clean Water Program¹ (WVCWP) strongly opposes the proposed 34.9% fee increase for area-wide permits for municipal separate storm sewer systems (MS4s) contained in the proposed 2011-2012 Fee Schedules to be considered by the State Water Resources Control Board at its September 19, 2011 meeting (Item 9).

As members of the Santa Clara Valley Urban Runoff Program (SCVURPPP), we echo the concerns enumerated in their comment letter, dated September 15, and by reference we include the stated findings in our opposition to the proposed fee increase as well.

We respectfully remind the Board, while our local agencies are subject to newer and more costly Municipal Regional Permit (MRP adopted October 2009) requirements, we are at the same time severely restricted by Proposition 218 from imposing or increasing fees to fund increased compliance costs. As four of the smaller municipal members of SCVURPPP, we face unique challenges in balancing the financial disparity of steep increases in costs of compliance with the NPDES permit, rising costs for overall municipal operation and services and declining municipal revenue and revenue sources. The automatic 21% surcharge added to all stormwater permit fees for the statewide Surface Water Ambient Monitoring Program (SWAMP) would make the proposed fee increase even higher. The Board meeting staff report offers no justification for SWAMP. Any fee increase during the current economic conditions with limited revenue sources would reduce funding for permittees efforts to support clean water programs. Every dollar spent on increased permit fees is one less dollar to be spent on permit compliance.

¹ WVCWP is a collaboration of four (4) municipal agencies (Cities of Campbell, Monte Sereno and Saratoga, and Town of Los Gatos), representing their interest on stormwater related issues. Each municipality is individually named as a co-permittee to the region-wide municipal stormwater NPDES permit (MRP) to discharge to South San Francisco Bay, and member agencies of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP).

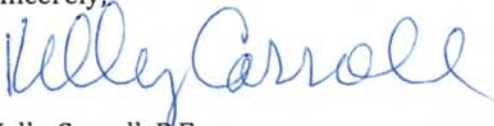
We also respectfully submit strong objection to the insufficient notice and inadequate time for review and commenting on this topic. As a permit holder, we should have been notified directly of any issue that has a financial impact on us. Annual permit fee increases, when justified, need to be adopted when permittees can plan for the increases as part of their budget processes. Publishing of the State Board's agenda on Friday, September 9, at 4:30 p.m. with comments on agenda items due by noon on September 15, just three and a half business days later, is simply an inappropriate and unacceptable procedural practice, especially for permittees with limited staff resources.

We respectfully request that the State Board NOT adopt the proposed fee increase for stormwater dischargers. Furthermore we strongly recommend consideration of the following actions:

1. Direct State Board staff to develop and implement reasonable public notice procedures for proposed fee increases, including direct notice to all municipal stormwater permit holders for any proposed changes and provide sufficient opportunity for permittees to review and comment on staff recommendations.
2. Direct State Board staff to annually provide detail on the previous year's expenditures and the projected expenditures for the following fiscal year as a matter of course, to ensure sure that stormwater program fees are being spent to support stormwater-related activities.

Our taxpayers support and fund our stormwater programs with the expectation that their taxes will be spent on reducing stormwater pollution and improving the quality of stormwater that flows to our water bodies. It is not clear from the proposal if any or all of the proposed fee increase will be spent on that intended purpose – achieving our stormwater quality improvement goals. Thank you for your attention to our concerns.

Sincerely,



Kelly Carroll, P.E.
Urban Runoff Program Manager
West Valley Clean Water Program

cc: Adam Olivieri, Program Manager, SCVRUPPP
WVCWP Member Agencies
Michelle Quinney, City of Campbell
Todd Capurso, Town of Los Gatos
Brian Loventhal, City of Monte Sereno
John Cherbone, City of Saratoga
Tom Howard, Executive Director, State Water Resources Control Board
Bruce Wolfe, Executive Officer, San Francisco Bay Regional Water Quality Control Board