

July 13, 2007

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

Subject: Preliminary Comments on May 1, 2007 Administrative Draft Version of Municipal Regional Permit (MRP)

Dear Mr. Wolfe:

This correspondence provides Daly City's comments on the revised Administrative Draft of the Municipal Regional Permit (MRP) that your staff distributed for comment at the beginning of May. We appreciate the opportunity to provide our thoughts.

As a background to these comments, we acknowledge the efforts of your staff to make changes to the previous MRP. We also appreciate the willingness of your staff to meet with representatives of the Bay Area Stormwater Management Agencies Association (BASMAA) and other stakeholders to informally discuss how to best achieve our shared objective of improving water quality.

Daly City supports and concurs with the comments provided by BASMAA and the San Mateo Countywide Water Pollution Prevention Program on this Administrative Draft as they are representative of Daly City's general concerns. The Regional Board should make the necessary amendments to achieve realistic and measurable results that all parties desire under this revised permit. In addition, Daly City reiterates our comments previously submitted on the October 14, 2006 version of the MRP because most remain applicable.

The following offer examples of general proposed permit requirements that are unnecessarily onerous when weighted against any possible water quality benefit:

- 1) Cost to implement the proposed requirements. A city's ability to raise fees is subject to public protest vote requirements as recently clarified by the State Supreme Court when deciding Proposition 218 requirements. A local constituency must be able to equate both the value and benefit generated against the anticipated cost. A lack of community support will not sufficiently fund these extensive new requirements, and existing revenue sources are insufficient. Water Board staff must begin to understand there are many other local programs, i.e., public safety, recreation, senior activities, library services, just to name a few, competing for limited available public dollars requiring the evaluation of local priorities among decision makers.

- 2) The sheer volume of work proposed to be accomplished is unrealistic. Even if funding was not an issue, the amount of work to be performed along with the timeframes under which they are to be accomplished is unattainable. We suggest that a desktop cost and labor analysis be performed to determine the attainability of each of the proposed tasks within the prescribed timelines and the estimated costs. The desktop analysis would help determine if the proposed schedules and costs are realistic, attainable and ultimately generate the desired results.
- 3) This permit cycle should be used as an opportunity to compile information on existing and new redevelopment requirements so a comprehensive analysis can be conducted. One such example is the threshold for numerically sized treatment controls for 10,000 square feet. The analysis would be used to determine if dropping the threshold to 5,000 square feet would make sense in the next permit cycle, not during this permit as set forth under the proposed MRP.
- 4) The benefit of databases and voluminous reporting is hard to quantify. Daly City believes that several staff positions and outside consultant services would be needed to comply with the reporting provisions, not to mention maintaining dozens of databases. Without resources to pay for these requirements, existing staff would spend more time in the office maintaining databases, filling out and compiling forms instead of being in the field working with residents and businesses to prevent non-stormwater discharges. Daly City recommends that a high priority of further stakeholder discussions be convened on how to create a better balance between reporting and implementing pollution prevention and control activities.

Daly City also offers the following new section specific comments on the Administrative Draft:

- 5) C.2.b. Sweeping Equipment Selection and Operation
 - (i.) Task Description: When replacing existing sweeping equipment, Permittees shall select and operate high performing sweepers that are efficient in removing pollutants, including fine particulates from impervious surfaces. At least 75% of the sweepers replaced during the Permit term shall have the particulate removal performance of regenerative air sweepers or better.

Comments:

- “Fine particulates” is a vague term that should be defined.
- There is no particulate removal performance specification listed by any sweeper manufacturers for any type of sweeper, whether regenerative air or broom. Specific compliance criteria should be established and defined.

- 6) Section C.8.c. Status and Trends Monitoring
 - (i.) Task Description: San Mateo Permittees: The water bodies draining Daly City and San Pedro Creek Urban Reaches.

Comment:

- Remove the reference to Daly City as we are not a water body.

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- 7) C.10.b For trash conveyed in closed, underground storm drains to the Bay.
(i.) Conduct trash assessments, starting in Year 2 of permit implementation, in urban storm drain locations using trash capture devices (**See section c below**).....The capture devices, whether installed in inlets or in the storm drain system, shall capture all materials to at least a **5 mm size or less**.

Comments:

- C.10.b, subsection (i.), has a parenthetical reference to section c. This reference is confusing since “Section C” does not address trash capture devices.
- The requirement to capture all materials to at least a 5 mm size or less will require engineering assessment and design work. Can this be done without impacting storm flows and causing localized flooding? This may be impossible to meet by year two of the permit due to engineering and monetary demands.

We believe the changes and recommendations above would provide realistic, cost effective and achievable goals. Should you have any questions or require additional information, please contact Patrick Sweetland, Director of Water and Wastewater Resources, at (650) 991-8201.

Sincerely,

Patricia E. Martel
City Manager