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July 13, 2007

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Mr. Bruce Wolfe
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Subject: NPDES Municipal Regional Stormwater Permit, Order R2-2007-XXXX,
NPDES Permit # CA2

Dear Bruce,

In response to your request for additional public review, the BPC submits the following brief summary comments on the MRP. Our interests are:

1. To achieve clarity and flexibility for the permittee in the implementation of the permit.
2. To achieve the acceptance of alternative compliance measures which simultaneously accomplish the stormwater treatment objectives and remove hurdles for the permittee.
3. Consideration of waivers and exemptions for private permittees similar to that proposed for public agencies. For instance private transit-oriented development (TOD's) should be allowed waivers similar to waivers for redevelopment agencies under section 3Cg.
4. Ensure that the MRP does not require conditions that the regional water board would not be able to require under current law
5. Remove the impracticability assessment if a permittee can demonstrate that she is providing the equivalent stormwater standard with an alternative treatment measure then she should not have to provide an additional analysis of impracticability. This makes the process much more complex and cumbersome than it needs to be.
6. Part C3f-Hydromodification Management. Consideration should be given for exemption under part C3f to allow for alternative measures to achieve the hydromodification standards.

7. Continue to investigate opportunities for regional solutions for the treatment of stormwater, e.g. Dust Marsh in Hayward.

Please refer to the July 13th comment letter from the HBANC discussing the issues related to the impracticability assessment. I look forward to discussing these recommendations with you as we move forward towards improved incentives and opportunities for a successful implementation of the MRP.

Sincerely yours,

Ellen Joslin Johnck
Executive Director

Cc: Paul Campos, Home Builders Association of Northern California