



PUBLIC WORKS DEPARTMENT
Administration Division

November 8, 2006

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

**SUBJECT: PRELIMINARY COMMENTS ON STAFF DRAFT MUNICIPAL
REGIONAL NPDES PERMIT (REVISED VERSION DATED
OCTOBER 16, 2006)**

Dear Mr. Wolfe:

Thank you for this opportunity to comment on the Regional Water Board's Draft of the Municipal Regional Urban Runoff NPDES Permit (MRP) Provisions (most recent version dated October 16, 2006). The short turn-around time provided by Water Board staff has not allowed the City of Berkeley to fully evaluate this draft permit language and develop a complete or detailed set of comments, therefore, the attached comments are preliminary.

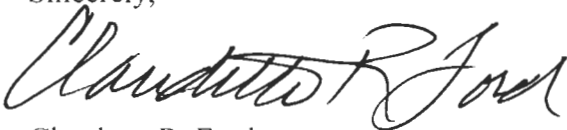
As part of the Alameda Countywide Clean Water Program, the City of Berkeley and other co-permittees throughout the Bay Area have invested countless hours working with Water Board staff and NGO (Non-Government Organizations) over the past two years to develop a MRP that will coordinate and implement urban runoff pollution control throughout the Bay Region. The subject document does not reflect the work product from this two-year effort. It appears the efforts of Water Board staff, the co-permittees, and the NGOs have been ignored and set aside. The following sections briefly describe our concerns on many of the significant issues that have been identified so far. The draft permit:

1. Is not internally consistent in content or format which makes it difficult and in places impossible to understand the extent of the requirements;
2. Is far too prescriptive, as examples, specifying the content of annual industrial and commercial business inspection training sessions, and phasing in 50% new sweepers within 5 years;
3. Includes requirements that are outside the proper scope of municipal stormwater discharge permits, for example, requiring controls on discharges to waters of the State that do not pass through a municipal storm drain system;

4. Proposes an enormously burdensome and wasteful level of reporting;
5. Requires the creation of many databases and the input of a great deal of data without any obvious benefit;
6. Proposes a very expensive monitoring and assessment program much of which has little connection to or nexus with improving water quality;
7. Makes permittees responsible for regional activities that are outside of their authority to control;
8. Adds more restrictive requirements without sufficient evaluation of the effectiveness of existing requirements, for example, reducing the threshold for the implementation of numeric treatment requirements at new development or redevelopment sites from 10,000 to 5,000 square feet; and
9. Does not account for optimizing the co-permittee's resources by adding burdensome and unjustified requirements in a time when many agencies are facing financial crises in providing other essential services such as police and fire.

The stormwater community, through the Bay Area Municipal Stormwater Management Agencies Association (BASMAA) submitted a proposed draft permit to the Water Board on September 22, 2006 that reflects the joint efforts of Water Board staff, NGOs and stormwater agencies. The document is consistent in content and format, is based upon the tables developed by the technical work groups, provides for streamlined reporting and incorporates an increased level of performance across all components and in particular for the pollutants of concern, which we believe should be the priority and focus for this round of permitting. It furthermore provides for real achievements in water quality protection and improvement. For these reasons, we believe the BASMAA document should be the basis for the ongoing permit negotiations. Consequently, we request that you modify your ongoing process to reflect our concerns.

Sincerely,



Claudette R. Ford
Director of Public Works

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