

CITY OF SAN PABLO

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Public Works Department

July 13, 2007

ATTN: Municipal Regional Permit Staff
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments on MRP Administrative Draft dated May 1, 2007

Dear Water Board Staff:

Thank you for extending the comment period and soliciting input on the Municipal Regional Permit (MRP) administrative draft. The City of San Pablo submitted a detailed comment letter on December 8, 2006 in response to the MRP working draft (see attached). However, most of our concerns were not addressed in the administrative draft and we ask that Water Board staff consider the comments when making future revisions.

One of our major concerns was the lack of prioritization for the various tasks to be accomplished. Despite our comments and BASMAA's continued comments and discussions with Water Board staff, the administrative draft still fails to prioritize. It is necessary to have some priorities established so that jurisdictions can assess how to best allocate our limited resources.

The current administrative draft is more prescriptive and requires more tracking and reporting. Although we understand the value of tracking and reporting, this does take time and resources and thus diverts our limited resources away from actions to protect water quality.

The City of San Pablo takes stormwater issues very seriously and we believe our program is effective. However, we will not be able to comply with the permit as it is currently written given our funding constraints and the Proposition 218 restrictions that limit our revenue raising abilities for stormwater programs. As we stated in our last comment letter, we recommend that Water Board staff use BASMAA's permit language submitted on September 22, 2006 to help set priorities.

Finally, we request that the implementation of the permit be based on a fiscal year beginning on July 1st, to coincide with our budget cycles. We also ask that the implementation be phased in so that municipalities have adequate time to make changes to our current programs.

Should you have any questions, please feel free to contact the NPDES Coordinator, Karineh Samkian at (510) 215-3037.

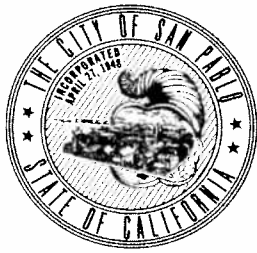
Sincerely,

A handwritten signature in black ink, appearing to read "Adele M. Q. Ho". The signature is fluid and cursive.

Adele Ho
Public Works Director

Enclosure: Comment letter dated December 8, 2006

cc: Don Freitas, Contra Costa Clean Water Program Manager
City Council
Brock Arner, City Manager
Karineh Samkian, NPDES Coordinator



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Public Works Department

December 8, 2006

ATTN: Municipal Regional Permit Staff
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments on MRP Working Draft dated October 13, 2006

Dear Water Board Staff:

Thank you for extending the comment period and soliciting further input on the Municipal Regional Permit (MRP) working draft. The City of San Pablo is looking forward to implementing a permit that will help improve water quality but also consider limited resources. However, after reviewing the working draft, we are concerned about the level of effort and resources we would need to expend in order to be in compliance. Moreover, we question how some of the requirements will benefit water quality.

The City of San Pablo was an active participant on the Industrial/Commercial Inspections, Illicit Discharge, and Construction Inspections Workgroups and has participated in other MRP meetings. San Pablo also worked on the BASMAA permit recommendations. The BASMAA recommendations are what we know we can do even though it will still result in a substantial increase in effort. The representatives reviewed the workgroup products and after a lot of discussion, reached agreement. Therefore, we recommend using that document to help set priorities.

Here are San Pablo's comments on the San Francisco Bay Regional Water Quality Control Board's (Water Board) working draft:

General

- Water Board staff commented verbally that only noncompliant violators must be reported in the databases. Either clarify this point in the actual permit language (since reporting on all violations will be too burdensome), or consider requiring a detailed summary of these violations in the annual report which will accomplish the same goal of determining effectiveness with less time dedicated to quality control.

New Development and Redevelopment

- Since most cities have just started implementing C3, we recommend evaluating the effectiveness of the current treatment and flow control requirements before reducing the threshold. The data presented to justify lowering the threshold did show more impervious area being built below the threshold in Palo Alto but not in Pleasanton. This suggests that maybe lowering the threshold for everyone may not be necessary. There should also be more data to address whether the costs of C3 are justified when compared to the benefits obtained from treating runoff from smaller projects.
- The 50% rule discourages redevelopment projects which are more desirable to new development since they encourage infill. This conflicts with other regional policies that are aimed at reducing driving by encouraging redevelopment of brownfields or vacant lots. Note that a reduction in driving will reduce the amount of airborne pollutants entering waterways.
Example: A recent project in San Pablo required major retrofitting of an existing building and re-grading of an existing parking lot to meet the C3 requirements. Since both sides of the parking lot were surrounded by existing buildings, it was difficult to get enough of a slope to drain the water into the swales. Once constructed, we are concerned there will be ponding in the parking lot.
- Road repaving and rehabilitation should be **EXEMPT** especially for residential streets and streets with development on either side since most of our roads can not accommodate six foot wide swales. Such projects are maintenance and do not increase impervious area. Adding C.3 requirements to such projects would take away money from much needed road repairs.

Water Quality Monitoring

- The requirements in the working draft will increase our efforts of monitoring by at least threefold. Most cities in Contra Costa County are at their maximum stormwater fees and per Proposition 218, we need a two thirds vote to increase the fees. We do not believe that such a vote would pass. With an increase in effort for all permit sections, most cities will not be able to comply with the permit since we are already struggling to pay for all of the current permit requirements.

Commercial/Industrial Inspections

- The five year rolling window requirement for repeat offenders will be an administrative nightmare since there is a lot of turnover in the businesses and it will be difficult to track that many years. We agree there should be a mechanism to escalate enforcement for repeat offenders and propose using BASMAA's two year rolling window option.
- Water Board staff commented they will look into cost sharing for NOI inspections. This would be helpful since NOI inspections require more time and training compared to regular business inspections.

Construction Inspections

- The permit should allow some flexibility for cities to do fewer inspections at compliant sites and more at bad sites and explain the reasoning in the annual report.

Municipal Maintenance

- Water Board staff commented that regenerative air sweepers qualify as new street sweeping equipment so we hope this interpretation remains the same.
- As we commented at MRP meetings, it does not make sense to clean the creeks after the rainy season since all the debris is already washed away. Water Board staff commented verbally that this section would be revised accordingly.
Since this work requires a 401 permit, we request that the 401 permit remain valid for five years instead of one. The permit application with the required pictures and maps are time-consuming to prepare, and the permit approval process delays the maintenance work.

Trash Maintenance

- Although trash assessments will be useful to characterize the trash condition, they should not be used to determine effectiveness since trash is ubiquitous and can be blown or washed in from another location.
- In San Pablo, we have installed surveillance cameras and provided many services for residents to dispose of their waste properly. Still, our maintenance crews pick up trash on a daily basis from city streets and the creek. Although the trash problem in some areas does improve, it is usually displaced to another location. A major problem in West Contra Costa County is the increased disposal fees due to the landfill closure and the new electronic rule that prohibits disposal at the landfill. These issues must be considered when writing the permit language.

Public Information, Outreach, and Public Participation Efforts

- San Pablo has an active creek group and participates in the local watershed forum meetings. In order to encourage other cities to do the same there should be some incentives. For example, if cities participate and help coordinate stewardship efforts with the creek group, they should be able to substitute these efforts for one of the citizen involvement event requirements.

Pollutants of Concern

- The Water Board should consider working with the state legislature to ban the POC's and carefully evaluate the alternative products coming on the market. It makes better sense to focus efforts to minimize POC's at the source rather than having municipalities try to contain it when it is widespread in the environment.

Should you have any questions, please feel free to contact the NPDES Coordinator, Karineh Samkian at (510) 215-3037.

Sincerely,



Adele Ho
Public Works Director

cc: Don Freitas, Contra Costa Clean Water Program Manager
Brock Arner, City Manager