



# CITY of SARATOGA

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Incorporated October 22, 1956

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Bruce Wolfe, Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
ISIS Clay St., Ste 1400  
Oakland, CA 94612

COUNCIL MEMBERS:

*Aileen Kao  
Kathleen King  
Norman Kline  
Nick Streit  
Ann Waltonsmith*

Subject: Municipal Regional Permit (MRP) – Regional Water Quality Control Board’s Working Draft

Dear Mr. Wolfe,

Thank you for the opportunity to submit comments regarding the Regional Water Board’s working draft of the Municipal Regional Permit (MRP), which was issued October 16, 2006. The comments below represent the views of City of Saratoga staff after reviewing the working draft MRP. Saratoga staff is particularly concerned that the MRP as currently drafted places significant and unmanageable burdens on City resources. Specifically, staff has concerns with the following proposed requirements:

- Provision C.3.c proposes to eliminate the single family home exemption for projects that would add or replace 5,000 square feet or more of impervious surface within three years of the adoption of the MRP. The elimination of this exemption would impose significant burdens on Saratoga staff. By requiring these projects to incorporate stormwater treatment measures in addition to site design and source control measures, this provision of the MRP will require the City to expend significant additional resources both at the project review stage and at the subsequent inspection and reporting stages. Saratoga is in the process of updating its project review process to promote the integration of appropriate site design and source control measures into **all** proposed projects (including single family homes). Because these measures do not require numeric sizing, engineering review or subsequent inspection and reporting, they are both easy to incorporate into projects and easy to maintain. Saratoga staff believes that this approach—i.e., promoting site design and source control measures for **all** projects—will be more effective and cost-efficient than imposing a blanket requirement for numerically sized, post-construction stormwater treatment measures and subsequent inspections on these types of projects (single family homes).
- Provision C.3.h.ii suggests that cities may not require project applicants to pay a third party to certify that proposed stormwater treatment measures meet the requirements of the Permit. Saratoga staff believes that registered professional engineers would not jeopardize their licenses by falsifying stormwater treatment measure certifications, and

thus this new prohibition is unnecessary. If the Regional Water Board insists on including this provision in the MRP, however, Saratoga staff requests that the permit specify that cities may collect application processing fees adequate to cover the costs of this third party certification.

- The MRP proposes an aggressive timetable for implementing the new pollution control requirements. A mere three years after applying the permit requirements to projects adding or replacing 10,000 square feet of impervious surface, cities will have to begin applying the requirements to projects half that size. Saratoga staff believes that this timeframe is too short to allow cities and the Regional Water Board to gauge the effectiveness of the requirements. We suggest that the Regional Water Board wait until there is sufficient data regarding how effective the permits requirements are before requiring cities to impose them on smaller projects.
- Provision C.2.1 proposes requiring agencies to replace 50% of existing street sweeping equipment with new street sweeping within five years. The City of Saratoga does not own its own street sweeping equipment, but rather contracts for these services. Thus, the City does not have purchasing authority with respect to the street sweepers that operate in the City. Moreover, Saratoga staff believes it will be very difficult, if not impossible, to find a company willing to agree to replace 50% of its street sweepers, regardless of their condition, as part of a reasonably priced contract with the City.
- Saratoga staff believes that a good starting point for revising the draft MRP is the BASMAA draft permit. This document was created with input from all 76 Phase I co-permittees in the Bay Area, reflects local government concerns, and provides an essential perspective on practical and realistic ways to achieve good stormwater management.

In short, Saratoga is a small city with limited staff and resources. While Saratoga staff supports the MRP's laudable goal of reducing stormwater pollution throughout the Bay Area, we believe the approach to achieving this goal outlined in the draft MRP is infeasible. Thank you again for the opportunity to comment on the working draft of the MRP.

Sincerely,



John Cherbone  
Public Works Director  
City of Saratoga