



Town of Los Gatos

Parks and Public Works Department  
Engineering Division  
41 Miles Avenue, Los Gatos, CA 95030  
(408) 399-5773



July 10, 2007

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

**RE: Municipal Regional Permit (MRP): Regional Water Quality Control Board's May 2007 Draft**

Dear Mr. Wolfe,

Thank you for the opportunity to submit comments regarding the most recent draft of the Regional Water Quality Control Board's Municipal Regional Permit (MRP). We greatly appreciate having had an opportunity to comment on the previous draft (October, 2006 version) and having some of those comments incorporated into the May, 2007 draft.

The goal, to replace the countywide municipal stormwater permits with one standardized MRP for all the Bay Area municipalities, will resolve the current inconsistencies in the application of these regulations between the Bay Area municipalities. This is a massive undertaking, as each municipality has unique geographic features and infrastructure, and each provides a wide range of services within various levels of resources, technology and funding. This variance is more diverse between large and small cities' development projects. Small, older cities like Los Gatos have minimal land available for developments and relatively few large developments occur. With these various service and capacity level issues in mind, to effectively accomplish the goal we respectfully suggest phased implementation over many years, to build capacity for additional monitoring.

The revised draft is a positive step toward increasing stormwater pollution controls, but for a small city like Los Gatos, it remains too drastic to implement. We appreciate the efforts undertaken concerning clarification of language and process requirements as listed in the first draft. The following four comments address our concerns with revised MRP:

Comment 1: We are particularly concerned with proposed provision **C.3.b.i.(3)**, pertaining to the replacement of 10,000 sq. ft. or more of existing arterial street. Our small town has an extensive existing arterial network. 10,000 sq.ft., ( an 100 ft. x 100 ft. area), isn't very big when you are reconstructing or replacing a 100 ft. long street. **We recommended a larger sq. ft. threshold of 50,000 sq. ft. and incorporate BMP's**, such as installation of a hydrodynamic separator or a bioswale, to serve an area from one intersection to another during street replacement work.

Comment 2: The language for lowering the 10,000 sq. ft. threshold to 5,000 sq. ft. has not been changed. The threshold for “regulated” projects will be 5,000 after the 3<sup>rd</sup> year of MRP adoption, which will be too large an undertaking for our agency to track. This timeline is not realistic, as our municipality is still addressing capacity issues to meet the current permit requirements. We need additional time to sufficiently increase our capacity to meet current permit requirements **and request that this threshold reduction to 5000 sq. ft. requirement be removed from this upcoming permit**, and be considered for a future permit once all municipalities are at same capacity levels managing the “regulated” projects.

Comment 3: Increased data management and reporting requirements are too extensive and prescriptive at this time. We recommend slowly building up to these requirements over a period of several years, not fast-track such huge requirements in a shorter time period. This draft requires extensive monitoring requirements and **it is unclear how these additional requirements lead to more effective management measures or improvements in water quality.**

Comment 4: Resources to conduct the current permit requirements, for both staffing, technology and funding, are extremely limited. The **intent of the revisions does not consider the added costs to conduct such efforts.** Municipalities can not simply increase fees or taxes to meet these goals. This particular fee has not changed for years due to current fee regulations, yet NPDES data collection, reporting and inspection requirements continue to increase. Revising this fee should be an integral consideration along with revising the permit responsibilities. Even though the permit does not address revenue, **funding and services should be addressed hand-in-hand.**

Again, please continue to incorporate the various municipalities’ input into the revised permit, and **consider a longer time frame, with multiple-year targets** to meet the various goals. We agree with the overall goals of preventing pollution from entering the stormwater system, it is just **how and when to implement the additional requirements is our concern.** The regional board, the environmental groups and the public agencies also need to work together to increase public awareness of the various activities the public does that continues to pollute our creeks, streams and the bay, in an effort to change public behaviors as well.

Sincerely,



Kevin Rohani, P.E.  
Interim Director

KR/mgg

cc: Cheri Donnelly, WVCWP  
Jill Bicknell, SCVURPPP  
Debra Figone, Town Manager  
Bud Lortz, Director, Community Development  
Randall Tsuda, Assistant Director, Community Development Director  
Fletcher Parsons, Associate Engineer, Development Engineering Program