



December 8, 2006

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

Sent via email to MRP@waterboards.ca.gov

Re: Municipal Regional Permit (MRP)
Comments to Administrative Draft, Revised October 16, 2006

Dear Mr. Wolfe,

The City of Walnut Creek would like to submit their comments on the current Administrative Draft of the MRP provisions for consideration by the SF Regional Water Quality Control Board. Walnut Creek is extremely concerned with the financial and staffing impacts of many of the performance standard provisions included in the current Draft MRP. It appears that the various provisions of the current MRP have been compiled without a full understanding of the individual or cumulative implications to the subject municipalities. Furthermore, the document did not provide with the necessary rationale that supported these requirements.

One example is the proposal for the New Development and Redevelopment Performance Standards to be applied to all streets, roads, highways and freeways that replace 10,000 square feet or more of existing paved surface.

Urban streets are often 100% impervious and have no area with which to provide effective treatment of stormwater runoff. The current provision does not address this impracticability. At the end of the November 15th MRP Workshop, Regional Board staff suggested that streets with medians could be reconstructed to drain to a depressed median to provide stormwater treatment. The following itemizations demonstrate that this proposed solution would increase the cost of a roadway reconstruction project by 100 to 200 percent.

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Elements included in current roadway pavement reconstruction projects:

1. Demolition of asphalt and/or aggregate base
2. Asphalt and/or aggregate base reconstruction

Additional elements which would be required with the performance standards including pavement reconstruction:

1. Demolition of existing outer curb and gutter
2. Demolition of existing catch basins along outer curb and storm drain laterals
3. Demolition of existing median curb, landscaping and irrigation
4. Roadway excavation to reverse street slope toward median (lowering median elevations)
5. Utility relocations required by lowered street grades and/or storm drain conflicts.
6. Construction of new outer curb (without gutter)
7. Construction of new median curb (at lower elevation, with flow-through breaks)
8. Installation of new stormwater treatment facility
9. Installation of new storm drain laterals
10. Installation of median landscaping and irrigation

Ironically, attaching this performance standard to roadway reconstruction would have a significant environmental impact due to fuel usage, depletion of natural resources, and debris associated with the additional reconstruction needed to rebuild the roadways, curbs and sidewalks. Due to the increased reconstruction costs, roadway reconstruction would be delayed until it is a complete failure, causing damage to cars, slowing vehicular traffic, and causing higher vehicle brake and fuel usage.

Additionally, utility relocations currently add six to twelve months to construction schedules. This delay would likely increase as this Performance Standard would increase the quantity of utility relocations required throughout the SF Bay Area, impacting utility company backlogs.

The reasoning given by Regional Board staff at the November 15th workshop for including pavement replacement in the New Development and Redevelopment Performance Standards was to hold cities and counties to the same standard given to Caltrans. Urban streets should not be held to this Caltrans-oriented standard, because most Caltrans facilities differ from urban streets by containing the following attributes:

1. Unpaved median areas
2. Unpaved areas outside the shoulder area
3. No homes or business development immediately outside of their right-of-way.

4. No sewer, water, gas, electrical, cable, fiber optic, etc. which could require relocation.

I would urge you to continue working collaboratively with the affected stakeholders in this public policy process. The Administrative draft contained disparate mix of non-optimized individual requirements of the Permit. The Board staff needs to complete a review of all MRP proposed requirements in order to effectively coordinate and optimize the numerous Permit conditions. Please consider using the performance standards contained within the draft document prepared by BASMAA. As was stated multiple times during the MRP Workshops on November 15th and 20th, the BASMAA draft document represents the consensus of 76 co-permittees within the SF Bay Area. This document raises the performance standards from our current NPDES Permit in a prioritized manner to make the best use of the financial and staffing resources to the subject municipalities.

Your consideration of these comments is appreciated. The City of Walnut Creek looks forward to reviewing the revised Administrative Draft of the MRP, which we understand will be distributed in January 2007.

Sincerely,



Diana Walker
Senior Civil Engineer

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