

FACSIMILE TRANSMITTAL SHEET

TO: BRUCE WOLFE

FROM: KELLY POSUSNEY

DATE: DECEMBER 8, 2006

TOTAL NO. OF PAGES INCLUDING COVER: 3

FAX NUMBER: 510-622-2460

PHONE NUMBER:

RE: MRP COMMENTS

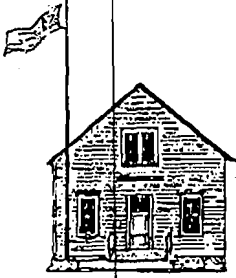
- URGENT FOR REVIEW PLEASE RECYCLE
- ORIGINAL TO FOLLOW BY MAIL PLEASE COMMENT

TOWN OF WOODSIDE

PO BOX 620005, 2955 WOODSIDE ROAD, WOODSIDE, CA 94062

P: 650-851-6790

F: 650-851-2195



The Town of
Woodside

December 8, 2006

Mr. Bruce Wolfe, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 500
Oakland, CA 94612

RE: Draft Municipal Regional Permit

Dear Mr. Wolfe:

Thank you for the opportunity to comment on the Regional Water Quality Control Board's (Regional Board) draft Municipal Regional Permit (MRP) dated October 16, 2006. The Town of Woodside staff reviewed the draft permit and attended the November 15th and 20th MRP workshop meetings. The Town of Woodside recognizes that the Board has spent significant time and staff resources on the draft, and like you, we are supportive of protecting and improving water quality in the Bay Area.

As the draft MRP was being developed, I personally contacted Regional Board staff seeking audit documents that articulated the shortcomings of the existing permit. It seemed reasonable to consider permit amendments if the existing permit was not achieving the desired ends. Mr. Dale Bowyer of the Regional Board staff advised me that no such reports existed. Given this, I would suggest that an analysis of the performance of the existing permit be conducted, and an "audit" report be prepared. The "audit" report should serve as the basis for any amendments.

The Town of Woodside participates in the San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP). The Town of Woodside agrees with STOPPP that the provisions of C.3 have not been implemented for a long enough time to evaluate the effectiveness of the provisions. Provision C.3 was approved by the Regional Board in a public hearing process in 2003. The current C.3 requirements represent a significant change in stormwater regulations in the Bay Area, and municipalities are still in the very early stages of implementing the existing requirements. Of note is that the current 10,000 square foot threshold for Group 2 projects only went into effect in August 2006.

I would recommend that changes to the C.3 provision applicability criteria be evaluated after municipalities develop sufficient experience applying the 10,000 square foot threshold. The Town of Woodside has expended significant resources to educate staff, town boards, and the development community on the C.3 requirements. I would encourage that the Regional Board evaluate the effectiveness of the C.3 requirements in the next permit cycle when there will be sufficient data.

I understand that one of the goals of the MRP is to create a region-wide approach toward implementing urban runoff pollution controls throughout the Bay Area. While this seems like a reasonable goal, the Bay area is very diverse. Woodside is a small rural town with no storm drain system and limited sanitary sewer service with most of our properties on

P.O. Box 620005
2955 Woodside Road
Woodside, CA 94062

650-851-6790

Fax: 650-851-2195

townhall@woodsidetown.org

septic. Throughout the permit there are requirements for discharges into the sanitary sewer system. This "one size fits all" approach is not feasible. There must be flexibility in the permit and provisions for situations where the sanitary sewer is not an option.

In general, I am troubled by the specificity of tasks identified in the draft MRP and the lack of flexibility. Additionally, the new and/or significantly expanded administrative requirements, particularly with regard to the New Development and Municipal Maintenance sections of the permit, can not be absorbed with existing staff. For example, the draft permit requires an extraordinary amount of record keeping and reporting. The permit calls for the creation and maintenance of several databases, including one to track impervious surface data. The Town of Woodside does not currently maintain such data in an electronic format. The requirements for the creation and maintenance of such extensive databases would require significant expenditures by the Town in order to be in compliance with our NPDES permit. In the absence of an audit, it is difficult to determine if the electronic collection of this data will yield improved water quality. Additionally, given that the Regional Board has limited staff and already struggles with reviewing and commenting on our annual reports, will these efforts by municipalities to comply with the record keeping and reporting requirements be just a data collection exercise without no benefit.


The impervious surface data Regional Board staff provided in the November workshops as justification to reduce the applicability threshold illustrate that the current requirements are already capturing 90 percent of all projects. The data also showed that the remaining projects are almost exclusively single family homes. The draft MRP proposed requirement to make projects that consist of one single-family home, projects that create and/or replace 5,000 square feet, and street replacement projects subject to additional requirements will require significant staff resources to implement.

The New Development Section of the draft permit requires all single family home projects that create and/or replace 5,000 square feet of impervious surface to implement one or more BMPs contained in an appendix which has not yet been provided by the Regional Board staff. Approximately 98 percent of Woodside is single family residential. It is critical that this appendix be available so that the Town can understand the substance of the proposed permit. Additionally, what will be the reporting and monitoring requirements? Will municipal staff have to report on every single project and which BMP's they used to comply with the requirement?

Woodside is a community of 5400 residents and 19 staff members. It is a community of that relies primarily on individual private septic systems, has narrow, winding roads with primarily no curb and gutter, and has no public stormwater collection system. In light of the reality of limited resources, it is imperative that the Regional Board prioritize and recognize that some pollutant control activities must receive more emphasis than others. As presented at the workshops, each of the working draft's 13 sections is considered equally important. It is essential to view the draft permit as a whole, rather than disjointed individual sections.

Again, thank you for the opportunity to comment on the draft document. I am hopeful that the next draft will acknowledge the need for administrative feasibility as well as incorporate the prioritization of activities. Due to the breadth of material to review, I respectfully request that a minimum of 6 weeks be allotted for review before the next round of public hearings. If you have any questions, please contact Kelly Posusney at 650-851-6790.

Sincerely,



Hope V. Sullivan
Director of Planning and Building