

17 December 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Sent via email to: commentletters@waterboards.ca.gov

Subject: 3rd Draft Phase II Small MS4 General Permit
Attachment J: Central Coast Post-Construction Requirements

Dear Members of the Board,

This letter requests that Attachment J be removed from the Phase II Small MS4 General Permit, or that references to the Central Coast Regional Water Board's Post-Construction Stormwater Requirements be removed from the Permit. This request is not to circumvent the Central Coast's Post-Construction program, but rather to provide the Executive Officer a measure of flexibility to revise the Post-Construction Requirements as technical issues are analyzed and resolved. It is understood that the Central Coast's program is more protective of natural watershed processes than the Statewide program described in E-12, providing the Executive Officer latitude to include the Requirements in municipalities' stormwater management plans as provided in Findings 30 and 31.

As you are aware, the central coast Joint Effort Review Team (JERT) is a stakeholder-based, volunteer technical panel that reviewed the technical approach of the Central Coast Water Board's consultant team, for development of the Central Coast Post-Construction Requirements. The below-signed individual members of the JERT have concern over portions of the Requirements, in particular the attached sizing and design criteria. The technical problems our team has identified, while fairly limited, have the potential to result in unintended and negative consequences on the health of our watersheds. We are in the process of carefully reviewing the criteria to provide feedback and recommendations to Water Board staff. As long as the recommendations comply with the intent of the adopted Requirements, it is our understanding that the Central Coast Water Board intends to approve our recommended modifications to the Requirements prior to the effective date of Sept 6, 2013.

Because the Central Coast Requirements have been incorporated verbatim into the State Board's proposed Phase II Small MS4 General Permit as Attachment J, we are concerned that if the Requirements are adopted into the State Permit, any potential revisions will be delayed and our efforts confounded. This is because the State Permit would need to be reopened to make changes to the Requirements, with the associated public review and comment period. Therefore, we respectfully request that either Attachment J or all reference to the Region 3 Post-Construction Requirements be removed from the Draft Tentative Order.

This letter reflects the views of the individual members of the JERT signed below, and may not reflect the views of the Central Coast Regional Board.

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Respectfully,



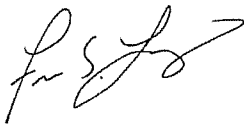
Robert Ketley
Senior Utilities Engineer
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Thomas Harty, PE, QSD/P
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County of Monterey



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County of Santa Barbara



Frank Lopez, PE, QSD/P
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