

July 20, 2012

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



Via email: commentletters@waterboards.ca.gov

Re: Comment Letter: 2nd Draft Phase II Small MS4 General Permit



Dear Ms. Townsend:

Thank you for this opportunity to submit comments on the draft Phase II Small MS4 general permit, dated May 18, 2012. Marin Conservation League has monitored environmental issues in Marin County for almost eight decades, and we applaud the board's support for Clean Water Act goals.

In particular, we know the value of educating citizens about our individual responsibility to protect water resources, and to show ways this can be done. A society that embraces water conservation, a pollutant-free lifestyle, and waste-minimization is one of our highest priorities.

Although the revised permit has been improved from the fall 2011 version it continues to include tasks only marginally related to water quality and not critical to program goals. The cost and unnecessary detail of the expanded requirements risk discouraging compliance and further distancing a public that already views state government as burdensome and heavy-handed.

Specifically it would 1) impose unfunded mandates in a time of dire public revenue decline, forcing jurisdictions to take resources from other programs to cover new requirements; 2) limit local agencies' ability to adapt strategies to meet a community's unique needs; and 3) add a new emphasis on "teaching to the test" for public outreach that is unsuitable in this context.

Faced with unfunded mandates jurisdictions will tighten the belt in other areas, resulting in many regulations barely met, but none met well. Programs most likely to suffer in Marin County are educational efforts where MCSTOPPPP (Marin County Stormwater Pollution Prevention Program) has focused and excelled: for example, exhaustive outreach to homeowners and businesses promoting integrated pest management. In addition, Marin County has several watershed "Friends" groups that sponsor creek cleanups, conduct significant public education and related activities, working with, and relying on guidance from, stormwater personnel. This outreach would be threatened in order to fulfill tasks

PHONE: 415.485.6257
FAX: 415.485.6259

EMAIL: mcl@marinconservationleague.org
URL: www.marinconservationleague.org

ADDRESS: 1623-A Fifth Avenue
San Rafael, CA 94901



that will fall short of generating public support for Clean Water goals that enthusiastic volunteers create.

We urge changes in the Phase 2 permit such that all requirements have a clear water quality benefit, and the permit is more realistic for financially-burdened communities to implement.

Eliminate requirements that are unfeasible or which do not clearly benefit water quality, for example:

Incidental Runoff (B.4.a and E.6.a). Personnel are not available around the clock to monitor private landscape irrigation systems, Little League car washes and other miscellaneous point sources, many of which do not require permits and are not widely enough advertised to be known to permittees. This should be omitted in favor of community education through MCSTOPPP which is more effective in spurring on behavior to achieve the intended purpose.

Outfall mapping and photography (E.9.a). Photographing each of the County's more than one thousand public outfalls would be an unproductive use of permittees' limited time and yield little or no practical information about water quality discharges. Alternatively, this might be an interesting educational exercise for an intern or volunteer if one were available, and could be suggested for such.

We also question the value of photographing trash in the creek (*E.14.a*) as a legitimate way of discerning differences between one year and the next.

Field Sampling to Detect Discharges Following Rain Events (E.9.c.(i)). The impracticability of locating all outfalls 72 hours after a rain event in order to verify if water is still flowing and then sample the water if it is flowing, should be obvious. This could be aggravated by the fact that showers often persist in some areas of Marin County while the sun is shining in others due in part to the differences in coastal and inland climates.

Focus on Community Education, not "Market-Based" Surveys and Tests, for example:

Surveys to Gauge Level of Awareness and Behavior Change (E.7.a). Accurately gauging changes in public awareness and knowledge of stormwater issues through surveys would be virtually impossible without costly professional polling, and a base assessment which should already have been done. Reporting and surveys also do not achieve the bottom line goal of better water quality. A better way to assess progress is monitoring and measuring specific parameters in local watersheds, e.g. fecal coliform or invasive plants.

Assessing if/how BMPs Change Behavior through Interviews and Surveys (E.14.a.Implementation.e.2). Surface runoff takes place around the county, from public and private properties, from hills and floodplains. Thus, the "target audience" is the community at large and developing interview questions and surveys to assess if or how BMPs affect the behavior of an entire community would be a Herculean task and not necessarily mirror runoff quality. Time spent in the field or doing community-based

outreach would be much better spent with greater payback. We reiterate that water quality testing is a better way to assess improved conditions, and that community-broad education to change a way of thinking and behaving is not something that can be readily quantified or measured.

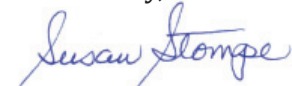
Allow Flexibility in Timeframe to Complete and Report on Permit Elements, including Option of Consolidating Reports.

The revised permit expands on inspecting and reporting requirements in numerous ways, with a rigid reporting schedule. Phase 2 permittees, which include many very small communities such as those in Marin County, should be allowed some freedom to defer or consolidate reports when rescheduling would free time for the more important field work and outreach.

Allow Phase IIs Latitude to Tailor Programs to Jurisdictions' Characteristics. We recognize that uniform standards are necessary to accomplish Clean Water Act goals, and the state board cannot allow permittees complete freedom to design their own programs. But some ability to accommodate differences in terrain and land use is reasonable. Marin County is an agricultural and suburban environment overlain with a tapestry of small waterways, very different from the state's large cities and beach communities. Measures to maintain healthy aquatic life, and reduce impermeable surfaces and residential pesticide use are important here. A statewide plan cannot fit everyone's needs and if not reconciled with local needs could simply result in higher costs and unnecessary work.

We urge that the state board use common sense to pare down the requirements to those that can be accomplished with available resources, allow Phase 2s some freedom to establish priorities based on the local situation, and ensure that broad-based public education remains a top priority.

Yours truly,



Susan Stompe, President