



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

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JOHN J. PRESLEIGH
DIRECTOR OF PUBLIC WORKS

September 8, 2011

CHAIR HOPPIN AND MEMBERS OF THE
STATE WATER RESOURCES CONTROL BOARD
c/o Jeanine Townsend
Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-2000



SUBJECT: COMMENTS ON DRAFT STORM WATER DISCHARGES FROM SMALL
MUNICIPAL SEPARATE STORM SEWER SYSTEMS GENERAL PERMIT
(DRAFT GENERAL PERMIT) REQUIREMENTS

Dear Chair Hoppin and State Water Resources Control Board Members:

Thank you for the opportunity to submit comments on the draft General Permit to regulate small municipal separate storm sewer systems (MS4s).

Public Works believes that we share the same goals of the State Water Resources Control Board (SWRCB) to improve storm water quality and prevent pollution. Even before enrolling under the current Statewide NPDES Phase II MS4 permit, the County of Santa Cruz had long instituted policies and implemented many programs to improve water quality such as Watershed Management, Beach Water Quality Improvement, Onsite Wastewater Management Programs, development and implementation of TMDLs, Integrated Pest Management, Green Building and Green Business Certification, and Recycling and Zero Waste.

We are very concerned about the number of new, and in our view unnecessary, requirements included in the draft General Permit and the overall fiscal impacts this permit will impose on our limited County resources. The General Permit requirements were formulated without assessing both the cost and the benefit of the requirements being imposed on the MS4s and the residents of California. Extensive reporting requirements are prescribed in the General Permit that will require a significant outlay of resources and funds without having any noticeable effect on water quality improvements. Public Works needs to direct such precious resources toward implementing programs that will actually improve water quality and prevent pollution, instead of time-consuming reporting.

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The County of Santa Cruz does not have a storm water utility fee, and because of Proposition 218, it is extremely unlikely that we would be able to institute such a fee. According to the draft General Permit, many tasks are being transferred by the State to the County without providing adequate funding sources. The new draft General Permit imposes numerous new requirements and increased level of services to implement. It goes above and beyond the six minimum control measures that the United States Environmental Protection Agency determined to be sufficient to reduce the discharge of pollutants from MS4s to the Maximum Extent Practicable; therefore, we consider this General Permit's requirements as a new unfunded mandate that the County will not be able to fund and implement. Public Works is requesting that the State either prepare to pay for these new programs and the higher level of services required by the draft General Permit or significantly reduce them to a more affordable and effective level. We concur with the specific programmatic comments submitted by the California Stormwater Quality Association and the Statewide Stormwater Coalition.

The draft General Permit was completed without any input from the affected stakeholders, such as our County. We are requesting that the SWRCB invite us and other stakeholders to participate in redrafting the permit to produce a successful program and not forcing the County into major financial hardship and depletion of our resources. To continue pursuing our goals of improving water quality and preventing pollution, we look forward to working with the SWRCB to develop an effective and practical phase II permit.

Public Works appreciates your consideration of our comments. If you have any questions, please call Rachel Fatoohi, Senior Civil Engineer, at (831) 454-2160.

Yours truly,


JOHN J. PRESLEIGH
Director of Public Works

Yours truly,


ROBERT KENNEDY
Director of Environmental Health

RJF:lm