

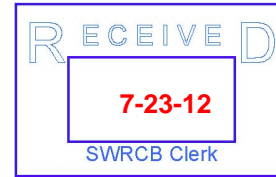


City of Redding
777 Cypress Avenue
Redding, CA 96080

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

July 23, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000



Subject: Comment letter – Second Draft Phase II Small MS4 General Permit

Dear Ms. Townsend and Members of the Board,

The City of Redding (City) would like to thank the State Water Resources Control Board (Board) for allowing us to provide written comments on the second draft Phase II Small MS4 General Permit (Permit). We support your efforts to prevent storm water pollution and protect and enhance water quality in California. Please accept the following comments on the Permit.

While the City of Redding recognizes the Board's significant efforts in drafting the Permit are well-intended, we believe the proposed requirements will result in many challenges for Phase II communities and not achieve the ultimate goal of protecting water quality. The Permit imposes compliance costs which are not feasible or sustainable; the process for implementing the permit is unclear and leaves permittees vulnerable to legal challenge; and parts of the permit are redundant and unreasonably specific.

The permit exposes permittees to enforcement actions and lawsuits even if the discharger is fully implementing its stormwater program. The Board has not used its discretion to allow dischargers to comply with water quality criteria over time through the iterative process. Not doing so leaves local governments vulnerable to enforcement actions by the Board, and more importantly, vulnerable to third party lawsuits costing millions of dollars. Such scarce funds are thus wasted away with no benefit to helping improve stormwater quality. It is critical that the Board modify the Permit language to ensure that the actions taken by permittees shall be deemed in compliance with the Permit, assuming such actions comply with other Permit provisions.

The estimated cost to comply with the Permit is a major concern for the City. Local jurisdictions have unprecedented budget constraints given the dismal state of our economy. Every budgetary decision is subject to intense public scrutiny and criticism. The City is suffering through furloughs, layoffs, and hiring freezes. Significant additional funds and staffing will be needed to implement all provisions of the Permit.

Jeanine Townsend

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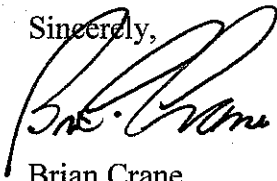
There is no reasonable current or future means to pay for this program as it is presently drafted. In addition, we do not believe that the cost is reasonable when compared to the pollution control benefits expected.

Monitoring pollutant loads within the watershed will be a significant burden for small MS4 communities. The Permit requires permittees to annually quantify subwatershed pollutant loads and estimate the loads reduced by BMPs. This requirement is excessive and will not add value to stormwater programs. In addition, the Regional Board has great discretion with open ended terms and provisions which presents potentially costly uncertainties for communities. Such uncertainties will not be known until after the permit is adopted and too late to effectively make changes.

We appreciate the opportunity to provide comments on the Permit. In addition to the comments presented here, we support the comment letters submitted by CASQA and the Statewide Stormwater Coalition.

If you have any questions please contact Jonathan Oldham at (530) 225-4046, or by email at joldham@ci.redding.ca.us.

Sincerely,



Brian Crane
Director of Public Works
City of Redding

Cc: Brian Crane
Jonathan Oldham
Martha Vuist