

CITY OF MERCED

"Gateway to Yosemite"



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June 20, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street 24th floor
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Subject: Comment Letter – 2nd Draft Phase II Small MS4 General Permit

Dear Board Members,

The 2nd Draft Phase II Small MS4 General Permit needs to better consider the economic impact on cities and counties with disadvantaged communities. As laid out in the Regional Boards own fact sheet, MS4 permittees already spend 40 to 70 percent of the 2nd Draft order's total cost to meet existing regulations. That means the cost to permittees already struggling to meet the current requirements will increase by anywhere from 43 to 150 percent.

Like other communities throughout the Central Valley, ever since the start of the great recession Merced has experienced a foreclosure crisis and unemployment ranging from the high teens to more than twenty percent. A cost increase at a time like this is neither incremental nor reasonable to disadvantaged communities, like Merced, can afford.

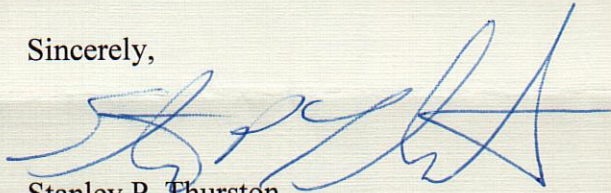
Regardless of whether it's called a tax or a fee, this overly burdensome 2nd Draft introduced under the guise of the federal Clean Water Act imposes unfunded mandates onto local government such as guiding and financing educational curriculum in schools. As admirable as these over-reaching mandates may be, they come at a time when the State continues to raid local coffers in an attempt to offset the widening State deficit. Disadvantaged communities can't afford to assume the State's role in education and support additional State imposed financial burdens.

One needs only look to the businesses and jobs leaving California and relocating to other states to understand that burdensome regulations like these new draft NPDES General Permit provisions are State driven mandates rather than federal requirements.

The reported household cost of \$18 to \$46 for regulatory compliance is not affordable to Central Valley communities like Merced where over eighty percent of the population is below the median household income. It is neither reasonable nor workable for the state to assume disadvantaged communities can simply increase fees to meet broad new over-reaching state mandates exceeding federal requirements like the draft general permit propose.

Disadvantaged communities can't afford to cleanup and maintain State waters already polluted by others. Please change the regulations to address the affordability needs of disadvantaged communities.

Sincerely,



Stanley P. Thurston
Mayor