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July 17, 2012

Charles R. Hoppin
Chair - State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Phase II Small MS4 General Permit

Dear Chair Hoppin:

The California State Water Resources Control Board (State Board) regulates stormwater discharges from small municipally-owned stormwater conveyance systems. The County of Marin and Marin's cities and towns are covered by your agency's "Phase II Permit" and are subject to its conditions and regulations. The State Board is now proposing to adopt new Phase II Permit regulations that would dramatically increase the cost of permit compliance for cities and counties statewide.

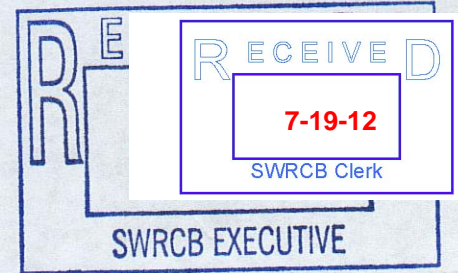
Conservative estimates indicate that the new regulations could increase the combined compliance costs to Marin's local agencies on the order of \$5 million per year. The State Board provides no funding or alternative mechanism to comply if a County or municipality lacks the funds to comply. The State has not adequately addressed the funding realities associated with implementing the proposed new requirements. Furthermore, the ability of California cities and counties to raise funds is limited through Proposition 218.

Given the current economic environment, it is imperative that the State Board work with Phase II municipalities to develop a permit that improves water quality and can be implemented with existing funding.

Marin County and its municipalities share a strong commitment to protecting the environment and water quality. The County's stormwater program has an established track record of successfully implementing policies and projects to protect and enhance Marin's creeks and watersheds. The State Board's new Phase II stormwater permit includes uniform, prescriptive, "one size fits all" standards that would be applied statewide.

We respectfully urge you to work with the State Board to make the following changes to the draft Phase II Permit:

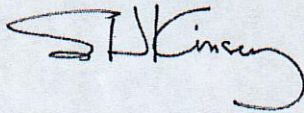
- 1) Revise the Receiving Water Limitation Language to allow Permittees to comply with the Phase II Permit by implementing, in good faith and in cooperation with the Regional Water Quality Control Boards through an iterative process if it is determined that a discharge "causes or contributes" to an exceedance of a water quality standard. This change to the draft language would be consistent with longstanding State Water Board policy regarding stormwater permitting and would support the core of the Water Board's cooperative partnership with local governments relative to stormwater management and the achievement of water quality standards.



- 2) Only include requirements that an external scientific peer review confirms will result in appreciable improvements to water quality.
- 3) Provide more flexibility in the permit language that will support implementation and prioritization by region or community based on local issues.
- 4) Provide a clear, documented, regulatory path to allow implementation of existing programs that are currently adaptively managed and are protective of water quality to the federal standard of "Maximum Extent Practicable".
- 5) Modify the compliance timelines to provide more time to prepare for the new requirements.
- 6) Only include requirements that can be implemented with existing municipal or County resources or provide an alternative funding mechanism to support implementation.

Thank you for your consideration of this critical and urgent topic.

Respectfully Submitted,



Steve Kinsey, President
Marin County Board of Supervisors

cc: The Honorable Senator Mark Leno
The Honorable Assembly Member Jared Huffman
Mayors of Marin's cities and towns
Jeanine Townsend, Clerk to the Board, State Water Resource Control Board