

April 3, 2009

Regional Water Quality Control Board, San Francisco Bay Region
Attention: Dale Bowyer
1515 Clay Street, Suite 1400
Oakland, CA 94612

SUBJECT: Comments on Municipal Regional Storm Water NPDES Permit

Attached please find our comments on the February 11, 2009 version of a Tentative Municipal Regional Permit (MRP) for urban stormwater. We recognize that implementing this permit will be a challenge for municipalities that are faced with significant budget constraints. An ideal implementation program of the MRP would surely require significant additional funds. At the same time, no one wants to see backsliding on the most effective program elements in the current permits, or delay new program elements that will provide significant reductions in storm water pollutants.

We see trash control as one of the most valuable elements of any stormwater program. For trash, we have a one-way street, all into our waters and nothing taken out. We cannot allow this to continue. Resources for trash control can be found by scaling back of some of the less effective municipal maintenance requirements like street sweeping and storm drain (non-sump) inlet cleaning, and the extension of time schedules. We also believe municipalities should be expected to aggressively seek available grant funding for trash, including federal stimulus funds and funds available from the State Water Pollution Cleanup and Abatement Account.

The MRP is a significant improvement over the current countywide storm water permits and increases accountability and enforceability; however, there are areas that must be clarified and strengthened. The trash control requirements in Provision 10 can be significantly improved as indicated in the attached comments. In addition we have a number of comments that we feel will clarify and strengthen the accountability and enforceability of the MRP. We look forward to receiving the response to these comments as well as those submitted on the December 2007 draft MRP.

The MRP would benefit from a thorough editorial review to delete language that is redundant or unclear, that could lead to endless debates when requirements are interpreted or enforced. Wherever we can we should avoid providing attorneys the opportunity to later debate the meaning of the MRP language, or give Permittees and their consultants the chance to use studies to delay solutions. There are over 50 places where "appropriate" is used and an additional 50 where words - like timely, proper, adequate, effectively, improper, reasonably, as needed, significant, if needed, make efforts, substantial, should and as necessary - are used to specify permit requirements. We found that in almost every instance "appropriate" can be eliminated. The other words or phrases will only serve to create debate of the original intent or allow Permittees to argue that their efforts, no matter how minimal, comply with the permit.

The staff that has worked on preparing the Tentative MRP is to be commended. The MRP represents a great deal hard work, dedication, and technical knowledge, all done under adverse conditions.

Sincerely,

Lawrence P. Kolb
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Oakland, CA 94618

Roger B. James
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Redmond, WA 98053

Attachment: Comments on February 11, 2009 Revised Municipal Regional Stormwater Permit