

Mr. Bruce Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments on the Tentative Order for the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit

Dear Mr. Wolfe:

The City of South San Francisco would like to take this opportunity to offer the following comments on the February 11, 2009 revised draft municipal regional stormwater permit. Our intent is for these comments to contribute to a constructive dialog that results in additional permit revisions. While we appreciate that the Board has revised a number of important sections to the permit, compared with the December 2007 version, further movement in this positive direction is essential. The San Mateo Countywide Water Pollution Prevention Program's (Countywide Program) comment letter highlights many of the improvements that have been made and we are in full agreement with those comments.

At the local level it is essential to have a permit that is practical, predictable, and cost-effective. In addition, it is important to us that the permit avoids shifting the San Francisco Bay Regional Water Quality Control Board's (Water Board) pollutant control and cleanup responsibility to local public agencies without the benefit of funding sources.

The following categorizes some common types of problems that occur in the revised draft municipal regional stormwater permit.

1. A number of the permit's provisions, such as Provisions C.3 New Development and Redevelopment, C.6 Construction Site Control, and C.15 Exempted and Conditionally Exempted Discharges, remain overly prescriptive and will require additional staff time dealing with an unnecessary amount of information tracking and reporting unrelated to improving water quality.

2. Despite a decline in the number of unsound and technically questionable permit requirements, there still remain a number of areas that need modification.
3. The control actions needed to comply with some of the permit's requirements are unpredictable because they may be triggered by monitoring results, such as Provision C.8.e.i.(3). An additional uncertainty is posed by having to achieve an arbitrary and potentially unrealistic trash and litter clean up level.
4. Some of the permit's implementation and reporting dates are unrealistic and should be extended.

Examples of Permit Problems and Requested Changes

The following illustrates some specific examples of problems the current draft of the permit poses for the City of South San Francisco and our requested change to the permit. For a more comprehensive list of issues and requested permit changes, please refer to the Countywide Program's List of Issues Table that was included with the Countywide Program's comment letter.

Provision C.15 Exempted and Conditionally Exempted Discharges

- ◆ Our municipality should not be required to make sure that California Water Service who discharges potable water conducts the burdensome amount of sampling, testing, and reporting required by the permit. It would be more efficient for the Water Board staff to adopt a general permit for potable water dischargers, who are not municipalities, and to make potable water dischargers apply for permit coverage so that they are directly responsible for meeting the types of requirements the Water Board believes necessary.
- ◆ The deletion of individual residential car washing as a conditionally exempted type of discharge is ill considered. In 2004 the Water Board adopted the Countywide Program's BMPs and Implementation Procedures for Conditionally Exempted Discharges, which includes individual residential car washing. We believe that a better approach is for the permit to recognize that individual residential car washing will occur and to promote the use of appropriate BMPs rather than to disallow these types of discharges.

Provision C.3 New Development and Redevelopment

- ◆ The current permit allows projects that are deemed complete per the Permit Streamlining Act to not meet new stormwater treatment and other requirements. This avoids the possible need for expensive project redesigns once a project has been deemed complete. The revised draft permit would require projects to meet new stormwater requirements (e.g., C.3.b.ii.(1)d) as soon as they have final, major staff-level discretionary review and approval for adherence to applicable local, state, and federal codes and regulations, which is intended to be earlier in the review process than when projects are deemed complete. This new requirement should be changed back to allow applications that are deemed

complete per the Permit Streamlining Act not to comply with new stormwater requirements.

- ◆ Any widening of an existing road with 10,000 square feet or more of impervious surface will require treatment of all of the stormwater runoff from the road. The permit should be modified to only require treatment of stormwater runoff from an area equivalent to the widened section and not the entire road if the widened area is less than 50 percent of the entire road's impervious surface.

Provision C.10 Trash Reduction

- ◆ The permit proposes a trash clean up (action) level for what it terms trash hotspots that should be expressed as a goal and not an inflexible mandate because of uncertainty about what levels of trash reduction are needed to protect beneficial uses and what levels are reasonably achievable.
- ◆ The requirement to install full capture devices on 30% of the ABAG 2005 Retail/Wholesale Commercial Land Use area is too ambitious. The installation of full capture on 20% of this land use is a reasonable level of implementation as part of what the permit characterizes as an initial pilot scale deployment.

Provision C.6 Construction Site Control

- ◆ The permit proposes a requirement that each municipality implement a construction site control program at all construction sites. The permit should focus on construction sites of a sufficient size to pose a reasonable threat to water quality and are located where stormwater runoff from the site flows into a municipal separate storm sewer system owned or operated by the municipality.
- ◆ The list of information from each construction site inspection that must be tracked and/or reported is too prescriptive and unnecessary to protect water quality. For example, there is no value to collecting information about the "inches of rainfall since the last inspection." The list of items should be minimized as requested in the List of Issues Table submitted by the Countywide Program.

Provisions C.11 and C.12 Mercury and PCBs Controls

- ◆ The permit requires a feasibility study and diversion of dry weather and first flush stormwater flows from five stormwater pump stations during this permit period. This requirement should be limited to conducting a paper feasibility study. Such a feasibility study is essential to resolve whether there is sufficient capacity in the sanitary sewer collection system and at wastewater treatment plants to handle these types of diversions. In addition, a feasibility study needs to evaluate the cost-effectiveness of doing diversions.
- ◆ The permit requires that municipalities ensure the clean up of mercury and PCBs contamination located on private properties by exercising direct authority to accomplish a clean up or by providing information to appropriate authorities. Municipalities should be held accountable for what they are able to control. On this basis, this requirement should

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be modified to state that municipalities will attempt to identify private properties that may be contaminating their municipal separate storm sewer system with mercury and/or PCBs and forward this information to the Water Board.

We request that you direct your staff to modify the permit based on this and other comment letters submitted by members of the Countywide Program, the List of Issues Table included with the Countywide Program's comment letter, comments submitted by the Bay Area Stormwater Management Agencies Association, and the Santa Clara Valley Urban Runoff Pollution Prevention Program's comments.

We appreciate your consideration of our comments, and look forward to discussing these issues further at the May 13 public hearing.

Sincerely,

Terry White
Director of Public Works
City of South San Francisco