



City of Albany

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February 28, 2008

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

Re: Regional Water Board's Municipal Regional Stormwater NPDES Permit Tentative Order for the San Francisco Bay Region dated December 14, 2007 (MRP) Municipal Regional Permit Comment Letter

Dear Mr. Wolfe:

The City of Albany considers maintaining local water quality as a high priority, and the City has worked diligently over the years to fulfill all NPDES permit requirements. We believe in the goals of enhancing water quality for the benefit of our ecosystem and beyond.

However, we want to ensure that our efforts are focused on activities that are most effective in bringing about improvements to water quality, that are well-designed for local conditions, and that do not create unnecessary administrative burdens. With increased prescriptive demands and reporting, the objectives in the tentative order may prove difficult to accomplish and the proposed performance standards and reporting would be both unmanageable and unaffordable.

As stated in our previous comment letter dated November 7, 2006, the City finds the provisions in the MRP to be overly prescriptive, and out of context with previous permit methodology that allowed jurisdictions the ability to customize their own stormwater programs. To date the City has appreciated the ability to develop and enhance its own stormwater program based on NPDES permit guidelines, and the Alameda Countywide Clean Water Program's Stormwater Management Plan, also incorporated as part of the permit. However, should the prescriptive language found within the current version of the draft MRP be allowed, a significant amount of flexibility that allows jurisdictions to develop functional programs for their specific community will be lost, and replaced with a permit that is difficult for jurisdictions to implement.

The following identifies some requirements listed within the MRP of particular concern to the City.

- Street and Road Sweeping and Cleaning: Depending on debris found along roadways, the City utilizes a variety of sweeping equipment to



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effectively remove such debris. The requirement listed in the MRP that at least 75 percent of the sweepers replaced during the Permit term to have particulate removal performance of regenerative air sweepers or better, including contracts with a third party, does not allow for the City to utilize flexibility to ensure debris is most effectively managed based on debris type.

- Trash Management: The requirements concerning trash management and installation of trash capture devices do not account for the varying composition of jurisdictions. We suggest that increased flexibility be provided allowing jurisdictions to customize their own trash management programs to determine when trash capture devices are necessary, or whether a hands-on litter abatement program would be more effective. Additionally, it is uncertain whether the specific sizing of trash capture devices called out in the draft permit is scientifically grounded.
- Reporting: There is a significant increase in the amount of required reporting, and justification for the increased reporting is unclear. Additionally, the timelines for reporting do not allow enough time for the City to adequately fulfill reporting requirements.
- City Jurisdiction: Some provisions of the draft permit appear to be outside the proper scope of an MS4 permit, and provisions requiring action outside of a jurisdiction's authority. Certainly the City will not be able to act outside of its authority, and as such finds these provisions unfair to include within a document that should be focused on provisions a jurisdiction is equipped to implement.

At the minimum, the City of Albany requests that the public comment period for the Municipal Regional Stormwater Permit, which is currently scheduled to end on February 29, 2008, be extended an additional six months, and that the initial public hearing on this item, currently scheduled for March 11, 2008, also be deferred six months.

The effort by Board staff in the development of the permit and its ongoing efforts in addressing water-quality issues is appreciated. The City of Albany is committed to a good-faith effort to do our share in maintaining water quality within the Bay Area. We look forward to working with the Board to develop a permit that accomplishes these goals.

Sincerely,



Beth Pollard
City Administrator