

February 20, 2008

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

Subject: Tentative Order for the Municipal Regional Stormwater NPDES Permit
Request for Six Month Extension of Public Comment Period and
Deferral of March 11 Public Hearing

Dear Mr. Wolfe:

The purpose of this letter is to request 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 reason for this request is that the permit, as currently written, is in need of extensive rework due to its overly-prescriptive nature and the inclusion of tasks which provide nominal or questionable benefit to water quality. Furthermore, there is need for a value-engineering review of the permit to determine if there are opportunities to consolidate or modify tasks in a manner that meets water-quality goals at a lower cost to local government.

The City of Dublin submitted its third comment letter on the permit on February 6. Previous letters were submitted to the Board on November 30, 2006, and July 13, 2007. Based on review of the Board's website, over 50 letters had been submitted to the Board by local government agencies on this matter; the concerns expressed in these letters generally follow the same themes of the permit being overly-prescriptive and not cost effective. It is the City's understanding, from discussions with other agencies, that these concerns remain unaddressed on a region-wide level and that additional comment letters will be forthcoming.

Given the breadth and complexity of unresolved issues that will be presented to the Board at the public hearing, it does not seem likely that the public hearing will be productive and lead to the timely adoption of the permit. Instead, it will do nothing more than drive home the fact that, after a year and a half since the administrative draft for the permit was first issued, and in spite of extensive written comments and constructive alternate language proposals by local agencies, there has been little or no progress by Board staff in addressing local agencies' concerns.

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The six-month deferral in taking action on the permit will provide the Regional Board with the opportunity to begin a good-faith dialogue with the local agencies subject to the permit, and allow development and consideration of alternate permit requirements that are effective and fundable at the local level and do not sacrifice real water-quality objectives. The end result will be a permit that is endorsed and supported at the local level, which should result in a smoother public hearing process and the ultimate adoption of the new permit.

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 Dublin is committed to a good-faith effort to do its share in maintaining water quality within the Bay Area, and is ready to step forward and work with the Board to develop a permit that accomplishes these goals.

Thank you in advance for your consideration of this request. Please contact Joni Pattillo, Assistant City Manager, at (925)-833-6650, if you have any questions regarding the City of Dublin's comments.

Sincerely,

Janet Lockhart
Mayor

JL/ml

cc: John Muller, Chair, San Francisco Bay Regional Water Quality Control Board
William Peacock, San Francisco Bay Regional Water Quality Control Board
Shalom Eliahu, San Francisco Bay Regional Water Quality Control Board
Terry Young, San Francisco Bay Regional Water Quality Control Board
Jim McGrath, San Francisco Bay Regional Water Quality Control Board
Thomas Mumley, Ass't. Exec. Director, San Francisco Bay Regional Water Quality Control Board
Richard Ambrose, City Manager
Joni Pattillo, Assistant City Manager
Melissa Morton, Public Works Director
Mark Lander, City Engineer
Jeri Ram, Community Development Director
John Bakker, City Attorney
Jim Scanlin, ACCWP
Alameda County Mayors' Conference
Contra Costa County Mayors' Conference
Alameda County City Managers
Contra Costa City Managers
Eric Figueroa, League of California Cities
Kathy Coty, Manager of Environmental Services, City of Fremont
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