



FAIRFIELD-SUISUN SEWER DISTRICT

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KATHY HOPKINS, GENERAL MANAGER

February 28, 2008

UR-180.10.10/08

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

RE: Municipal Regional Permit (MRP) – Regional Water Board Working Draft
(Revised version issued December 14, 2007)

Dear Mr. Wolfe:

The Fairfield-Suisun Sewer District (District) is in receipt of the Regional Water Quality Control Board (Water Board) staff's most recent version of the Draft Tentative Order for the Municipal Regional Permit (MRP) (version issued December 14, 2007). The Fairfield-Suisun Sewer District fully supports the Water Board's efforts to protect our local creeks and the Suisun Marsh from the potentially detrimental impacts of stormwater runoff and in particular runoff from new development and redevelopment projects.

The District appreciates the efforts that you and your staff have made in understanding the concerns of the BASMAA member agencies as they pertain to this document. In particular, I would like to commend Tom Mumley, Dale Bowyer, Shin Roei-Lee, and Jan O'Hara, for their efforts in developing the document and their willingness to share their thoughts and ideas.

Water Board staff has done much to clarify their objectives and expectations in the current draft. The District continues, however, to have grave concerns that pragmatism may have been lost in the search for a permit that attempts to be everything to all people. This MRP is overly aggressive, and diverts resources to activities that will not improve watersheds and/or water quality.

The following comments are those we believe are critical to the overall success of our Program, to successful MRP implementation, and to the improvement of water quality in our jurisdictions and in the San Francisco Bay.

1. General Comment

The schedule for many of the deliverables in this permit come due in the first two years after adoption of the permit. Included in those cluster of requirements are:

- Ordinance Adoptions or Revisions for:
 - IPM
 - Construction Site Inspections
 - Commercial and Industrial Site Controls
 - New Development
 - Illicit Discharge Controls
- City street maps w/ designated street sweeping frequencies;
- Inspection, cleaning and maintenance reports for storm drain inlet/catch basins;
- A Business Inspection Plan;
- An Enforcement Response Plan;
- A Spill Dumping and Response Plan;
- Maps of Strategic Checkpoints for Illicit Discharge Screening;
- Increased Inspection Frequencies for Industrial/Commercial facilities;
- Increased Inspection Frequencies for Construction Site Inspections;
- Increased Public Outreach;
- Evaluation of Pump Station Water Quality;
- Enhanced Trash Capture Management over 10 % of our cities' urban areas;
- Participation of Regional efforts for the control of Hg, PCBs, Cu and PDBEs.

The District urges the Water Board to establish a reasonable timeline for implementing the proposed requirements. The Water Board has failed to understand the limited resources that municipalities possess for pollutant control activities associated with stormwater. The ability to increase the revenue for these programs and other municipal programs has been severely limited by the public decisions Proposition 13 (1978) and Proposition 218 (1996). This is of particular concern given the current difficult financial conditions that the cities in our Program are facing. It is impossible to implement a successful campaign to increase the revenue for these new requirements and implement them within the proposed time frame.

Please consider spreading these requirements out over the permit term instead of inundating the Permittees within the first two years of the permit.

2. Municipal Maintenance Activities

C.2.f.iii **Record Keeping/Reporting**

It is unclear what kind of record will be sufficient for the documentation and reporting of the inspection and cleaning of all storm drain drop inlets. The District would strongly encourage the Water Board to not require the Permittees to record all inspections at the transaction level.

Relief from this type of paperwork burden would allow Permittees to spend their time more effectively protecting water quality.

C.2g.ii(3) Stormwater Pump Station and Conveyance Systems

Inspect trash racks and oil absorbent booms during or within 24-hours of significant storm events. Remove debris in trash racks and replace oil absorbent booms, as needed. This requirement is not realistic and can be hazardous. Local agencies and contractors have remote capabilities and the knowledge of local pump stations. Some stations will/may need immediate attention while others may not need any attention for a week or more after a significant storm, at which time the debris can then be removed from a trash rack or wet well.

3. Industrial/Commercial Inspection Program

C.4.a.ii Implementation Level

This Provision requires the revision of Ordinances within a year of adoption of this permit. Please see comment number 1 regarding permit schedule and deliverables within the first two years of adoption of the permit.

C.4.b.ii.(5) Inspection Frequency

The District is troubled that the Water Board is passing the administrative burden on to the local municipalities by requiring the inspections of NOI facilities on an annual basis. These facilities are permitted by the State and pay the State fees for administering the General Industrial Stormwater Program. These facilities should be inspected by the State in order to show collaboration between State and local agencies while relieving the local municipalities of further burden.

4. Illicit Discharge Detection and Elimination

C.5.d.ii Collection System Screening – MS4 Map Availability

Implementation Level: Our Program, in recent history, has conducted a significant amount of dry weather screening activities and has found them not to be a constructive use of Program time. The requirement of one screening point per square mile is overly burdensome. Please consider the reduction of that requirement to one screening point per 5 square miles.

C.5.b.i.(3)(c) Enforcement Authorities Must Differentiate Between Categories of Violations

Please delete the reporting of Tier One Spills that do not enter the storm drain. This reporting is not needed and the associated resource burden is not justified if there is no discharge to the storm drain system.

5. Water Quality Monitoring and Monitoring Projects

The monitoring and reporting requirements contained in the permit are extremely aggressive and unnecessarily burdensome for a program of our size. The District feels more environmentally significant advancements can be made if the limited time and monies are not spent on unnecessary monitoring and reporting requirements. From our estimation just the monitoring and reporting requirements will take roughly all of the Program's discretionary resources.

The permit contains a lengthy 18-page description of the proposed monitoring requirements. As drafted, the monitoring requirements comprise a complete wish list of overly-burdensome requirements that do not benefit the environment.

Our Program, the second smallest Program in the Bay Area, has significant requirements for Status and Trends, Long-Term Monitoring Stations and Dry Weather Pump Station Monitoring. Among the solutions to bring these requirements into a reasonable order is the combination of Status and Trends Monitoring Stations with the Long-Term Monitoring Stations. The combination of these stations would result in a larger value for our investment by our communities. Also, please see page 74 of BASMAA's September 22, 2006 transmittal to the Water Board regarding proposed MRP language. This transmittal shows a significant increase in our Program's current level of monitoring without the expenditure of a disproportionate amount of resources.

6. Pollutants of Concern (Pesticides, Trash, Mercury, PCBs, Copper, PBDE, Legacy Pesticides and Selenium)

When sections C.9, C.10, C.11, C.12, C.13, and C.14 of the permit are combined with the previously mentioned sections and the permit is viewed as a whole, the Permit is overwhelming. One full-time person for POCs will have to be added to each Program in order to comply with the requirements contained in these sections. We ask the Water Board to recognize that it will take time to increase revenue to support these requirements and some prioritization by the Water Board and Program managers will provide more long-term success.

7. Trash Reduction

Provision C.10 requires that each Permittee identify high trash and litter catchments totaling at least ten percent of the urbanized area within a jurisdiction and implement actions to reduce the impact of trash on beneficial uses. The permit requires two types of control actions: 1) the installation of "full trash capture devices" on at least 5 percent of the catchment area and,

2) the use of “enhanced trash management control measures.” The permit would also require that the “enhanced trash management control measures” be implemented as interim controls in the areas where “full capture devices” would eventually be installed. For the City of Fairfield it is estimated that the capital cost for the installation of a full capture CDS unit, in order to comply with the requirements of the permit, would cost between \$1,340,000 and \$1,800,000. For the City of Suisun City it is estimated that the capital cost for the installation of a full capture CDS unit, in order to comply with the requirements of the permit, would cost between \$134,000 and \$142,000. For the Fairfield-Suisun Sewer District it is estimated that the capital cost for the installation of a full capture CDS unit would cost between \$315,000 and \$470,000. Ongoing maintenance costs would be in addition to the capital costs.

This proposed approach to solving trash and litter problems is overly prescriptive, and does not recognize the variety of possible trash and litter problems or the need to implement cost-effective solutions that are well tailored to solve a particular type of problem. For example, the ongoing challenge of homeless encampments in the Bay Area has caused many individuals to become “creek residents”. These individuals sometimes deposit significant amounts of trash in our creeks. However, the Draft MRP requires an arbitrary amount of municipal land area to have “full trash capture devices” and another arbitrary amount of land be subject to very prescriptive “enhanced trash management control measures”, regardless of whether trash conveyed through the stormwater conveyance is a significant source to creeks and water bodies.

8. Reporting Requirements

The Annual Report Form (i.e., Attachment L) is highly prescriptive, and the amount of reporting and recordkeeping would require a significant amount of staff resources that provides little benefit to protecting water quality. In addition, the Annual Report Form is in many instances inconsistent with the MRP reporting provisions and often requires more information than what is required to be reported for a specific provision.

Individual annual reporting from each discharger is being required in the MRP. Currently, in a collaborative nature, the Program submits a single report for all of the co-permittees. Individual reporting is less efficient and may effectively remove some of the collaborative spirit from the Program.

The District requests that the Annual Report Form be removed from the MRP and be redeveloped in coordination with BASMAA during the first year of the permit cycle following the adoption of the permit. The inclusion of the Annual Report Form within the MRP also sends the wrong message to municipalities and stakeholders that the contents of the permit have already been decided, regardless of the comments submitted on the MRP. If the reporting requirements are not reduced from their current form, reporting will certainly result in a wasteful use of limited municipal staff resources.

9. Diversion of Dry Weather and First Flush Flow to the Sanitary Sewer

Under Provisions C.11.f. (Mercury Controls-Diversion of Dry Weather and First Flush Flows to Publicly Owned Treatment Works (POTWs) and C.12.f. (PCB Controls-Diversion of Dry Weather and First Flush Flows to POTWs) the Water Board would require that diversions to sanitary sewers be implemented in five pilot projects—absent the results of required feasibility studies that demonstrate that such diversions are feasible. To avoid wasting limited resources or duplicating prior efforts without taking advantage of learning from their results, analysis of such studies should precede and inform the design and scope any new data collection effort and pilot tests.

It is the District's recommendation that the proposed series of diversion requirements proposed in the MRP, including in provisions C.8.e.iii.(3) (Dry Weather Discharges & First Flush Investigations), C.11.f, C.12.d (Conduct Pilot Projects to Evaluate and Enhance Municipal Sediment Removal and Management Practices), and C.12.f, be replaced with a single more integrated and effective requirement for the permittees to work with the sanitary sewer agencies. The permittees would assess existing information where diversions have previously been assessed and develop a work plan, in accordance with a time schedule, to better characterize the possible stormwater pollutant related problems with stormwater pump station discharges that identifies a range of possible and recommended solutions depending on the types of problems that are identified.

The District appreciates this opportunity to comment on the MRP Urban Runoff NPDES permit provisions. We look forward to favorable consideration of our comments.

Sincerely,



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Urban Runoff Program Manager

cc: George Hicks, City of Fairfield
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