



Friends of Five Creeks

*Preserving and restoring watersheds of
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Feb. 29, 2008

Regional Water Quality Control Board, Region 9
1515 Clay St., Suite 1400
Oakland, California

Re: Administrative Draft, Regional Municipal Permit

Members of the Regional Board:

While the Administrative Draft of the Municipal Regional Permit incorporates strengthened requirements to curb some serious pollutants developed through the TMDL process, and generally sets up a reasonable procedure leading from monitoring to action, it is a disappointment in more general areas:

- how to reduce the toxic stew of pollution from city streets, yards, and roofs
- how to reduce the excessive and erosive flows that result from covering land with impermeable surfaces and channelizing water,
- how to corral the tide of plastic bags, coffee cups, cigarette butts, and all other manner of trash washing and blowing into streams and the Bay

1. The Administrative Draft assures that for the next five years, at least, the Bay Area will not substantively deal with impacts of New Development, Redevelopment, and Hydromodification. The too-high ceilings adopted under a chorus of wails from local government in the last permit process essentially remain unchanged. There is no encouragement, positive or negative, of many of the alternative ways in which cities could reduce runoff pollution, such as programs to disconnect roof leaders or permeable-surface requirements. (A full list of these possibilities is part of the record of the committee that worked on this part of the permit.)

A few egregious loopholes are narrowed, and ceilings will be lowered for parking lots. But basically, BASMAA successfully stonewalled throughout the process of developing this permit, refusing to consider changes. The staff in the end gave in.

Does anyone really think that we need another five years – really seven – to determine that we won't get the job done if 10,000 square feet triggers treatment requirements and one acre triggers ing coping with hydromodification? I think not. But it hardly matters, since other sections (C.8.e.iv) the requirement for any monitoring of how storm flows affect incision, erosion, and the like. Here, even trying to find out whether the rules work or not is reduced to an alternative that you may be sure no one will choose.

2. In the area of trash, the Administrative Draft seems poised to repeat of the pattern we have seen for Ne Development, Redevelopment, and Hydromodification. That us, under pressure – in this case, from citizen groups – the Board will adopt weak requirements that can be rationalized as a first step. Then the fuss will die down and measures will remain ineffectual, as attention moves to some new problem.

The trash requirements require what amounts to pilot projects to control trash in some 8-9% of the area covered by the permit (10% minus large areas of open space). No baseline measurements are required, so there will be no way to measure whether these measures succeed or fail.

In half of this 8-9% of their area, the measures must be designed to capture all trash except during big storms and floods. For these devices, the only reporting requirement is volume captured annually, so there will be no way to measure just how “full” the capture is. That is, there will be no measure of what gets by the so-called “full capture devices.”

In addition, permittees are required to submit a plan for dealing with trash throughout their jurisdictions at the same time these devices are installed. That is, the plan is supposed to be written before anyone could possibly know what worked and what didn't.

This plan is supposed to “prevent trash impacts on beneficial uses within their jurisdictions,” whatever that means, by 2023. Trash in waterways has been illegal for more than a generation. Does anyone really think that it should take 15 years to do whatever can or will be done?

Please send this draft back with instructions that it should (a) significantly increase requirements to treat runoff from New Development, Redevelopment, and Hydromodification within this permit period, and (b) incorporate a rational progression from pilots to plan to action against trash pollution in a much shorter period of time.

Thank you for considering these ideas.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Schwartz", with a long horizontal flourish extending to the right.

Susan Schwartz, President
Friends of Five Creeks