



July 18, 2011

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000



Subject: Comment Letter – Phase II Small MS4 General Permit

Dear Ms. Townsend,

This letter is submitted on behalf of the North Bay Watershed Association's (NBWA) regulated agencies in response to the draft Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit (draft permit) which expired on May 1, 2008. The NBWA is a group of 16 local public agencies from Marin, Sonoma, and Napa Counties. The organization was created to facilitate regional collaboration among agencies and stakeholders to promote stewardship of the North Bay watersheds. Participants work on water and natural resources issues that impact areas beyond traditional agency boundaries.

Thank you for the opportunity to submit comments on the draft permit. Our comments are as follows:

- Bel Marin Keys Community Services District
- Central Marin Sanitation Agency
- City of Petaluma
- City of San Rafael
- City of Sonoma
- County of Marin
- County of Sonoma
- Las Gallinas Valley Sanitary District
- Marin County Stormwater Pollution Prevention Program
- Marin Municipal Water District
- Napa County Flood Control and Water Conservation District
- Napa Sanitation District
- North Marin Water District
- Novato Sanitary District
- Sonoma County Water Agency
- Sonoma Valley County Sanitation Agency
- Associate Members:
- City of Novato
- The Bay Institute
- Tomaes Bay Watershed Council
- Group Members:
- City of Mill Valley
- Sewerage Agency of Southern Marin

**105.1** → 1. We understand that approximately 80 cities, counties and other affected public agencies have requested a 60 day review extension to create a new comment deadline of October 7, 2011. These time extension requests were sent to you to allow the regulated agencies an opportunity to fully study the operational and economic impact of the draft permit.

Given the scope of the new draft permit that the State Water Resources Control Board (SWRCB) issued, we feel that this request is reasonable and must be granted to provide a public review process that is meaningful and productive. Once the review period extension is granted, please provide public notification to this effect.

**105.2** → 2. Additionally, we appreciate the recent decision by the SWRCB to issue a second draft of the draft permit. We understand that the scheduled second draft release date is October 2, 2011, and that a 30-day comment period will be granted. If the comment period for the first draft permit is not extended, please allow at least a 60-day comment period for review of the second draft permit.

**105.3** → 3. The current economic situation will make it difficult for municipalities to fund and comply with the prescriptive, extensive and expensive requirements in the draft Phase II Permit. Without the appropriate level of staffing and funding, municipalities may struggle to comply with the re-issued permit and may face fines and third party lawsuits.

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
July 18, 2011  
Page 2

105.4 → In addition, the requirements in the draft permit, on the whole, exceed the requirements in many of the recently issued Phase I Municipal Stormwater Permits throughout the state. We therefore respectfully request the State Water Resources Control Board to direct staff to revise the draft Phase II Permit to make it more cost-effective:


- a. Allow Phase II communities more time to ramp up their programs and scale requirements according to population.
- b. Reduce tracking and reporting requirements.
- c. Phase in cost-effective prescriptive requirements over the next three permit terms.

105.5 → 4. The draft permit includes some presently unfunded mandates and Proposition 218 limitations leave municipalities without suitable options for raising money to expand their stormwater programs. This makes it critically important to slowly phase in new requirements.

105.6 → 5. The draft permit will create new compliance burdens on development and local businesses. For this reason, we also recommend that the state take a phased and flexible approach to requiring development projects and businesses to comply with new requirements.

Thank you for your time and for your consideration of our comments. Please contact our NBWA Executive Director Harry Seraydarian at (415) 389-8237 if you would like to discuss the recommendations in this letter or to coordinate any future meetings.

Respectfully submitted,



Jack Gibson, Chair

CC: Geoff Brosseau, CASQA  
Jim Scanlin, BASMAA