



City of Wheatland

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September 8, 2011

VIA E-MAIL ONLY

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



RE: Comment Letter – Phase II Small MS4 General Permit

Dear Ms. Townsend,

The City of Wheatland (City) appreciates the opportunity to provide comments to the State Water Resources Control Board (SWRCB) on the Draft Phase II Small MS4 General Permit (Draft Permit). The City is a small city of less than 3,500 people, located at the south end of Yuba County. As a City that is not regulated under Water Quality Order Number 2003-005-DWQ, the City is able to provide a unique perspective to the SWRCB on how the Draft Permit as proposed will affect a small city. Below are the City's comments on the Draft Permit.

- General Comment – In addition to significant one-time costs, the City estimates that two full-time equivalents will be required for the City to meet the deadlines and continue on-going work for all required provisions in the Draft Permit as proposed. This will create a further financial burden to the City, as it is already under significant financial pressures. Furthermore, due to Proposition 218 requirements, the City will be unable to adopt a new fee to raise the necessary funds to cover the costs of implementation of the Draft Permit as proposed. The City recommends that the State implement tiered compliance schedules, such as those used for the Sanitary Sewer Management Plan, to allow smaller cities more time to meet the requirements of the proposed permit. For example, the State could add one year to all deadlines for cities with a population between 15,001 to 20,000 persons, add two years to all deadlines for cities with a population between 10,001 and 15,000 persons, add three years to all deadlines for cities with a populations between 5,001 and 10,000 person, and four years to all deadlines for cities with a population between 1 and 5,000 persons.
- Finding 21b – The State bases a determination of high growth rate on a population increase of 25 percent over a 10 year period. Small increases in population cause very small cities to exceed this criterion. Based on data from the 2010 census, the City averages 2.84 persons per occupied unit. Over the last ten years, the City's population grew from 2,275 to 3,456, an increase of 52%. Using the average of 2.84 persons per occupied unit, the City added a total of 416 housing units over the last ten years, which equates to approximately 42 new housing

units per year. Although this annual new housing unit rate is small, the City exceeds the high growth area criteria. The City recommends that the State adjust the ten-year period percentage of high growth criteria for small cities, such as the City, to 63%, which equates to a 5% annual growth rate. If the State finds this proposed change unacceptable, another option is for the State to use tiered rates for cities with a population between 1 and 5,000 persons, 5,001 and 10,000 persons, 10,001 and 15,000 persons, and 15,001 to 20,000 persons.

- Provisions E.8.d, E.8.e, and E.9.k – The Draft Permit does not identify implementation deadlines for cities with a population of 5,000 or less.
- Provisions E.8.a and E.8.b – The deadlines for implementation are more restrictive for New Traditional Small MS4 Permittees with a population of 5,000 or less than the deadlines for Renewal Traditional Small MS4 Permittees.
- Provision E.14.a.(ii) – The implementation deadline is unclear. Please keep in mind that many provisions will not be implemented by the reporting deadline of September 15, 2013.
- Attachment B – The City of Wheatland is located in Yuba County, and not in Placer County.

Please feel free to contact me at (530) 633-2761 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dane H. Schilling", followed by the word "for" written in a smaller, cursive script.

Dane H. Schilling, PE
City Engineer
City of Wheatland

cc: Steve Wright, City Manager, City of Wheatland