Storm Water Regulations Update – NPDES Phase II

RECOMMENDATION:
City Council receive information on the latest developments in State stormwater regulations, and the new NPDES Phase II provisions being considered by the State Water Resources Control Board.

DISCUSSION:
The State Water Resources Control Board (State Water Board) has proposed far-reaching and expensive requirements for an updated statewide municipal separate storm sewer system (MS4) permit. This permit would impose extensive new regulations on all future City construction projects and operations activities that far surpass what the Federal government requires from cities under the Federal Clean Water Act. If implemented, the draft permit would drain hundreds of thousands of dollars (perhaps millions) in new mandated activities diverting funding from vital City functions without demonstrating a proportionate benefit to the public or the environment.

Agencies throughout the State are opposing these proposed regulations, including:

- California State Association of Counties (CSAC)
- League of California Cities
- Regional Council of Rural Counties

Staff will update the City Council on recent City efforts to oppose the proposed regulations, which have included:

- Membership in the Statewide Stormwater Coalition (48 public entities and agencies) – See attached SSC Comment Letter
- Submission of Comment Letter to State Water Resources Control Board (see attached)
- Actively involved in SLO County Storm Water Technical Advisory Committee
FISCAL IMPACT:

The new regulations have the potential to increase City General Fund expenditures by hundreds of thousands of dollars each year in additional testing, monitoring, inspection, enforcement, housekeeping and reporting duties to increase the control over stormwater discharges of all types.

ATTACHMENTS:

August 19, 2011

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

Comment Letter – Phase II Small MS4 General Permit

Dear Ms. Townsend,

The City of Atascadero has reviewed the Draft Phase II Small MS4 General Permit (Draft Permit.) The Draft Permit’s minimum requirements have been expanded and new control measures have been added. The City believes that that it will be unable to maintain compliance with the Draft Permit’s requirements because of a fundamental lack of human and financial resources. In addition, the Draft Permit contains new unfunded mandates that the City cannot possibly afford. Therefore, the City has the following recommendations:

- Eliminate all new control measures from the Draft Permit until such time the economy and local budgets recover to 2005 levels.
- Eliminate all unfunded mandates from the permit.
- Eliminate new requirements for the implementation of a new industrial/commercial runoff control program.
- Clarify that local agencies that are part of the Central Coast Regional Water Quality Control Boards Joint Effort for hydromodification Control are exempted from all hydromodification control requirements.
- Eliminate all new requirements that are above and beyond the six minimum control measures as recommended by the United States Environmental Protection Agency.

The City of Atascadero (City) has worked diligently to implement our current stormwater program (Program) since adoption by the Central Coast Regional Water Quality Control Board (Central Coast Water Board) in 2008. The City has worked hard to implement our Program in a cost efficient manner that produces positive, real world results. The City has been successful to date, but it is clear that the State Board’s Draft Permit will significantly deter the City’s present efforts. The City has evaluated the Draft Permit and does not foresee how the City could maintain compliance with the expanded requirements or pay for implementation. The Draft Permit will significantly escalate compliance costs and staff workload while providing no funding for implementation. In addition, the proposed permit is loaded with unfunded mandates, transfers responsibilities from the State to the local level and contains new hydromodification control requirements that conflict with Central Coast Water Board requirements. Lastly, the Draft Permit’s new requirements are above and beyond what is recommended or required by the United States Environmental Protection Agency (USEPA.)
Ms. Townsend  
September 8, 2011  
Phase II Small MS4 General Permit  
The State Board’s draft permit comes at a time when City staff have agreed to pay more towards their retirement, have been laid off, have forgone raises over that last three years and have had pay reductions to help balance the City budget. The City currently uses $700,000 of reserves and $300,000 of staff savings to balance the City budget each year. Therefore, the City currently only funds minimum service levels in order to make its reserves last these difficult economic times. However, our reserves are finite and the Draft Permit will have a major negative impact on them.

City staff estimates that the draft permit will require three fulltime persons and approximately $300,000 - $500,000 per year for implementation because of the increased evaluation, monitoring, Inspection, reporting and capital project requirements. The City’s current stormwater budget is $44,300 for the next two years. The Draft Permit will force the City to choose between basic public safety spending or regulatory compliance. The City does not foresee a way to pay for these requirements other than using already scarce public safety funds. This would include shifting police and fire positions to the stormwater program and eliminating funding for a number of police and fire programs. Therefore, the City recommends that all new control measures be eliminated from the draft permit until such time the economy and local budgets recover to 2005 levels.

The City is troubled by the sheer number of unfunded mandates contained in the Draft Permit. The City has attempted to determine all of the unfunded mandates that are contained within the Draft Permit, however, more will likely be discovered. The list below outlines what the City believes are unfunded mandates in the Draft Permit. This list is not all inclusive and we reserve our right to bring up additional unfunded mandates as they are discovered.

- Section E.4.d. Ensure Adequate Resources to Comply with Order – The Draft Permit contains financial reporting, staffing, operations and maintenance requirements.
- Section E.5. Public Outreach and Education Program – The Draft Permit contains requirements to implement Community Based Social Marketing, effectiveness assessments, industrial and commercial outreach and other requirements/programs.
- Section E.9.g Maintenance of Storm Drain System – The Draft Permit contains requirements for monitoring, cleaning, reporting and waste disposal.
- Section E.9.i Incorporation of Water Quality and Habitat Enhancement Features in Flood Management Facilities – The Draft Permit contains requirements for retrofitting of existing facilities.
- E.10 Trash Reduction Program – The Draft Permit contains requirements for retrofitting drainage facilities in commercial/industrial zones.
- E.11 Industrial /Commercial Facility Runoff Control Program - The Draft Permit transfers State responsibility for the industrial and commercial stormwater enforcement and regulation to the City.
- E.13. Receiving Water Monitoring - The Draft Permit contains stormwater monitoring requirements of outfalls and other areas.
- New Total Maximum Daily Load Requirements - The Draft Permit contains new requirements for TMDL Implementation.
Ms. Townsend  
September 8, 2011  
Phase II Small MS4 General Permit

The City is unclear why the State Board is transferring responsibility for industrial stormwater oversight from the State to the City. The State has issued a standalone Industrial Stormwater Permit that applies to industrial sites throughout the State. The State’s permit was promulgated to regulate industrial facilities discharge prior to the discharge leaving those sites. The City believes it is the States responsibility to regulate separate industrial and commercial facilities that have the potential to pollute surface and groundwater. In addition, this requirement appears to be an unfunded mandate since the State is not providing resources for implementation. Therefore, we recommend that this provision be removed from the permit.

The City is currently participating with the Central Coast Water Board as part of the Joint Effort for Hydromodification Control (Joint Effort.) The Joint Effort participants and the Central Coast Water Board are working on developing hydromodification control requirements that recognize each local agencies unique geophysical setting. The Draft Permit contains prescriptive requirements that will require the City to duplicate our hydromodification control efforts which will waste precious City resources. We request that the State Board acknowledge the Joint Effort and relieve the City from compliance with the State Board’s Draft Permit requirements. Relief from the requirements could be predicated on participation in the Joint Effort.

Lastly, the Draft Permit greatly expands the minimum control measures that are required by the USEPA. The USEPA has weighed in on expanded requirements and has included guidance in Title 40 of the Code of Federal Regulations. Section 122.34(e)(2) recommends that no additional requirements beyond the minimum control measures be implemented until after the USEPA evaluates its existing program (sometime after December 10, 2012.) The USEPA also strongly recommends that new requirements should not be implemented without the agreement of the local agency. The City certainly does not agree with the need for expanded requirements. We recommend that the State Water Board consider the USEPA guidance and remove the additional requirements until such time the USEPA has evaluated the Stormwater Permit requirements.

The City appreciates the opportunity to provide comments to the State Water Board on this very important issue. Please do not hesitate to call should you have any questions or require any clarification.

Sincerely,

Russell S. Thompson  
Public Works Director
STATEWIDE STORMWATER COALITION

September 8, 2011

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

RE: COMMENT LETTER – DRAFT PHASE II SMALL MS4 GENERAL PERMIT

Dear Ms. Townsend:

The members of the Statewide Stormwater Coalition submit the following comments on the State Water Resources Control Board's ("Board") Draft Phase II Small Municipal Separate Storm Sewer Systems (MS4s) General Permit ("draft Permit"). The draft Permit was released for public review and comment on June 7, 2011.

Forty-eight public entities and public agency interest groups throughout California have joined together as the Statewide Stormwater Coalition ("Coalition") to review and comment on the draft Permit. The Coalition is supportive of efforts to improve and maintain water quality in California. Our goal is to partner with the Board to develop an effective and workable Phase II Stormwater Permit that will allow Coalition members to comply with and continue to advance our common objective of clean water.

We are gravely concerned that MS4s and businesses cannot afford to comply with the draft Permit. Many provisions of the draft Permit are neither effective nor workable. This letter details these Coalition concerns. A legal opinion on the draft Permit from Best Best & Krieger is also provided as Attachment "A". Coalition members will provide detailed jurisdiction-specific issues in separate comment letters.

The Coalition supports the comments sent separately by:

- California State Association of Counties, League of California Cities and the Regional Council of Rural Counties
- California Stormwater Quality Association
- Mayors of Monterey County
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- Monterey County Hospitality Association
- Monterey Regional Stormwater Program
- Napa Chamber of Commerce
- Placer Regional Stormwater Coordination Group

The Coalition has not had the opportunity to review all of its members’ comments. Omission of any Coalition member letters in the listing above in no way is meant to indicate a lack of support for their individual comment letter(s).

The Coalition’s number one concern: COST.

The draft Permit imposes substantial and unjustifiable new costs on permittees and businesses at a time of widespread economic distress.

The draft Permit contains significant new requirements which are not included in the Federal Clean Water Act’s rules for small MS4s. Most Coalition members estimate their costs to comply with the draft Permit will increase by more than three hundred percent. Statements from Coalition members detailing anticipated impacts of the draft Permit upon their agency are provided in Attachment “B”.

MS4s will be forced to hire consultants and new staff to comply with the draft Permit. Many will have to purchase costly equipment such as Vactor-type sewer maintenance trucks. This new State demand for local agency spending comes at the same time local governments are implementing furloughs and employee layoffs of municipal staff, including police officers and firefighters, because they lack funds to pay salaries. Local governments are also struggling to maintain existing infrastructure and equipment because of declining revenue. Coalition members cannot afford to comply with the draft Permit.

Public entities have no practical way to raise funds to meet these costs.

Property and sales tax revenues have plummeted in recent years leaving public agencies struggling to fund core, or in some instances, basic services. Theoretically, public agencies can collect revenue through taxes, reimbursements or fees. Practically, however, they are unlikely to obtain funds through these means due to the requirements established in Propositions 218 and 26. It is nearly impossible to impose new or increased taxes or property-based fees as the State Constitution requires majority or super-majority vote of the people to approve any new taxes or fees. To make matters worse, recent State actions aim to take tax-type funds away from local governments with laws like Assembly Bills X1 26 and X1 27 (redevelopment fund raids).

Coalition members can have no reasonable expectation the State will agree to reimburse us for imposed programs that are unfunded state mandates.

The State has strongly opposed local government claims to reimbursement for new stormwater unfunded state mandates such as those advanced by the co-permittees on the Phase I Permits issued in San Diego and Los Angeles Counties. Attachment “A” discusses these practical barriers in detail.
Local businesses can't afford the cost to comply with the draft Permit.

The draft Permit would require existing businesses, industries and property owners to make costly changes. These valuable community members are facing hard economic times. Many have already cut back their operations and laid off employees in an effort to survive.

The draft Permit would further burden a broad spectrum of established large and small businesses with costly new requirements that are not linked to a proven need. New requirements would include structural trash capture control retrofits and on-site modifications for run-off retention. These and other overly broad and highly prescriptive requirements will feed already existing economic distress and likely lead to litigation. Worse, these burdensome regulations may cause businesses to close or leave California.

At a minimum, the State should delete retrofitting requirements from the draft Permit. Redundancy with existing business regulatory programs should be examined and eliminated and the scope of targeted businesses should be prioritized and significantly scaled back.

The Coalition's number two concern: THE DRAFT PERMIT IS NOT FEASIBLE OR REASONABLE.

The draft Permit includes excessive data gathering and unnecessary reporting requirements.

An effective stormwater program spends money where it can best achieve the goal of improving water quality. The draft Permit heavily emphasizes detailed documentation and reporting. Coalition members have learned these and many requirements of the draft Permit have little or no discernible connection to water quality outcomes! Diverging scarce resources into unnecessary activities is an inappropriate use of the public monies we are entrusted to use wisely. The Coalition has prepared Attachment "C," a matrix which documents the wasteful provisions of the draft Permit.

The draft Permit is inconsistent and redundant.

Permittees need clarity and consistency in regulatory requirements. The draft Permit contains numerous internal inconsistencies, incomplete information, ambiguities and redundancies with existing regulatory programs. Clear, unambiguous language is an absolute necessity in light of the recent Ninth Circuit Court case, Natural Resources Defense Council, Inc. v. County of Los Angeles. The elimination of redundant programing is necessary to use our limited resources as efficiently and effectively as possible to achieve stormwater quality improvements. These problems, if they remain, will lead to confusion and uncertainty about how to comply. They will render the final regulation unworkable. Compliance challenges will require limited program resources to be spent on justifying actions and fending off enforcement fines and third-party law suits. Attachment "A" and comments from the California Stormwater Quality Association catalog these problems in detail.
The draft Permit ignores basic fairness principles.

The draft Permit fails fairness tests. It substantially raises costs, ignores economic and legal realities, and regulates inconsistently by failing to account for the vast difference in circumstances between MS4s. It wastes precious funds on documentation and reporting. It ignores the "grandfather" principle that regulators should leave existing legally operating businesses alone. It lacks scientific justification for change. This point is further elaborated in the CASQA comment letter.

The draft Permit requires local entities to provide front-line enforcement of the State's industrial and construction stormwater permit requirements while the State is collecting and retaining fees for this work. Local entities are willing to fill this role, or partner with the State, if the State is willing to pay for it. A portion of the permit fees paid to the State through the Construction General Permit and the Industrial General Permit which is intended to fund inspections should be provided to local entities being regulated to do that work.

The Coalition's request: A COMPLETE RE-DRAFT.

Coalition members want to comply and support good regulatory programs to clean up stormwater.

Coalition members have worked hard to develop their stormwater programs and want to continue to comply with federal regulations. Many states, including Maryland, North Carolina and New Jersey, have good regulatory programs that actually clean up stormwater. These states support their programs through proper funding such as a stormwater utility. Coalition members support a smart, well-funded stormwater program that will work in California. We want a program that allows us to comply; a program that does not set us up for failure.

The Coalition members request a complete re-draft: one that includes stakeholder input and a better public review process.

Coalition members request the Board prepare a new draft permit using a different process. This time, the Board should invite stakeholders (MS4s and other regulated entities, public interest groups, businesspeople, and enforcement agencies) to help with the redraft, and should incorporate ample time for public review. The new version should also be drafted to allow for a strict interpretation of its contents, as noted in the recent Ninth Circuit Court case, Natural Resources Defense Council, Inc. v. County of Los Angeles.

Coalition members are very willing to work with the Board to help examine stormwater program costs, prioritize program elements and develop cost-effective programs that protect water quality.

The Coalition members request a complete re-draft: one that considers cost implications to permittees and to the business community.
The Board should prepare a new draft of the permit that considers the fiscal implications to all entities regulated under the draft Permit including the business community. A cost-benefit analysis of implementation requirements and a business case evaluation should be prepared for any retrofitting requirements.

The Coalition members request a complete re-draft: one that includes practical solutions to achieving stormwater compliance.

Coalition members understand their responsibility and role in achieving federal and state goals for clean water. The Board must understand its responsibility to establish regulations that are achievable. The draft Permit should adhere to the federal Six Minimum Control Measures and find creative solutions for defining and prioritizing water quality issues within the state.

Creative solutions we recommend the Board pursue include:

- Allow MS4s that are over 50,000 in population to replace dry weather outfall monitoring with a Stormwater Wise House Call program as part of the Illicit Discharge Detection and Elimination Element. MS4s would target high pollutant potential discharges based upon information learned during the first permit term to assist them in developing a simplified Facility Source Control Plan. This program would be on-par with Water Wise House Calls performed by water agency staff to assist customers with water conservation efforts. The permit should also allow for the possibility that MS4s could coordinate with their local water and wastewater agencies to jointly conduct these type of programs (for example when water agency staff conduct a Water Wise House Call or when a wastewater agency conducts a Fats Oils and Grease inspection those staff could be trained to also evaluate and educate customers on source control best management practices).

- Allow MS4s that are under 50,000 in population to replace dry weather outfall monitoring with enhanced public outreach targeted to high pollutant potential sectors of the business community as part of the Illicit Discharge Detection and Elimination Element.

- Where MS4s work to develop agreements with cooperating agencies to perform program elements, allot those MS4s additional time to comply. The additional time is necessary in order to establish interagency agreements and develop and implement training programs to ensure successful implementation.

- Move the responsibility of monitoring the quality of waters of the state from MS4s to the State’s Surface Water Ambient Monitoring Program (SWAMP). Provide opportunity for MS4s to pay a to-be-agreed-upon amount above current annual fees to support the SWAMP.

- Allow MS4s to continue to implement current stormwater programs consistent with the federal Six Minimum Control Measures provided SWAMP monitoring does not indicate demonstrable adverse stormwater impact. Where the SWAMP identifies
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waters of the state that are degrading and identifies the specific pollutants of concern
causing the degradation, then the local MS4s should develop programs to locate and
correct possible sources of the pollutants found by the State to be a problem.

- Work with Department of Consumer Affairs to include stormwater awareness
requirements in contractor, engineer, architect, landscape architect and geologist
licensing exams.

- Provide more program implementation tools for MS4s. For example, create a
website, or data base with a listing of all what the State identifies as successful
program elements (Public Education and Outreach, Public Involvement, Municipal
Operations and interagency, regional collaborative programs). This would allow
other MS4s to see what successful program elements look like regionally and
statewide; and then recreate or use those resources within their own jurisdiction.
This will be especially important for newly designated MS4s.

- Revise the Storm Water Multiple Application and Reporting Tracking System
(SMARTS) to allow MS4s to utilize that system in lieu of creating their own
databases and tracking systems. Data could be input “real-time”. This would allow
for statewide consistency of information. State and Regional Board staff could run
their own reports and audits from SMARTS directly and not have to wait for MS4s to
submit costly annual reports that, from our experience, often are never reviewed by
enforcement staff.

In closing, and as indicated by our comments, the Coalition has significant concerns. We
request the Board craft an effective and workable permit that will allow MS4s to comply. We
reiterate our common objective and our interest in working with Board staff to improve water
quality and on creating a permit that will work for all of California’s small MS4s and the
business community. Thank you for the opportunity to comment.

Sincerely,

Russell S. Thompson, PE
Public Works Director
City of Atascadero

John Goss
Interim City Administrator
City of Carmel by the Sea

William Marshall
City Engineer, Interim
City of Davis

Bernie Schroeder
Director of Public Works
City of Auburn

Chris Vieira
Mayor
City of Ceres

Jerry Edelen
Mayor
City of Del Rey Oaks
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Jim Estes
City Manager
City of Lincoln

Konradt Bertlum
City Manager
City of Lodi

Brad Willkie
Lauro Baldizone
City Administrator
City of Lompoc

Anthony Alfaro
City Manager
City of Marina

Chuck Della Sala
Mayor
City of Monterey

Andrea Lueker
City Manager
City of Morro Bay

Jill Techel
Mayor
City of Napa

Garner R. Reynolds
Director of Public Works
City of Newman

Thomas Frutchey
City Manager
City of Pacific Grove

Matt Thompson
Wastewater Resource Manager
City of Paso Robles

Rod B. Butler
City Manager
City of Patterson

Shelley Higginbotham
Mayor
City of Pismo Beach

M. Cleve Morris
City Manager
City of Placerville

JD Hightower
Development Services Director
City of Riverbank

George Magruder
Mayor
City of Rocklin

Pauline Roccozi
Mayor
City of Roseville

Jan Marx
Mayor
City of San Luis Obispo

Richard G. Simonitch
City Engineer
City of Sand City

Larry Lavagnino
Mayor
City of Santa Maria

Ray Corpuz
City Manager
City of Seaside

Linda Kelly
City Manager
City of Sonoma

Brent Ives
Mayor
City of Tracy

Robert Kielty
Senior Utilities Engineer
City of Watsonville

Mark Dever
City Manager
City of Woodland
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Matt Roxroad
Chair
Yolo County Board of Supervisors
County of Yolo

Doug Fredericks
Advocacy Chair
California Chapters of the American Public Works Association

Karen Keene
Senior Legislative Representative
California State Association of Counties

Kyra Emanuel Ross
Legislative Representative
League of California Cities

Staci Heaton
Regulatory Affairs Advocate
Regional Council of Rural Counties

Patrick J. Minturn
Chief Engineer
Shasta County Water Agency

ITEM NUMBER: C - 3
DATE: 09/27/11

Steve Jasper
City Manager
City of Yuba City

Perry Back
Town Manager
Town of Loomis

Tony Lashbrook
Town Manager
Town of Truckee

Mike Crump
Director of Public Works
County of Butte

Thomas R. Harty for Yazdan Emrani
Director of Public Works
County of Monterey

Ken Graham
Director of Public Works
County of Placer

Granville "Bud" Bowman
Director of Public Works
County of San Bernardino

Adam Hill, Chairman
San Luis Obispo County Board of Supervisors
County of San Luis Obispo

John Prasleigh
Director of Public Works
County of Santa Cruz

Patrick J. Minturn
Director
Department Public Works
County of Shasta

Reg Cullen
Senior Engineer
County of Sonoma

Matt Machado
Director of Public Works
County of Stanislaus

Attachment A – Letter from Best Best & Krieger
Attachment B – Cost Impacts of the Draft Permit
Attachment C – Water Quality Matrix

cc: Senator Thomas Berryhill
State Senator Sam Blakeslee
Senator Anthony Cannella
State Senator Noreen Evans
Senator Tony Strickland
State Senator Doug LaMalfa
August 22, 2011

Charles R. Hoppin, Chair
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000

Re: Comment Letter – Phase II Small MS4 General Permit

Dear Chair Hoppin:

On behalf of the California State Association of Counties (CSAC), the Regional Council of Rural Counties (RCRC), and the League of California Cities (LCC), we appreciate the opportunity to comment on the State Water Resources Control Board’s (Board) Phase II Small MS4 General Permit (draft Phase II permit).

Collectively, our organizations represent all of California’s 483 cities and 58 counties. As representatives of local government, CSAC, RCRC and the LCC are in the somewhat unique position of viewing stormwater regulation from two perspectives—first, as enforcers of local water quality objectives and, secondly, as regulated dischargers. Cities and counties are committed to helping the state achieve its water quality goals, and we want to work with the state to adopt stormwater regulations that balance stormwater quality objectives with the operational and economic realities of stormwater management in the public and private sectors.

We appreciate the Board’s extension of the initial comment period as this draft represents a significant departure from the previous version of the Phase II permit. Our organizations have serious concerns with a number of the new requirements included in the draft Phase II permit, and the overall fiscal impact this draft poses on the Phase II community.

Our overarching concern is related to the associated cost implications of the new permit. We understand and support the need to move forward with an updated permit. However, we are seriously concerned about the additional requirements included in this draft that go above and beyond the previous version, including but not limited to the proposed inventory/tracking requirements, trash reduction provisions and the public outreach component. We are also apprehensive about the feasibility of the proposed draft because it is extremely inflexible, preventing municipalities from structuring a program that meets their individual needs.

Significant additional funds and staffing will be needed to implement these new requirements. Thus, the cost of implementing the new permit presents a significant burden to local governments at a time when nearly every revenue stream (property tax, sales tax, and state funding) have fallen precipitously, and almost every city and county has already implemented or is strongly considering deep cuts and widespread layoffs. In addition, cities and counties must comply with Proposition 218, which requires local governments to meet the two-thirds voter approval requirement for increasing property-related fees. This presents a significant challenge particularly in our current fiscal climate, where voter tolerance for increased fees is close to zero. As a result, local governments will have to reach into their general funds and decide which core services to cut in order to implement the new storm water permit. For this reason, we believe the draft permit constitutes an unfunded mandate.
In addition, the Board has indicated that stormwater program fees will increase for the 2011-12 fiscal year by approximately 34.9 percent, almost a third of which is attributable to increases needed to offset a projected revenue shortfall at the Board. Fee increases coupled with costs associated with implementing the draft Phase II permit and our limited ability to raise revenue for stormwater projects represent an untenable burden for cities and counties.

Finally, the proposed draft is extremely prescriptive compared to the current version of the permit. Each municipality has its own structure and storm water program needs. Many municipalities have crafted extremely successful storm water programs under the current permit, and are seeing good results from their BMPs and water quality improvement efforts. This draft prevents municipalities from customizing their programs, and will even interfere with some of the programs currently in place due to the costs of implementing new requirements.

It is for these reasons that we respectfully urge the Board to conduct a comprehensive cost benefit analysis on the draft permit that includes feedback from regulated local governments and business. That costs analysis will serve as a valuable tool to help the Board evaluate and prioritize permit provisions that meet the highest water quality objectives using limited local general fund resources wisely and with the highest benefit. We also recommend that the Board direct staff to work with the regulated municipalities to craft a permit that will be feasible and still achieve significant water quality benefits.

Finally, we also endorse the technical comments submitted by the California Stormwater Quality Association (CASQA). CASQA is comprised of stormwater quality management organizations and individuals, and includes cities and counties.

Local governments are committed to working with the Board to create a better permit that will achieve water quality benefits for all Californians. We thank you for your consideration of our input in this matter. Please feel free to contact us if you have any questions.

Sincerely,

Karen Keene
CSAC Senior Legislative Representative

Staci Heaton
RCRC Regulatory Affairs Advocate

Kyra Ross
LCC Legislative Representative