

September 2, 2011

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



Via email: commentletters@waterboards.ca.gov; hard copy to follow

Re: Comment Letter: Phase II Small MS4 General Permit

Dear Ms. Townsend:

Thank you for this opportunity to submit comments on the draft Statewide General National Pollutant Discharge Elimination System Permit for Discharges from Small Municipal Separate Storm Sewer Systems, document dated June 7, 2011.

The Marin Conservation League has monitored projects with impacts on Marin's watersheds for many years and appreciates the work being done to reduce pollutant discharge by regional board staff and our own Marin County Stormwater Pollution Prevention Program (MCSTOPPP) working with the county's local government member agencies. MCSTOPPP has adapted its programs to fit the needs of Marin County's watersheds and stormwater systems and consequently they enjoy community support and program success. For example, while Marin does not have a significant industrial base it has abundant commercial, civic and residential landscaping for which over-use of fertilizers and pesticides has been a problem. MCSTOPPP has implemented comprehensive outreach to homeowners, businesses and landscape contractors to encourage use of integrated pest management techniques for garden care.

We strongly support the state board's clean water goals, but are concerned that the proposed revised permit could debilitate our local efforts by imposing a substantial number of new requirements that will 1) impose unfunded mandates that our cash-strapped communities simply cannot bear, 2) preclude or reduce local agencies' ability to tailor strategies to the county's unique needs because of the one-size-fits-all approach taken, and 3) drain resources from programs, particularly educational programs, that are working.

We are aware that MCSTOPPP, on behalf of its member cities and towns, is submitting a comprehensive list of recommendations on the MS4 Permit so we will not repeat what is in that letter. We urge the state board to re-examine the draft permit and, in view of these austere times for local government, take at least minimum steps to reduce the burden that

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would be imposed on Phase IIs:

- Remove or simplify requirements that overlap with other agencies' work, or would be impractical to implement. For example, E.4.a.ii.b requires a program mechanism to prohibit discharges from charity car washes. Many of these, such as sports teams setting up a weekend car wash at a local high school, happen casually and are not scheduled with municipal staff. This should be part of the Public Outreach program with MCSTOPPP given flexibility in how this outreach would be conducted. E.4.a.ii.l asks that permittees control discharges from other areas. This is not possible to do and should be omitted.
- Lengthen the timeframe for accomplishing new permit elements whenever possible. For example, E.9.e.ii.a would require a weekly visual inspection of all hotspot permittee-owned or operated facilities "to insure materials are clean and orderly...." This is unrealistic. Quarterly visual inspections should suffice.
- Remove redundant elements. For example, the Department of Pesticide Regulation has oversight for pesticides and its use is reported to DPR, so E.9.j.iii is probably unnecessary. Coordinate with the DPR as needed for this information.
- Provide local Phase IIs with greater flexibility to hone programs to local jurisdictions' characteristics. For example, E.7.b.ii would require that 20% of the permittee's urbanized boundary be identified as a priority area for illicit discharges. Phase IIs should be allowed to establish their priority areas on the local situation and not be bound by an arbitrary minimum which could, in fact, result in higher costs and unnecessary work.

In short we ask that the state board use good sense to pare down the requirements to those that can realistically be accomplished with available resources.

Yours truly,



Susan Stompe
President