



City of Adelanto

Charley B. Glasper, Mayor

Trinidad Perez, Mayor Pro Tem

Council Members:

Ed Camargo
Gene Piehe
Cari Thomas

City Manager:

D. James Hart, Ph.D.

*mma
11/19
mca*

November 16, 2009

Ms. Carole H. Beswick and Members of the Board
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Re: Draft NPDES Stormwater Permit for San Bernardino County, Tentative Order No. R8-2009-0036

Dear Chair Beswick and Members of the Board:

On behalf of the City of Adelanto, please accept this letter outlining our comments on the Draft NPDES Stormwater Permit for San Bernardino County, Tentative Order No. R8-2009-0036.

In addition to incorporating by reference the comments provided by San Bernardino County, we offer the following policy level comments on the draft Permit:

o **Low Impact Development (LID) and Green Streets**

The draft permit states, "The permittees shall promote green infrastructure/LID BMP implementation." It also requires that all road projects of 5,000 square feet or more incorporate the EPA "Managing Wet Weather with Green Infrastructure: Green Sheets" guidance. LID/Green infrastructure principles include new street design standards, such as narrower streets, limits on parking, use of permeable paving, and more. These principles are untested in San Bernardino County. While EPA does cite examples of LID/Green Street projects, the data is limited to a few cities in the U.S.

We request that the RWQCB delete all reference to LID/Green Streets in the MS4 Permit and instead work with San Bernardino County Flood Control District, SANBAG and the co-permittees on a pilot project (s) to test the applicability of these principles to determine water quality benefits. The proposed pilot project would guide the development of widely applicable considerations to address any water quality impacts from roads.

o **Zero Discharge/Low Impact Development**

We believe that zero discharge requirements are too restrictive and economically infeasible. A zero-discharge approach is not consistent with the widely accepted principles of Low Impact Development, which are central to the draft Permit's development project requirements. We request that flow-through BMPs be added to the menu of BMPs. This is in addition to the BMPs currently proposed in the permit such as infiltration, harvesting and re-use, and evapotranspiration. The proposed zero discharge requirements will require the preservation of more land and the potential purchase of additional land if offsite mitigation is required. The health of the housing market cannot easily tolerate these requirements and we are very concerned about the impact these measures may have on the economic recovery in San Bernardino.

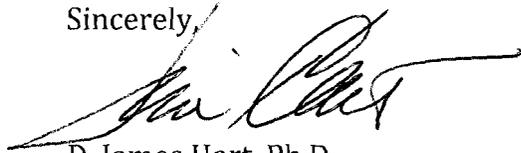
o **Numeric Limits and Water Quality Effluent Limitations (WQBELs)/Numeric Effluent Limits (NELs)**

We request that all language in the draft permit regarding numeric effluent limits be deleted. We are particularly concerned about the RWQCB citing violations of water quality standards when the numeric limits cannot be achieved. In addition, the Environmental Protection Agency's anti-backsliding rule would not allow the standards to be reduced, creating a no-win situation.

Again, we would like to reference the County of San Bernardino's comments and incorporate them by reference. We request that the Board direct staff to address the comments outlined in this letter and from the Flood Control District in a collaborative manner with SANBAG, the Flood Control District and the co-permittees prior to the new MS4 permit being considered by the Board. For new concepts related to Low Impact Development, we request the MS4 permit be limited to the creation of pilot projects to test the validity of these principles in our County, instead of mandating them in these challenging economic climate.

Thank you for the opportunity to make these policy level comments.
Please do not hesitate to contact me at 760.246-2300 ext 3016.

Sincerely,

A handwritten signature in black ink, appearing to read "D. James Hart". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

D. James Hart, Ph.D
City Manager

cc: Lahontan Regional Water Board