



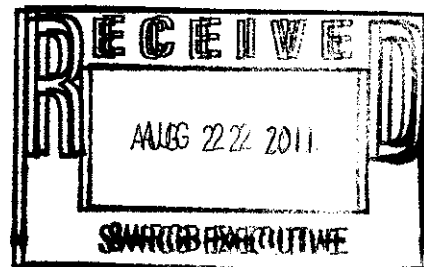
City of Patterson

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August 19, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-200



Re: Comments on Draft Phase II Permit

Dear Board Members:

The City of Patterson is a City located in the Central Valley (approximately 90 miles south of Sacramento) with a population of 21,168. Patterson currently falls under the Phase II regulations. The City of Patterson has a Storm Water Management Program in place that is designed to help reduce the discharge of pollutants to its municipal separate sewer system (MS4) and is taking the adequate steps necessary to comply with all the MS4 General Permit conditions.

However, after reviewing the Phase II Stormwater Draft permit that was released by SWRCB, the City finds that sections of this permit are of high concern due to the impacts that they will have on the City and its stakeholders. Following are general comments that we would like to voice concerning this permit.

- 35.1 → 1. **On-Line Reporting Requirements:** The City of Patterson does not agree with requiring that both the City's Legal Counsel and Approved Signatory Sign & Certify all reports filed. The City contracts out legal services and the costs are paid on a time and material basis. Assigning this task to the City Attorney can cause a delay in completing reports as well as become very costly. The City recommends only requiring the Permittee's Assigned Signatory. This person would be the person who understands the requirements of the new permit and who oversees the program.
- 35.2 → 2. **Financial Disclosures:** The City of Patterson does not agree with the extensive financial disclosures that are required with this new permit. Requesting information about chosen allocations of financial resources will require extensive staff time, and the City of Patterson does not understand how disclosing financial information contributes to the goal of improving water quality. The City recommends that Permittees only be required to submit an Annual Storm Water Program Budget.

- 35.3 → 3. **Public Outreach, Education Programs & Surveys:** The City of Patterson agrees with having a Public Outreach and Education Program. However, the City is not in agreement with the requirement of Permittees using Community-Based Social Marketing Strategies or the Equivalent. The type of program that the Cities utilize should be flexible and left up to the Permittee. As long as the program is effective for their type of community, then that should be all that is required.

Additionally, the City of Patterson **does not** agree that requiring surveys to gauge the level of awareness and behavior change in target audiences and effectiveness of education is necessary. Surveys are time consuming, costly, and are not always productive. The City feels that instead of spending money with surveys that less expensive resources can be used for educating the community so that the behavior changes. The use of new technology (i.e., internet, social networks, etc.) can get the message out effectively so that behavior changes.

- 35.4 → 4. **Runoff Control Program/Storm Water BMPs/Facility Inspections Program (Residential, Commercial, and Industrial):** Any requirements that have to do with construction activities for any type of construction should have already been covered under the General Construction Permit and should be removed from this permit. It does not make sense to add this requirement under the Phase II Permit and should be addressed under the General Construction Permit.

- 35.5 → 5. **Requirements for Industrial Facilities:** Any requirements that pertain to industrial facilities should be addressed in the General Industrial Permit and managed by the Regional Water Quality Control Board, not the local agencies. Permittees are already overwhelmed with all the requirements under the new General Construction Permit that was implemented and this new Phase II Permit. They will also have to comply with all the requirements that will be coming out soon under the new Industrial General Permit.

- 35.6 → 6. **Illicit Discharge Detection & Elimination:** These requirements should only apply to Permittees that have a history of illicit discharge. Permittees should be required to perform a survey on an annual basis and to report this information as part of their Annual Reports to the State so that the State can make the determination if a more stringent program is required for that Permittee based on the history. This can be extremely expensive and unnecessary for many Permittees.

- 35.7 → 7. **Trash Reduction Program:** Even though the City of Patterson does not have a population of 25,000 or greater, we are concerned that in the future this requirement will impact us. The current population is 21,168. The concern we have is that the existing small business community will not be able to fund this program. Will there be grants or other funding sources available to help the existing small business community implement these programs?

- 35.8 → 8. **Watershed-Based Inventories, Watershed Baseline Characterization & Watershed Sediment Budgets:** Even though the City of Patterson does not have a

population of 25,000 or greater, we are concerned that in the future this requirement will impact us. The current population is 21,168. However, we feel that this requirement is not an easy task to accomplish over a small period of time. Maybe spreading this requirement over a longer period of time would be more financially manageable for Permittees.

35.9

9. **Receiving Water Monitoring:** Please clarify whether everyone will be required to comply with this requirement. If everyone is required, the City of Patterson is highly concerned with this requirement due to the high costs associated with sampling/testing. This would cost Permittees thousands of dollars depending on what type of testing is required. Further clarification on this is required. Maybe Permittees could be required to perform one sample once every two years and depending on the results (Water Quality Exceedence Limits) additional sampling/testing requirements can be triggered.

Thank you for allowing us the opportunity to comment on the new Phase II Permit, and we look forward to working with you on the concerns listed in this letter. If you have any questions or need clarification on any of our comments, please feel free to contact Sonia Delgado, Stormwater Manager for the City of Patterson at (209) 895-8064.

Sincerely,
City of Patterson



Rod B. Butler
City Manager

cc: Sonia Delgado, Stormwater Manager
Mike Willett, Director of Public Works
John Vance, Stormwater Inspector
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