

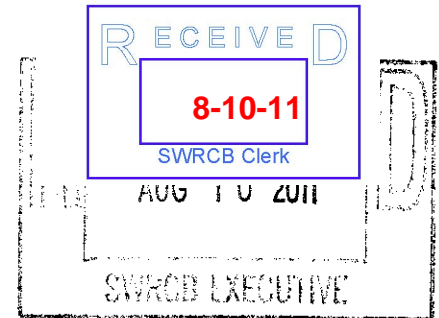


City of Yreka
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August 4, 2011

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



Dear Ms. Townsend and State Water Resources Control Board:

SUBJECT: Comments on Draft General NPDES Permit for Storm Water Discharges from Small MS4's

We have reviewed the Water Board's proposed regulations for the Draft General NPDES Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4's). The City of Yreka has been proposed to become a new MS4 due to its proximity to the habitat of endangered species. It is the only urbanized community in Siskiyou County proposed to be upgraded to this designation.

Previously, the EPA and the Water Board regulations applied to communities in California that were more than 10,000 population. The City of Yreka's official population is only about 7,700 people. It is a disadvantaged community, with 68% low income residents, numerous seniors on fixed incomes, stagnant growth, and double digit unemployment.

These regulations will impose an entirely new level of costs on a community stressed to just keep up with the infrastructure currently in place. With many residents and businesses struggling just to survive, these requirements will impose an additional burden with limited benefit to the local economy or the environment. The City has successfully been implementing watershed enhancement projects with volunteers and grant funding, but does not have the resources to comply with these new regulations.

56.1

These are "urbanized" regulations that will require a level of sophistication beyond the reach of this community. For example, requirements that the elements of stormwater systems be based in a GIS system makes sense in an urban area where technology is prevalent and personnel have the capacity to effectively implement, utilize, and maintain the information system. This community started a GIS database, but due to budget cuts, has lost the technical staff necessary to maintain it. Another example is the enforcement requirements. This is a function of the Regional Water Boards that have appropriate technical expertise, yet the proposed regulations squarely shift this responsibility to the local agency. In a community struggling to maintain what infrastructure already exists, the following question must be asked. Which activities will truly be more beneficial for water quality, the implementation of new requirements for enforcement and reporting or maintaining the existing critical systems?

56.2

The draft Tentative Order of the State Water Resources Control Board acknowledges that this is an unfunded mandate. Without fiscal and technical resources, this community may be unable to comply. The ultimate effect is that the regulations as proposed sets the City up for infrastructure system failures, penalties it can't afford, or even worse consequences. This issue needs a funding mechanism on a state-wide level before small communities can be expected to comply. To create new mandates without access to the tools necessary to address them is ridiculous. To create regulations that are likely to just sit in abeyance, wastes everybody's time and does no service to the critical needs of either distressed communities or water quality throughout the state. Discussions that would extend Proposition 218-type authority to storm drain systems is a step in the right direction, but haven't proceeded yet to the point of providing a local agency with the appropriate tools to pay for the exorbitant costs of compliance with these new regulations.

We have several suggestions for our concerns:

- 56.3 → • Suspend passage and implementation of these regulations until revenue-generation tools are made available to local agencies.
- 56.4 → • Enforcement authority of new regulations should reside at the State level and not be imposed on local agencies lacking expertise and capacity, which will result in a lack of consistency and detract from critical local operations.
- 56.5 → • Maintain a focus on urbanized watersheds in the State where the costs and benefits are spread among a broader population.
- 56.6 → • Provide mechanisms to help disadvantaged communities achieve compliance activities on a voluntary basis such as a strong preference for available grants, and including planning and reporting activities in grant-eligible project categories.

Thank you for the opportunity to comment and explain to the Water Board how the proposed regulations will negatively impact the City of Yreka. If you have any questions, please call Steve Neill, Director of Public Works, at (530) 841-2386.

Sincerely,



Rory McNeil
Mayor

RM:SN:jh
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Cc: City Council
Steve Baker, City Manager
Steve Neill, Director of Public Works
Rhetta Hogan, Finance Director