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August 22, 2011

Charles R. Hoppin, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**Subject: Draft General NPDES Permit for Small MS4s (Phase II Permit)**

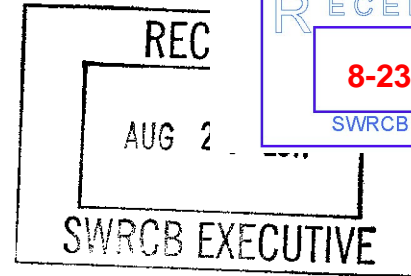
Dear Mr. Hoppin,

The Napa Chamber of Commerce is the largest representative of businesses in Napa County, representing over 1200 businesses, employing over 27,000 people. We have conducted a review of the extensive draft permit order and found it contains provisions (section E.11) requiring our local municipality to not only inspect our local businesses, but as well require, retroactively, the installation, implementation and maintenance of 11 categories of storm water Best Management Practices (BMPs). The permit states "The BMPs the Permittee shall require, must include the following:" (emphasis added). The permit goes on to list the following categories of BMPs that must be implemented by our businesses:

- a. Minimize Exposure
- b. Good Housekeeping
- c. Maintenance
- d. Spill Prevention and Response Procedures
- e. Erosion and Sediment Control BMPs
- f. Management of Runoff
- g. Salt of De-icing Material, Storage Piles or Piles Containing Salt
- h. Employee Training
- i. Non-Storm water Discharges
- j. Waste, Garbage and Floatable Debris
- k. Dust Generation and Vehicle Tracking of Industrial Material

While many of the BMPs cited are actions that can be easily implemented, we are highly troubled by those BMPs such as item a. Minimize Exposure and item f. Management of Runoff, which would require extensive site work modifications. The following elements contained within these items raise serious questions:

- Item a. 1. requires locating manufacturing, processing and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance and fueling operations) indoors or under protective covering and including the use of



grading, berming or curbing to prevent runoff of contaminated flows and divert runoff away from specified areas.

- Item f. states "Industrial/Commercial facilities shall divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges."

It is unclear how our businesses are to implement these requirements practically without significant site modifications. What if local planning agencies were not to allow a business to install new roofing structures to cover portions of a site due to setback or aesthetic issues? Would the business be fined? There are no allowances in this permit for infeasibility for cost, local regulation, site constraints or other issues that could come up. Besides the costs associated with the BMPs themselves, businesses would possibly be subject to entitlement, permitting and processing fees by our local planning and public works departments. Further, will the retrofitting requirements be exempt from CEQA or will businesses be required to prepare environmental documentation as well?

A business case analysis has not been prepared by the State Board and we are finding it difficult to fully understand the fiscal impacts to our local businesses. It is unrealistic to expect that businesses can afford to implement these strict requirements, especially without being able to fully understand the fiscal impacts. We respectfully request that the State Board remove the retrofitting requirements from the draft permit order.

Lastly, we are very concerned that the State Board has not made any attempt to notify the business community of these regulations. We only recently were made aware of this permit through the efforts of others. The Napa Chamber of Commerce warrants that the State Board must conduct an analysis of the fiscal impacts to the business community and to the State as a result of these new regulations.

Thank you for your consideration of our comments.

Sincerely,



Ryan Gregory  
Chairman of the Board



Lisa Batto  
President and CEO

cc: Senator Noreen Evans  
Assembly member Michael Allen  
Membership of Napa Chamber of Commerce  
Jeanine Townsend  
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