

MONTEREY REGIONAL STORM WATER MANAGEMENT PROGRAM

December 17, 2012

Chairperson
Sarah Hardgrave

Vice-Chairperson
Tricia Wotan

Member Entities

City of Pacific Grove

City of Monterey

City of Sand City

City of Seaside

City of Del Rey Oaks

City of Marina

County of Monterey

City of Carmel-by-the-Sea

**Other Participating
Entities**

Pebble Beach Company

Monterey Peninsula
Unified School District

Carmel Unified School
District

Pacific Grove Unified
School District

Program Manager

Monterey Regional Water
Pollution Control Agency

5 Harris Court
Bldg. D
Monterey, CA
93940

Attn:
Douglas Dowden
(831) 645-4621

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street 24th Floor
Sacramento, CA 95814



RE: COMMENT LETTER – REVISED DRAFT PHASE II SMALL MS4 PERMIT

Dear Ms. Townsend:

On behalf of the members of the Monterey Regional Storm Water Management Program (*MRSWMP*), we hereby submit comments to the revised draft of the Phase II Permit for small Municipal Separate Storm Sewer Systems (*MS4s*) dated November 16, 2012.

The members of *MRSWMP* appreciate the time and effort that both Staff and the Board have taken in reviewing and addressing many of the previous concerns expressed in regards to the Draft Phase II permit. However, as a group we concur with the concerns and detailed comments submitted by the following groups, entities and/or organizations:

- Phase II Permittees of Monterey, Santa Clara and Santa Cruz Counties (December 2012),
- Statewide Stormwater Coalition (December 2012) and associated legal review from Best, Best & Krieger Attorneys at Law (December 2012), and,
- California Stormwater Quality Association (December 2012).

Of particular concern to members of the *MRSWMP* is the inclusion of the Central Coast Regional Post Construction Requirements (*PCRs*) (Attachment J) into the Permit. It is our understanding and belief that the inclusion of these *PCR*'s into the Permit will virtually eliminate any flexibility and /or future modifications to the unproven program requirements contained within Attachment J at the local level (i.e. *RWQCB* and agencies). It has and is still our understanding that the Central Coast *PCRs* and Joint Effort Hydromodification Effort Program were posed to the members of our group, in effect as a test pilot program that would be implemented and modified as needed in response to program implementation difficulties, program management difficulties, changes in industry standards, changes in applicable technologies and lastly in response to the needs of the individual communities affected by this worthwhile program. We raise these concerns, simply because of the complexity of the program elements contained in the final approved version (9/6/12) of Attachment J. It is also worth note that since these *PCRs* (Attachment J) are region specific that it would not be appropriate to include requirements for a specific region in a "Statewide Permit".

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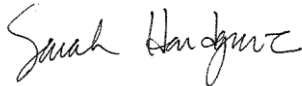
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We urge the SWRCB reconsider including the Central Coast PCR's into the new Permit and suggest that the document (*Attachment J*) just be referenced within the final Permit. This change will enable the Staff and Board at the Central Coast RWQCB who have first-hand knowledge of the region and program members the flexibility in allowing necessary modifications to the program over time in order to more effectively and efficiently not only protect, but improve water quality within our region.

However, if the Central Coast PCRs are to remain in the final Draft Phase II Permit, we request Attachment J [page 3, Part B(1)(e)(1) and B(1)(e)(2)] be revised to be consistent with and utilize the same development applicability verbiage found in E.12.c.(ii)(c) "Effective Date for Applicability of Low Impact Development Runoff Standards to Regulated Projects" (found on pages 62-63 of third Draft Phase II Permit). This would allow the applicability of Attachment J PCRs standards to fall in-line with existing State Planning Laws and the E.12 applicability standards as they relate to development projects. It would also remove existing conflict between the PCRs and State Law as they currently relate to Ministerial Projects.

We appreciate the opportunity to provide these comments and look forward to revisions based upon them.

Respectfully,



Sarah Hardgrave, Chairperson
MRSWMP