

City of Woodland

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July 23, 2012

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



Subject: Comment Letter – Second Draft Phase II Small MS4 General Permit

Dear Ms. Townsend and Members of the Board:

The City of Woodland requests that the State Water Resources Control Board (State Water Board) consider and respond to the following comments on the May 18, 2012 Draft NPDES General Permit, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (Draft Permit).

The City appreciates the State Water Board staff's efforts to address the concerns expressed by permittees and many other interested parties following the release of the first Draft Permit. Numerous welcome improvements resulted from these efforts. Nevertheless, we continue to have serious reservations about many provisions of the second Draft Permit. These issues are addressed in detail in the comment letters provided by the California Stormwater Quality Association (CASQA) and the Statewide Stormwater Coalition (SSC).

City staff participated in preparing the CASQA and SSC comments. We endorse the detailed concerns and recommendations expressed in those letters, including those set forth in Attachment A to the SSC letter. As demonstrated in those submittals, numerous technical, economic, and legal considerations continue to warrant further review and revision of Draft Permit terms. Foremost among these are:

- Permittees' vulnerability to unwarranted third party lawsuits and state enforcement actions resulting from the inadequacy of the language in Provision D, Receiving Water Limitations;

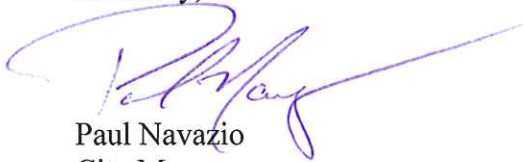
- The substantial new commitment of staff time and funding that would be required for permit compliance, much of which would be spent on extensive recordkeeping and documentation, redundant training and certifications, and pollutant load calculations of questionable value to water quality protection;
- The inclusion of numerous new programs and higher levels of service that exceed Clean Water Act requirements, coupled with local governments' inadequate fee authority to pay for the mandated programs and services due to severe limitations imposed by Proposition 218;
- The substantial uncertainties in program requirements and costs resulting from the undefined discretion left to the Regional Boards, such as potential imposition of Community-Based Social Marketing requirements;
- Overly prescriptive terms, such as the Section E.11.j prohibition on applying pesticides, herbicides, and fertilizers within 5 feet of pavement, 25 feet of drain inlet, and 50 feet of a water body, when the permit already requires strict controls of landscape runoff; and
- Completely unrealistic timelines, such as the Section E.9.d requirement to identify the source of any prohibited discharge within 72 hours.

We urge the State Water Board to carefully consider the issues raised in these letters and to direct staff to continue refining permit terms through ongoing collaboration with permittees and other stakeholders in order to arrive at a final regulation that is technically and financially feasible, is legally sound, and enables permittees to use their limited resources to the best advantage in our common efforts to improve water quality.

The City of Woodland has a sincere interest in continuing to work with the State Water Board to improve water quality in California. We look forward to a revised, workable permit that allows us to do so.

We appreciate your consideration of these comments.

Sincerely,



Paul Navazio
City Manager