

# The Board of Supervisors

County Administration Building  
651 Pine Street, Room 106  
Martinez, California 94553-1293

**John Gioia**, 1st District  
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# Contra Costa County



**David Twa**  
Clerk of the Board  
and  
County Administrator  
(925) 335-1900

March 24, 2009

John Muller, Chair  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Re: Municipal Regional Permit (MRP) Tentative Order Comments

Dear Mr. Muller:

The purpose of this letter is to highlight the concerns of the Contra Costa County Flood Control and Water Conservation District (Flood Control District) regarding the current version of the draft Municipal Regional Permit Tentative Order (MRP) released by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on February 11, 2009.

The Flood Control District supports the RWQCB's overarching goal of improving water quality. The Flood Control District strives to improve water quality and other environmental values in sustainable ways through sensitive development and management of its storm drainage facilities. The Flood Control District is a Special District, providing facilities to reduce the risks of flooding. Although the Flood Control District has jurisdiction throughout Contra Costa County, its facilities are confined to a very small geographic area that contains no permanent residential population. Funding for the maintenance of Flood Control District facilities is generated by property taxes on properties within the individual watersheds served by Flood Control District facilities. Due to the vagaries of property tax initiatives, the tax revenue in most watersheds is entirely inadequate or non-existent. In all cases, the Flood Control District's revenue is inadequate to allow the perpetual performance of its flood management mission. Additional funding requirements in the MRP will further reduce the Flood Control District's ability to carry out its present public safety responsibilities.

The Flood Control District offers the following summary of comments on the MRP

Tentative Order:

1) Provision C.3 – The MRP should provide an alternative means for compliance with water quality and flow control requirements. There are foreseeable situations where road construction and redevelopment projects, in particular, will be unable to provide on-site mitigation. We request the Board to allow jurisdictions to collaboratively develop regional facilities to treat storm runoff from areas not otherwise subject to C.3 requirements to provide a means of compliance for development and redevelopment projects that cannot reasonably incorporate on-site treatment works.

2) Provision C.5 – Illicit Discharge Detection and Elimination. The majority of the regional drainage facilities managed by the District flow through cities. The Flood Control District routinely screens its facilities for illicit discharges. However, the source of most of the illicit discharges found is located outside of Flood Control District property. The Flood Control District should not be responsible for tracking and following up on discharges with sources outside the District's property.

Some of the processes used by the District to remove large debris and large accumulations of debris from homeless encampments will require more than the maximum 10 days set forth in the MRP. We request that the Regional Board allow a maximum of 30 days to abate illegally dumped solid waste from District property.

3) Provision C.7 – The Flood Control District is not a population based entity. It is not staffed or funded to initiate the outreach activities required by the MRP. We request the Regional Board allow the District to participate collaboratively in outreach and community involvement events initiated by the County and cities in fulfillment of the C.7 requirements.

4) C.10 – Trash Reduction – With the exception of homeless encampments, the Flood Control District is not a significant source of trash. Therefore, the Regional Board should not require the District to install full capture devices at the end of pipes, since such installations mitigate sources of trash outside the District's property and should be the responsibility of adjacent jurisdictions. The District will cooperate with others for reasonable modification of its facilities to accommodate trash capture devices installed and maintained by others.

The District can also be reasonably expected to install trash booms in cooperation with upstream jurisdictions when costs for construction, operation and maintenance of the booms are shared proportionately to the trash loading generated by the various jurisdictions. Similarly, the District can be reasonably required to establish Trash Hot Spots, within its facilities, in partnership with upstream jurisdictions to measure the overall effectiveness of trash management programs. The Regional Board should

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encourage the collaborative participation of all benefiting jurisdictions by allowing participants to fulfill all or a portion of their trash monitoring and capture requirements by paying a proportionate share of the costs to establish, operate, maintain and monitor Hot Spot sites and trash booms within District right of way.

The Flood Control District should not be required to achieve Trash Action Levels for Hot Spot sites since the District is dependent on the successful management of trash discharges by upstream jurisdictions.

Thank you for the opportunity to comment on the MRP. Please see Attachment A (specific comments of the MRP), B (cost implications of the MRP) and C (bar graph of MRP cost implications) for more detailed comments.

Sincerely,

Supervisor Susan Bonilla, Chair  
Board of Supervisors

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Attachments:

Specific Comments by Provision (Attachment A – Flood Control)  
Cost Implications (Attachment B)  
Bar Graph of Cost Implications (Attachment C)

c: Dale Bowyer, Regional Water Quality Control Board  
David Twa, County Administrator  
Jason Crapo, Building Inspection Deputy Director  
Catherine O. Kutsuris, Department of Conservation and Development Director  
Silvana Marchesi, County Counsel  
Lon Wixson, District Attorney  
Michael Lango, General Services Director  
Dr. William Walker, Health Services Director  
Sherman Quinlan, Health Services, Environmental Health Director  
Vince Guise, Agriculture Department Commissioner/Director  
Julie Bueren, Public Works Director  
Mitch Avalon, Deputy Public Works Director  
Pattie McNamee, Deputy Public Works Director  
Steve Kowalewski, Deputy Public Works Director  
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Mike Carlson, Transportation Engineering  
Greg Connaughton, Flood Control  
Kevin Emigh, Construction  
Keith Freitas, Airport  
Mike Hollingsworth, Design  
Gary Huisinigh, Engineering Services  
Karen Laws, Real Property  
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Don Freitas, Clean Water Program  
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Michele Wara, Administration