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September 8, 2011

Jeanine Townsend
Clerk of the Board
State Water Resources Control Board
P.O.Box 100
Sacramento, CA 95814

RE: Comment Letter - Phase II Small MS4 Draft General Permit

Dear Ms. Townsend and Members of the Board:

The County of El Dorado would like to express our appreciation for the Board's extension of the initial review period by 30 days and including a second review draft within the adoption process. We recognize the challenges the Board has in crafting a balanced permit that will ultimately result in cost effective improvements to water quality. The County supports the continued improvement of water quality, however, we need a reasonable permit that small MS4's can implement. As currently drafted, the permit will have significant financial impacts upon permittee with financial impacts having a questionable result on improving water quality.

The County recognizes and supports the comments on this draft permit provided by both the California Stormwater Quality Association (CASQA) and the Statewide Stormwater Coalition (SSC) as generally representing our concerns.

The County of El Dorado, like many agencies throughout California, is experiencing extreme budget shortfalls resulting in difficult budget decisions and reductions in staffing. The amount of money and staff we had available in 2004 when our permit was issued has been substantially reduced. What was a four full time employee program is today one employee assigned "in addition to other duties." Our program is not funded by stormwater utilities or other voter approved fees. Our program is supported by General Funds and competes with sheriff, elderly food programs, family and mental health programs for diminishing funding. Very few stormwater utilities or other fee mechanisms have been successfully implemented in California since Proposition 218. Proposition 26 has further limited the ability of local agencies to charge user fees and reinforces the reality that local agencies lack adequate funding options and opportunities to support the expanding Phase II program.

We request that the Board fully consider the cost and resource implications of this permit. This new permit expands the 6 Minimum Control Measures identified for Phase II stormwater programs and adds significant new programs commensurate with many Phase I permits.

Phase II Draft MS4 Permit
September 8, 2011
Page 2 of 2

The fiscal impact to the business community resulting from retrofitting, long term maintenance of best management practices (BMP's) and employee training should be evaluated. In addition, the cost that the County would have to pass along through new business impact fees to enforce unfunded mandated program as written, building permit and inspection fees. Many of the requirements included in the draft MS4 permit require data collection, maintenance, analysis and reporting which do nothing to directly improve water quality conditions.

Permit impacts could be reduced by a more balanced implementation schedule which gradually steps-up requirements over multiple permit cycles and recognizes the economic impact of these regulations. We strongly urge the State Water Board to reconsider its approach and work with relevant stakeholders like CASQA to produce a Phase II permit that can lead to water quality protection that is commensurate with Phase II entities' ability to address and relevance to the environmental issues at stake.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.W. Ware', with a long horizontal flourish extending to the right.

James W. Ware, P.E.
Director of Department of Transportation

ewc