

**Building Industry Legal Defense Foundation
Building Industry Association of Greater Los Angeles and Ventura Counties
Major Issues and Comments on the
12/27/06 Draft NPDES MS4 Permit for
Ventura County, Ventura Watershed Protection District, and Incorporated Cities**

Attachment "A"

Attachment A

Building Industry Legal Defense Foundation
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Permit Requirement	Complies with Clean Water Act and Applicable Legal Standard (Appropriate Balancing Consistent with Prescribed Factors and Legislative Goals)	Inconsistent with Clean Water Act and Applicable Legal Standard (Failure to Balance Consistent with Prescribed Factors and Legislative Goals)
Part 1 – Discharge Prohibitions		
Part 1.A: Prohibitions – Discharges		
1.A.1. - Discharges into and from the MS4 in a manner causing or contributing to a condition of pollution, contamination or nuisance (as defined In Cal. Water Code § 13050), in waters of the State are prohibited.		X
1.A.2. - Discharges from the MS4, which cause or contribute to exceedances of receiving water quality objectives for surface waters are prohibited.	X ¹	
1.A.3. - Discharges to the MS4 not covered by an NPDES individual or general permit are prohibited.	X ²	
Part 1.B: Prohibitions – Non-Storm Water Discharges		
1.B.1. - The Permittees shall effectively prohibit non-storm discharges into the MS4 and watercourses, except where such discharges originate from a State, federal, or other source which they are pre-empted by State or Federal law from regulating.	X ³	

¹ 40 CFR 122.44(d).

² 40 CFR 122.26(b)(1); 122.26(d)(2)(iv)(b).

³ 40 CFR 122.26(b)(1); 122.26(d)(2)(iv)(b).

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1.B.2 - The Permittees shall effectively prohibit non-storm discharges into the MS4 and watercourses, except where such discharges fall within specific categories, are not a source of pollutants, and meet all conditions where specified by the Regional Water Board Executive Officer.	X ⁴	
1.B.3. - If the Regional Water Board Executive Officer determines that any of the preceding categories of non-storm water discharges are a source of pollutants, the Permittee shall either: (a) Prohibit the discharge from entering the MS4; or (b) Authorize the discharge category and require implementation of appropriate or additional BMPs to ensure that the discharge will not be a source of pollutants; or (c) Require or obtain coverage under a separate NPDES permit for discharge into the MS4.	X ⁵	
1.B.4. - The Regional Water Board Executive Officer, after providing the opportunity for public comment, may authorize or prohibit the discharge of other categories of non-storm water, after consideration of antidegradation policies and upon presentation of evidence.		X
Part 2 – Receiving Water Limitations		
2.1 - Discharges from the MS4 that cause or contribute to a violation of water quality standards are prohibited.	X ⁶	
2.2 - Discharges from the MS4 of storm water, or non-storm water, for which a Permittee is responsible, shall not cause or contribute to a condition of nuisance.	X ⁷	

⁴ 40 CFR 122.26(b)(1); 122.26(d)(2)(iv)(b).

⁵ 40 CFR 122.26(b)(1); 122.26(d)(2)(iv)(b).

⁶ 40 CFR 122.44(d).

⁷ 33 USC 1342(p)(3)(B).

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<p>2.3 - The Permittee shall comply with the Order through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with this Order. This Order shall be implemented to achieve compliance with receiving water limitations. If exceedance(s) of water quality objectives or water quality standards persist, notwithstanding implementation of the Order and its components and other requirements of this Order, the Permittee shall assure compliance with discharge prohibitions and receiving water limitations by complying with a specific procedure as follows:</p> <p>(a) Upon a determination by either the Permittee(s) or Regional Water Board that discharges are causing or contributing to a violation of applicable water quality standards, the Permittee shall promptly notify and thereafter submit a Receiving Water Limitations (RWL) Compliance Report to the Regional Water Board Executive Officer for approval. The RWL Compliance Report shall be included with the Annual Report, unless the Regional Water Board directs an earlier submittal.</p> <p>(b) The RWL Compliance Report shall describe BMPs currently being implemented and the additional BMPs that will be implemented, to prevent or reduce any pollutants that are causing or contributing to the exceedences of water quality standards.</p> <p>(c) The RWL Compliance Report shall include a BMP implementation schedule.</p> <p>(d) Within 30 days following approval of the RWL Compliance Report the approved, modified suite of BMPs, implementation schedule, and any additional monitoring required shall be implemented.</p> <p>(e) Modifications to the RWL Compliance Report, required by the Regional Water Board shall be submitted to the Regional Water Board Executive Officer within 30 days of notification.</p>		X
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(f) Implement the revised monitoring program according to the approved schedule.		
2.4 - If a member of the public has documentary evidence of RWL violations, the member of the public may petition the Regional Water Board Executive Officer in writing to review the alleged violation within 60 days to determine if Part 2 of this Order was violated.		X
2.5 - As long as the Permittee complies with the procedures set forth above to comply with the receiving water limitations, is in compliance with the MALs, and is implementing this Order, the Permittee does not have to repeat the procedure for continuing or recurring exceedences of the same water quality standard(s) unless directed to by the Regional Water Board to develop and implement additional BMPs.		X
Part 3 – Stormwater Quality Management Program Implementation		
Part 3.A: General Requirements		
3.A.1. - Each Permittee shall, at a minimum, adopt and implement applicable terms of this Order within its jurisdictional boundaries. The Principal Permittee shall be responsible for program coordination as described in this Order as well as compliance with applicable portions of the permit within its jurisdiction. This Order shall be implemented no later than (60 days from Order adoption), unless a later date has been specified for a particular provision in this Order and provided the Regional Administrator of the U.S.		X

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EPA has no objections.		
3.A.2. - Each Permittee shall comply with the requirements of 40 CFR 122.26(d)(2) and implement programs and control measures so as to reduce the discharges of pollutants in storm water to the MEP and achieve water quality objectives.	X ⁸	
3.A.3. - Each Permittee shall implement programs and measures to comply with the TMDLs' WLAs for the MS4 as follows: (1) Dry Weather Discharges- achieve the concentration or load based numerical limitation for dry weather discharge identified in this Order (Part 6. Total Maximum Daily Load Provisions) through effective prohibition of dry weather discharges. (2) Wet Weather Discharges- achieve the concentration or load based numerical limitation or its BMPs expression for wet weather discharge identified in the Order (Part 6. Total Maximum Daily Load Provisions), or implement the BMPs specifically identified in the Order which have a reasonable expectation, when fully implemented, to achieve the WLAs in the Order (Part 6. Total Maximum Daily Load Provisions).		X
Part 3.B: Legal Authority		
3.B.1.(a) - Permittees shall possess the necessary legal authority to prohibit, including, but not limited to illicit connections and illicit discharges, and to remove illicit connections.	X ⁹	
3.B.1.(b) - Permittees shall possess the necessary legal authority to prohibit, including, but not limited to the discharge of non-storm water to the MS4 from: (1) Washing or cleaning of gas stations, auto repair garages, or other types of		X

⁸ 40 CFR 122.26(d).

⁹ 40 CFR 122.26(d)(2)(i)(B).

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<p>automotive service facilities.</p> <p>(2) Mobile auto washing, carpet cleaning, steam cleaning, sandblasting and other such mobile commercial and industrial operations.</p> <p>(3) Areas where repair of machinery and equipment which are visibly leaking oil, fluid or antifreeze, is undertaken.</p> <p>(4) Storage areas for materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials.</p> <p>(5) Swimming pool(s) that have a concentration greater than a specific amount of certain chemicals:</p> <p>(6) Swimming pool filter backwash.</p> <p>(7) Decorative fountains and ponds.</p> <p>(8) Industrial/ Commercial areas, including restaurant mats.</p> <p>(9) Concrete truck cement, pumps, tools, and equipment washout.</p> <p>(10) Spills, dumping, etc.</p> <p>(11) Stationary and mobile pet grooming facilities.</p> <p>(12) Trash container leachate.</p>		
<p>3.B.2.(a) - The Permittees shall possess adequate legal authority to control through interagency agreement, the contribution of pollutants from one portion of the MS4 to another portion of the MS4.</p>	<p>X¹⁰</p>	
<p>3.B.2.(b) - The Permittees shall possess adequate legal authority to require persons within their jurisdiction to comply with conditions in the Permittees' ordinances, permits, contracts, model programs, or orders (i.e. hold dischargers to its MS4 accountable for their contributions of pollutants and flows).</p>	<p>X¹¹</p>	
<p>3.B.2.(c) - The Permittees shall possess adequate legal authority to utilize</p>		<p>X¹²</p>

¹⁰ 40 CFR 122.26(d)(2)(i)(D).

¹¹ 40 CFR 122.26(d)(2)(i)(E).

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enforcement measures (e.g., stop work orders, notice of violations, fines, referral to City, County, and/ or District Attorneys, referral to strikeforces, etc.) by ordinances, permits, contracts, orders, administrative authority, and civil and criminal prosecution.		
3.B.2.(d) - The Permittees shall possess adequate legal authority to control pollutants, including potential contribution in discharges of storm water runoff associated with industrial activities, including construction activities to its MS4, and control the quality of storm water runoff from industrial sites, including construction sites.	X ¹³	
3.B.2.(e) - The Permittees shall possess adequate legal authority to carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to the MS4.	X ¹⁴	
3.B.2.(f) - The Permittees shall possess adequate legal authority to require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality objectives.	X ¹⁵	
3.B.2.(g) - The Permittees shall possess adequate legal authority to require that Treatment Control BMPs be properly operated and maintained.	X ¹⁶	
3.B.3. - Each Permittee has adopted a Storm Water Quality Ordinance based upon a countywide model. Each Permittee will update its Storm Water Quality Ordinance to be able to enforce all requirements of this Order, no later than (6 months from adoption date).		X
3.B.4 - Each Permittee shall submit no later than (180 days after adoption		X

¹² Not specifically required by 40 CFR 122.26(d)(2)(i)(A)-(F).

¹³ 40 CFR 122.26(d)(2)(i)(A).

¹⁴ 40 CFR 122.26(d)(2)(i)(F).

¹⁵ 40 CFR 122.44(d).

¹⁶ 40 CFR 122.41(e).

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date), a statement by its legal counsel that the Permittee has obtained and possesses all necessary legal authority to comply with this Order through adoption of ordinances and/ or municipal code modifications.		
Part 3.C – Fiscal Resources		
3.C.1. - The Permittees shall allocate all necessary funds to implement the activities required to comply with the provisions of this Order.	X ¹⁷	
Part 3.D: Modifications/Revisions		
3.D.1. - No later than (90 days after Regional Water Board adoption of this Order) each Permittee shall modify storm water management programs, protocols, practices, and municipal codes to make them consistent with the requirements herein.	X	
Part 3.E: Designation and Responsibilities of the Principal Permittee		
3.E.1. - The Ventura County Watershed Protection District is hereby designated as the Principal Permittee. As such, the Principal Permittee shall: (a) Participate in the County Environmental Crimes Task Force. (b) Coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for ensuring compliance of any individual Permittee. (c) Coordinate permit activities among Permittees and act as liaison between Permittees and the Regional Water Board on permitting issues. (d) Provide technical and administrative support for committees that will be organized to implement this Order and its requirements. (e) Evaluate, assess, and synthesize the results of the monitoring program and the effectiveness of the implementation of BMPs.		X

¹⁷ 40 CFR 122.26(d)(2)(vi). However, as noted throughout this document a number of the provisions of the Order go beyond the federal MS4 requirements.

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<p>(f) Convene the Management Committees (MCs) and subcommittees constituted pursuant to Part F, below, upon designation of representatives.</p> <p>(g) Implement the Countywide Monitoring Program required under the Order and evaluate, assess and synthesize the results of the monitoring program.</p> <p>(h) Provide personnel and fiscal resources for the collection, processing and submittal to the Regional Water Board of monitoring and annual reports, and summaries of other reports required under this Order.</p> <p>(i) Comply with the "Responsibilities of the Permittees" in Part 3.F., below.</p>		
Part 3.F: Responsibilities of the Permittees		
<p>3.F.1. - Each Permittee is required to comply with the requirements of this Order applicable to discharges within its boundaries (see Findings- Permit Coverage D.1 and D.2) and not for the implementation of the provisions applicable to the Principal Permittee or other Permittees. Each Permittee shall:</p> <p>(a) Comply with the requirements of this Order and any modifications thereto.</p> <p>(b) Coordinate among its internal departments and agencies, as necessary, to facilitate the implementation of the requirements of this Order applicable to such Permittees in an efficient and cost-effective manner.</p> <p>(c) Participate in intra-agency coordination (e.g., Planning Department, Fire Department, Building and Safety, Code Enforcement, Public Health, Parks and Recreation, and others) necessary to successfully implement the provisions of this Order.</p> <p>(d) Report, in addition to the Budget Summary, any supplemental dedicated budgets for the same categories.</p> <p>(e) Be represented at all Management Committee Meetings, which will meet at least once a month.</p> <p>(f) Be represented at all subcommittee meetings. Currently there are 5</p>		X

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subcommittees which were functional during the second permit term:		
Part 4 – Special Provisions (Baseline)		
Part 4.A: General Requirements		
4.A.1. - This Order and the provisions herein, are intended to develop, achieve, and implement a timely, comprehensive, cost-effective storm water pollution control program to reduce the discharge of pollutants in storm water to the MEP and achieve water quality objectives for the permitted areas in the County of Ventura.	X ¹⁸	
4.A.2. – (BMP Substitution) The Regional Water Board Executive Officer may approve any site-specific BMP substitution upon petition by a Permittee(s) and after public notice, if the Permittee can document that: (a) The proposed alternative BMP or program will meet or exceed the objective of the original BMP or program in the reduction of storm water pollutants. (b) The fiscal burden of the original BMP or program is substantially greater than the proposed alternative and does not achieve a substantially greater improvement in storm water quality. (c) The proposed alternative BMP or program will be implemented within a similar period of time.		X
Part 4.B: Watershed Initiative Participation		
4.B.1. - The Principal Permittee consents to participate in appropriate water quality meetings for watershed management planning, including but not limited to the following: (a) Southern California Stormwater Monitoring Coalition (SMC). (b) SMC Regional Monitoring Programs. (c) Southern California Regional Bioassessment Program.		X

¹⁸ 40 CFR 122.44(d).

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<p>(d) Calleguas Creek Watershed Management Plan. (e) Santa Clara River Enhancement and Management Plan. (f) Steelhead Restoration and Recovery Plan. (g) Wetlands Recovery Project. (h) Ventura County Task Force of the Wetlands Recovery Project. (i) Southern California Bight Project. (j) Other appropriate watershed planning groups.</p>		
<p>4.C: Public Information and Participation Program</p>		
<p>The Principal Permittee shall implement a Public Information and Participation Program (PIPP) that includes, but is not limited to, the requirements listed in this section. The Principal Permittee shall be responsible for developing and implementing the PIPP, and shall coordinate with Permittees to implement specific requirements. The objectives of the PIPP are as follows:</p> <ul style="list-style-type: none"> • To measurably increase the knowledge of the target audience about the MS4, the adverse impacts of storm water pollution on receiving waters and potential solutions to mitigate the impacts. • To measurably change the waste disposal and storm water pollution generation behavior of target audiences by encouraging implementation of appropriate solutions. • To involve and engage communities in Ventura County to participate in mitigating the impacts of storm water pollution. 	<p>X¹⁹</p>	
<p>4.C.1. – Residential Program</p>		
<p>4.C.1.(a) - Each Permittee shall label all storm drain inlets that they own with a legible “no dumping” message. In addition, signs with prohibitive language discouraging illegal dumping shall be posted at designated public access</p>		<p>X</p>

¹⁹ 40 CFR 122.26(d)(2)(iv)(B)(6); 122.26(d)(2)(iv)(D)(4).

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<p>points to creeks, other relevant water bodies, and channels. Signage and storm drain messages shall be legible and maintained.</p>		
<p>4.C.1.(b) - Each Permittee will identify staff who will serve as the contact(s) person for reporting clogged catch basin inlets and illicit discharges/ dumping, faded or missing catch basin labels, and general storm water management information. Permittees shall include this information, updated by July 1 of each year, in public information media such as the government pages of the telephone book, and internet web sites. The Principal Permittee shall compile a list of the general public reporting contacts submitted by all Permittees and make this information available on the web site (http://www.vcstormwater.org/contact.htm) and upon request. Each Permittee is responsible for providing current, updated information to the Principal Permittee.</p>		X
<p>4.C.1.(c) – Public Outreach/Education (1) The Principal Permittee shall implement the following activities: (A) Conduct a Storm Water pollution prevention advertising campaign. (B) Conduct Storm Water pollution prevention public service announcements. (C) Distribute storm water pollution prevention public education materials to: (i) Automotive parts stores; (ii) Home improvement centers/ lumber yards/ hardware stores; and (iii) Pet shops/ feed stores. (D) Public education materials shall include, but are not limited to information on the proper disposal, storage, and use of: (i) Vehicle waste fluids; (ii) Household waste materials; (iii) Construction waste materials; (iv) Pesticides, herbicides, and fertilizers (including integrated pest management practices-IPM); (v) Green waste (including lawn clippings and leaves); and</p>		X ²⁰

²⁰ Federal MS4 permit requirements do not place specific curricular requirements on the education/outreach programs. See 40 CFR 122.26(d)(2)(iv)(D)(4).

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<p>(vi) Animal wastes.</p> <p>(E) Organize watershed Citizen Advisory Groups/ Committees to develop effective methods to educate the public about storm water pollution no later than (365 days after the adoption of this Order).</p> <p>(F) Organize events targeted to residents and population subgroups; and</p> <p>(G) Maintain the Countywide storm water website (www.vcstormwater.org), which shall include educational material listed in the preceding section C.1(c)(1)(C).</p> <p>(2) The Principal Permittee shall develop a strategy to educate ethnic communities through culturally effective methods. Details of this strategy should be incorporated into the PIPP, and implemented, no later than (180 days after the adoption of this order).</p> <p>(3) Each Permittee shall continue the existing outreach program to residents on the proper disposal of litter, green waste, pet waste, proper vehicle maintenance, lawn care and water conservation practices.</p> <p>(4) Each Permittee shall conduct educational activities within its jurisdiction and participate in countywide events.</p> <p>(5) The Permittees shall make a minimum of 10 million impressions per year to the general public related to storm water quality, with a minimum of 5 million impressions via newspaper, local TV access, local radio and/ or internet access.</p> <p>(6) The Principal Permittee, in cooperation with the Permittees, shall provide schools within each School District in the County with materials, including, but not limited to, videos, live presentations, and other information necessary to educate a minimum of 50 percent of all school children (K-12) every 2 years on storm water pollution. Pursuant to AB 1721 (2005), beginning January 1, 2007, the Permittees, in lieu of providing educational materials/ funding to School Districts in the County, may opt to provide an equivalent</p>		
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<p>amount of funds or fraction thereof to the Environmental Education Account established within the State Treasury. This option requires the written approval of the Regional Water Board Executive Officer.</p> <p>(7) Each Permittee shall provide the contact information for their appropriate staff responsible for storm water public education activities to the Principal Permittee and contact information changes no later than 30 days after a change occurs.</p> <p>(8) The Permittees shall develop and implement a strategy to measure the effectiveness of in-school educational programs. The protocol shall include assessment of students' knowledge of the adverse impacts of storm water pollution and solutions before and after educational programs are conducted. The strategy shall be implemented no later than (180 days after the adoption of this Order).</p> <p>(9) The Permittees shall develop and implement a behavioral change assessment strategy no later than (180 days after the adoption of this Permit), in order to ensure that the PIPP is demonstrably effective in changing the behavior of the public. The strategy shall be developed based on current sociological data and studies.</p>		
<p>4.C.1.(d) – Pollution Specific Outreach</p> <p>The Principal Permittee, in cooperation with Permittees, shall coordinate to develop outreach programs that focus on the watershed-specific pollutants identified in Attachment “B” (Pollutants of Concern) no later than (180 days after the adoption of this Order). Metals may be appropriately addressed through the Industrial/ Commercial Facilities Program (e.g. the distribution of educational materials on appropriate BMPs for metal fabrication and recycling facilities that have been identified as a potential source). Region-</p>		X ²¹

²¹ Federal MS4 permit requirements do not place specific curricular requirements on the education/outreach programs. See 40 CFR 122.26(d)(2)(iv)(D)(4).

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<p>wide pollutants may be included in the Principal Permittee's mass media outreach program.</p>		
<p>4.C.2.(a) – Corporate Outreach The Permittees shall develop and implement a Corporate Outreach program to educate and inform corporate managers about storm water regulations and BMPs. The program shall target a minimum of four RGO franchisers and cover a minimum of 80% of RGO franchisees in the county, four retail automotive parts franchisers, two home improvement center franchisers and six restaurant franchisers. Corporate Outreach for all target facilities shall be conducted not less than twice during the term of this Order, with the first outreach contact to begin no later than (2 years after the adoption of this Order). At a minimum, this program shall include: (A) Conferring with corporate management to explain storm water regulations. (B) Distribution and discussion of educational material regarding storm water pollution and BMPs, and provide managers with recommendations to facilitate employee and facility compliance with storm water regulations. (2) Corporate Outreach for all RGOs, automotive parts stores, home improvement centers and restaurant chains corporations shall be conducted not less than twice during the term of this Order, with the first outreach contact to begin no later than (2 years after the adoption of this Order).</p>		X ²²
<p>4.C.2.(b) – Business Assistance Program The Permittees shall implement a Business Assistance Program to provide technical resource assistance to small businesses to advise them on BMPs implementation to reduce the discharge of pollutants in storm water. The</p>		X ²³

²² Federal MS4 permit requirements do not place specific curricular requirements on the education/outreach programs. See 40 CFR 122.26(d)(2)(iv)(D)(4).

²³ Federal MS4 permit requirements do not place specific curricular requirements on the education/outreach programs. See 40 CFR 122.26(d)(2)(iv)(D)(4).

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<p>Program shall include:</p> <p>(1) On-site technical assistance or consultation via telephone or e-mail to identify and implement storm water pollution prevention methods and best management practices.</p> <p>(2) Distribution of storm water pollution prevention education materials to operators of auto repair shops, car wash facilities (including mobile car detailing), mobile carpet cleaning services, commercial pesticide applicator services and restaurants.</p>		
<p>Part 4.D: Industrial/Commercial Facilities Program</p>		
<p>Each Permittee shall require implementation of pollutant reduction and control measures at industrial and commercial facilities, with the objective of reducing pollutants in storm water. Except where specified otherwise in this Order, pollutant reduction and control measures may be used alone or in combination, and may include Structural Treatment Control, Source Control BMPs, and operation and maintenance procedures, which may be applied before, during, and/ or after pollution generating activities. At a minimum, the Industrial/ Commercial Facilities Control Program shall include requirements to: (1) track, (2) inspect, and (3) ensure compliance with municipal ordinances at industrial and commercial facilities that are critical sources of pollutants in storm water.</p>		X
<p>4.D.1.(a) – Inventory of Critical Sources.</p> <p>(a) Each Permittee shall maintain a watershed-based inventory or database of all facilities within its jurisdiction that are critical sources of storm water pollution.</p> <p>Critical Sources to be tracked are summarized below, and specified in Attachment “D”:</p>	X ²⁴	

²⁴ 40 CFR 122.26(d)(2)(ii).

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<p>(1) Commercial Facilities. (A) Restaurants. (B) Automotive service facilities. (C) RGOs and automotive dealerships. (D) Nurseries and nursery centers. (2) U.S. EPA Phase I, II Facilities. (3) Other Federally-mandated Facilities [as specified in 40 CFR 122.26(d)(2)(iv)(C)]. (A) Municipal landfills. (B) Hazardous waste treatment, disposal, and recovery facilities. (C) Facilities subject to SARA Title III (also known as the Emergency Planning and Community Right-to-Know Act (EPCRA).</p>		
<p>4.D.1.(b) - Each Permittee shall include the following minimum fields of information for each critical sources industrial and commercial facility: (A) Name of facility and name of owner/ operator. (B) Address of facility. (C) Coverage under the IASGP or other individual or general NPDES permits or any applicable waiver issued by the Regional or State Board pertaining to runoff discharges. (D) A narrative description including Standard Industrial Classification (SIC) System/ North American Industry Classification System (NAICS) Codes that best describe the industrial activities performed and principal products used at each facility and status of exposure to storm water.</p>		X ²⁵
<p>4.D.1.(c) - The Regional Water Board recommends that Permittees include additional fields of information, such as material usage and/ or industrial</p>		X ²⁶

²⁵ This specific information is not mandated by the federal MS4 Permit requirements. See 40 CFR 122.26(d)(2)(ii).

²⁶ This specific information is not mandated by the federal MS4 Permit requirements. See 40 CFR 122.26(d)(2)(ii).

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<p>output, and discrepancies between SIC System/ NAICS Code designations (as reported by facility operators) and identify the actual type of industrial activity that has the potential to pollute storm water. In addition, the Regional Water Board recommends the use of an automated database system, such as a Geographical Information System (GIS) or Internet-based system.</p>		
<p>4.D.1.(d) - Each Permittee shall update its inventory of critical sources at least annually. The update may be accomplished through collection of new information obtained through field activities or through other readily available inter and intra-agency informational databases (e.g. business licenses, pretreatment permits, sanitary sewer hook-up permits, and similar information).</p>		X
<p>4.D.2.(a) – Inspection of Critical Sources Each Permittee shall inspect all facilities identified in Part 4 D.2. twice during the 5-year term of the Order, provided that the first inspection occurs no later than (2 years from the adoption of this Order). A minimum interval of six months between the first and the second mandatory compliance inspection is required. In addition, each Permittee shall implement the activities outlined in the following subsections. At each facility, inspectors shall verify that the operator is implementing the mandatory source control BMPs. The Permittees shall require implementation of additional treatment control BMPs where storm water flows from the MS4 discharge to an ESA or a CWA § 303(d) listed waterbody (see section 3(b) below). Likewise, for those BMPs that are not adequate to achieve MALs and/ or water quality objectives, Permittees may require additional site-specific controls, such as treatment control BMPs.</p>		X
<p>4.D.2.(a)(1) - Each Permittee, in cooperation with its appropriate department (such as health or public works), shall inspect all restaurants within its jurisdiction to confirm that storm water BMPs are being effectively</p>		X

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<p>implemented in compliance with State law, County and municipal ordinances. Certain BMPs shall be implemented, unless the pollutant generating activity does not occur.</p>		
<p>4.D.2.(a)(2) - Each Permittee shall confirm that BMPs are being effectively implemented at each facility within its jurisdiction, in compliance with County and municipal ordinances. The inspections shall verify that certain BMPs are being implemented, unless the pollutant generating activity does not occur.</p>	<p>X²⁷</p>	
<p>4.D.2.(a)(4) - Each Permittee shall confirm that BMPs are being effectively implemented at each facility within its jurisdiction, in compliance with County and municipal ordinances. The inspections shall verify that certain BMPs are being implemented, unless the pollutant generating activity does not occur.</p> <p>For nursery operations (Agricultural Facilities) in the NAICS Code 11142x - Nursery and Floriculture Production, which are subject to the Conditional Waiver, each Permittee shall:</p> <p>(i) Verify enrollment under the Conditional Waiver by recording a valid identification number.</p> <p>(ii) Notify all non-filers of their lawful obligation to apply for coverage under the Regional Water Board's Conditional Waiver.</p> <p>(B) Permittees shall submit a list of facility names in the NAICS Code 11142x that have been notified to apply for the Conditional Waiver (non-filers). The list of non-filers shall be electronically sent to the Regional Water Board's Regional Programs.</p>		<p>X²⁸</p>
<p>4.D.2.(b) – Industrial Facilities</p>		

²⁷ EPA Guidance Manual for Preparation of the Part 2 of the NPDES Application for Discharges from Municipal Separate Storm Water Systems 6-11.

²⁸ These requirements go beyond the federal inspection requirements in the MS4 Regulations noted above.

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<p>4.D.2.(b)(1) - Each Permittee shall conduct compliance inspections at Phase I, II facilities as specified below.</p> <p>(A) Each Permittee shall perform an initial inspection at all industrial facilities identified by the U.S. EPA in 40 CFR 122.26(c) no later than (2 years after the adoption of the Order). After the initial inspection, all facilities determined as having exposure of industrial activities to storm water are subject to a second mandatory compliance inspection. A minimum interval of 6 months between the first and the second compliance inspection is required.</p> <p>(B) Following the first mandatory compliance inspection, a Permittee shall perform a second mandatory compliance inspection yearly at a minimum of 20% of the facilities determined not to have exposure of industrial activities to storm water. The purpose of this inspection is to verify the continuity of the no exposure status. Facilities determined as having exposure will be notified that they must obtain coverage under the IASGP. A facility need not be inspected more than twice during the term of the Order unless subject to an enforcement action. A minimum interval of 6 months in between the first and the second compliance inspection is required.</p> <p>(C) Applicable to all facilities: A Permittee need not inspect facilities that have been inspected by the Regional Water Board within the previous 24 month interval. However, if the Regional Water Board performed only one inspection, the Permittee shall conduct the second required mandatory compliance inspection.</p>		X
<p>4.D.2.(b)(2) - Each Permittee shall confirm that each operator:</p> <p>(A) Has a current Waste Discharge Identification (WDID) number for facilities discharging storm water associated with industrial activity, and that a Storm Water Pollution Prevention Plan (SWPPP) is available on-site; and,</p> <p>(B) Is effectively implementing BMPs in compliance with County and</p>		X

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<p>municipal ordinances. Facilities must implement the source control BMPs identified in Part 4. D. 3. and Appendix D, <i>California Stormwater Industrial and Commercial BMP Handbook (2003)</i>. The Permittees shall require implementation of additional treatment control BMPs where the storm water from the MS4 discharges to a CWA § 303(d) listed waterbody; or (C) Has applied and has a current No Exposure Certification (and WDID number) for facilities subject to this requirement.</p>		
<p>4.D.2.(b)(3)(a) – Ensuring Compliance at “Critical” Sites In the event that a Permittee determines that a BMP is infeasible at any site, including those specified in the California Stormwater Industrial and Commercial BMP Handbook (2003), the Permittee shall require implementation of similar BMPs that will achieve the equivalent reduction of pollutants in the storm water discharges. Likewise, for those BMPs that are not adequate to achieve MALs and/ or water quality objectives, Permittees may require additional site-specific controls, such as treatment control BMPs.</p>		X
<p>4.D.2.(b)(3)(b) – Ensuring Compliance at “Critical” Sites (b) For critical sources that discharge to ESAs or that are tributary to CWA § 303(d) listed impaired waterbodies, the Permittees shall require operators to implement additional controls to reduce pollutants in storm water runoff that are causing or contributing to exceedences of MALs and/ or water quality objectives.</p>	X ²⁹	
<p>4.D.2.(b)(3)(c) – Ensuring Compliance at “Critical” Sites Each Permittee shall implement a progressive enforcement policy to ensure that facilities are brought into compliance with all storm water requirements</p>		X ³⁰

²⁹ 40 CFR 122.44(d).

³⁰ These requirements go beyond the federal MS4 regulations; See 40 CFR 122.26(d)(2)(iv)(B)(3).

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<p>within a reasonable time period as specified below.</p> <p>(1) In the event that a Permittee determines, based on an inspection conducted, that an operator has failed to adequately implement all necessary BMPs, that Permittee shall take progressive enforcement actions which, at a minimum, shall include a follow-up inspection within 4 weeks from the date of the initial inspection.</p> <p>(2) In the event that a Permittee determines that an operator has failed to adequately implement BMPs after a follow-up inspection, that Permittee shall take further enforcement action as established through authority in its municipal code and ordinances or through the judicial system.</p> <p>(3) Each Permittee shall maintain records and make them available on request to the Regional Water Board, including inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating a good faith effort to bring facilities into compliance.</p>		
<p>4.D.2.(b)(3)(d)(1) – Ensuring Compliance at “Critical” Sites A Permittee may refer a violation(s) to the Regional Water Board provided that that Permittee has made a good faith effort of progressive enforcement. At a minimum, a Permittee’s good faith effort must be documented with two follow-up inspections, and two warning letters or notices of violation.</p>		X
<p>4.D.2.(b)(3)(d)(2) - For those facilities in violation of the IASGP, Permittees may escalate referral of such violations to the Regional Water Board after one inspection and one written notice (copied to the Regional Water Board) to the operator regarding the violation.</p>		X
<p>4.D.2.(b)(3)(d)(3) - Each Permittee shall initiate, within one business day, investigation of complaints (other than non-storm water discharges) regarding facilities within its jurisdiction. The initial investigation shall include, at a minimum, a limited inspection of the facility to confirm the complaint to determine if the facility is effectively complying with the</p>		X

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municipal storm water urban runoff ordinances, and to oversee corrective action.		
4.D.(b)(3)(d)(4) - As directed by the Regional Water Board Executive Officer, Permittees shall support Regional Water Board enforcement actions by: assisting in identification of current owners, operators, and lessees of facilities; providing staff, when available, for joint inspections with Regional Water Board inspectors; appearing as witnesses in Regional Water Board enforcement hearings; and providing copies of inspection reports and other progressive enforcement documentation.		X
4.D.(b)(3)(d)(5) - The Permittees consent to participate with the Regional Water Board, and other public agencies on an enforcement task force such as the Storm Water Task Force, to communicate concerns regarding special cases of storm water violations by industrial and commercial facilities and to develop a coordinated approach to enforcement action.		X
Part 4.E: Planning and Development Program		
4.E.1.(a) - The Permittees shall implement a development-planning program that will require all New Development and Redevelopment projects to minimize impacts from storm water runoff on the biological integrity of Natural Drainage Systems and water bodies in accordance with requirements under CEQA, Cal. Water Code §13369, CWA § 319, CWA § 402(p), CWA § 404, ESA § 7, and local government ordinances.		X
4.E.1.(b) - The Permittees shall implement a development-planning program that will require all New Development and Redevelopment projects to minimize pollutants emanating from impervious surfaces by reducing the percentage of Effective Impervious Area to less than 5 percent of total project area.		X
4.E.1.(c) - The Permittees shall implement a development-planning program that will require all New Development and Redevelopment projects to		X

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minimize the percentage of impervious surfaces on development lands to support the percolation and infiltration of storm water into the ground.		
4.E.1.(d) - The Permittees shall implement a development-planning program that will require all New Development and Redevelopment projects to minimize pollution emanating from impervious surfaces on developed land such as roof-tops, parking lots, and roadways through the use of appropriate Source Controls (good housekeeping practices), Low Impact Development Strategies, and Treatment Control BMPs.		X
4.E.1.(e) - The Permittees shall implement a development-planning program that will require all New Development and Redevelopment projects to Properly design and maintain Treatment Control BMPs (in order to avoid the breeding of vectors).		X
4.E.1.(f) - The Permittees shall implement a development-planning program that will require all New Development and Redevelopment projects to select an integrated approach to mitigate storm water pollution by utilizing a suite of controls in the following order of preference to remove storm water pollutants, reduce storm water runoff volume, and beneficially reuse storm water: (1) Low Impact Development Strategies; (2) Integrated Water Resources Management Strategies; (3) Multi-benefit Natural Feature BMPs; and 4) Prefabricated/ Proprietary Treatment Control BMPs.		X
4.E.1.I.1. - All new development and redevelopment projects shall integrate Low Impact Development (LID) principles into project design. LID is a storm water management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect predevelopment hydrologic functions. LID is primarily a source control strategy, and minimizes the need for large sub-regional and regional treatment control BMPs.		X

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<p>4.E.1.I.2. - The Permittees shall develop a LID Technical Guidance Document no later than (18 months from the Order's adoption date) for use by Land Planners and Developers.</p>		X
<p>4.E.1.I.3. - The Permittees will facilitate implementation of LID by providing key industry, regulatory, and stakeholders with LID objectives and specifications developed in the LID Technical Guidance Document through a training program with certain specified components.</p>		X
<p>4.E.1.II.1.(a) - Each Permittees shall require all new development and redevelopment projects to implement hydrologic control measures, to prevent accelerated downstream erosion and to protect stream habitat in natural drainage systems. The purpose of the hydrologic controls is to minimize changes in post-development hydrologic storm water runoff discharge rates, velocities, and duration. This shall be achieved by maintaining the project's pre-development storm water runoff flow rates and durations.</p>		X
<p>4.E.1.II.1.(c) - Hydrologic Control in natural drainage systems shall be achieved by maintaining the Erosion Potential (Ep) in streams at a value of 1, unless an alternative value can be shown to be protective of the natural drainage systems from erosion, incision, and sedimentation that can occur as a result of flow increases from impervious surfaces and damage stream habitat.</p>		X
<p>4.E.1.II.1.(e) - Until the completion of the SMC's HCS, Permittees shall continue to implement the following Interim hydromodification Criteria to control the adverse impacts of changes in hydrology that result from new development and redevelopment projects. The Interim Hydromodification Impact Criteria are: (1) Projects disturbing land area of less than fifty acres Hydrologic control for projects in this size category shall involve</p>		X

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<p>matching the Hydrograph for the 2-year post development peak flow, volume, and duration to the pre-development peak flow, volume, and duration for the 2-year 24 hour storm event (not exceeding the pre-development flows).</p> <p>(2) Projects disturbing land areas of fifty acres or greater : Hydrologic control for projects in this size category shall involve the completion of a Hydromodification Analysis Study (HAS) by the project proponent to demonstrate that post development conditions are not expected to alter the duration of sediment transporting flows in receiving streams and tributaries. The HAS must demonstrate that the selected hydrologic controls will maintain an Erosion Potential value of 1 unless an alternative value can be shown to be protective of the natural drainage systems from erosion, incision, and sedimentation that can occur as a result of flow increases from impervious surfaces and damage stream habitat in natural drainage system tributaries.</p>		
<p>4.E.1.II.1.(f) - The Permittees shall participate in the second phase of the SMC's HCS to develop a regional stream classification system, a numerical model to predict the hydrological changes resulting from new development and to identify effective mitigation strategies. Should the SMC not proceed with the HCS, Permittees shall complete a similar study limited to the area of Ventura County no later than (18 months from the Order's adoption).</p>		X
<p>4.E.1.II.1.(g)(1), (2) - On completion of the HCS (SMC HCS or Permittee HCS), the Permittees shall develop and implement Watershed Hydromodification Control Plans (HCPs) with a number of required elements, no later than 6 months after the completion of the HCS. The HCP shall identify tributary classifications, flow rate and duration control methods, sub-watershed mitigation strategies, and any in-stream controls, which will maintain the stream and tributary Erosion Potential at 1 unless an</p>		X

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<p>alternative value can be shown to be protective of the natural drainage systems from erosion, incision, and sedimentation that can occur as a result of flow increases from impervious surfaces and damage stream habitat in natural drainage system tributaries.</p>		
<p>4.E.1.III.1.(a) - Each Permittee shall require that during the construction of a single-family hillside home, measures be taken to:</p> <ul style="list-style-type: none"> (1) Conserve natural areas. (2) Protect slopes and channels. (3) Provide storm drain system stenciling and signage. (4) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability. (5) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability. 		X
<p>4.E.1.III.1.(b) - Each Permittee shall require that all development projects equal to 1 acre or greater of disturbed area be subject to conditioning and approval for the design and implementation of post-construction treatment controls and BMPs to mitigate storm water pollution.</p>		X
<p>4.E.1.III.1.(c) - Each Permittee shall require, in addition, that additional development projects be subject to conditioning and approval for the design and implementation of post-construction treatment controls and BMPs to mitigate storm water pollution, including: (1) Industrial park 5,000 square feet or more of surface area; (2) Commercial strip mall 5,000 square feet or more of surface area; (3) Retail gasoline outlet 5,000 square feet or more of surface area; (4) Restaurant (SIC 5812) 5,000 square feet or more of surface area; (5) Parking lot 5,000 square feet or more of surface area or with 25 or more parking spaces; (6) Streets, roads, highways, and freeway construction of 5,000 square feet or more of surface area; (7) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [5,000 square feet or</p>		X

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<p>more of surface area]; and (8) Redevelopment projects in subject categories that meet Redevelopment thresholds (identified below in section III.4).</p>		
<p>4.E.1.III.1.(d) - Each Permittee shall require, in addition, that post-construction BMPs be subject to conditioning and approval for the design and implementation of post-construction treatment controls and BMPs to mitigate storm water pollution at development projects located in or directly adjacent to, or discharging directly to an environmentally Sensitive Area (ESA), where the development will: (1) discharge storm water runoff that is likely to impact a sensitive biological species or habitat, or(2) create 2,500 square feet or more of impervious surface area.</p>		X
<p>4.E.1.III.2.(a) - Tiered Numeric Water Quality Design Criteria (Projects disturbing land areas less than 50 acres) Each Permittee shall require that post-construction treatment control BMPs incorporate, at a minimum, a volumetric and/ or hydrodynamic (flow based) treatment control design standard, consistent with the objectives stated in Part 4. E.1. and as identified below to mitigate (infiltrate, filter or treat) storm water:</p> <p>(1) Volumetric Treatment Control BMP (A) The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in <i>Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998)</i>; or (B) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment (Ventura County Technical Manual); or (C) The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a storm water conveyance system; and/ or</p>		X

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<p>(2) Hydrodynamic (Flow Based) Treatment Control BMP (A) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or (B) The flow of runoff produced from a rain event equal to at least 2 times the 85th percentile hourly rainfall intensity for Ventura County; or (C) Ten percent of the 50-year storm design flow rate.</p>		
<p>4.E.1.III.2.(b) - Tiered Numeric Water Quality Design Criteria (Projects disturbing land areas 50 acres or greater) Each Permittee shall require that post-construction treatment control BMPs be: (1) Designed using an appropriate public domain hydrodynamic model (such as Storm Water Management Model (SWMM) 5 or Hydrologic Engineering Center – Hydrologic Simulation Program – Fortran (HEC-HSPF); and incorporate the following: (A) Rainfall intensity based on hourly rainfall records; (B) An adjustment factor for within hour rainfall variability; and (C) Hydraulics of BMP Performance. (2) Satisfy the objectives identified for storm water quality management identified in Part 4. E.1.</p>		X
<p>4.E.1.III.3.(a) – Site Specific Mitigation Each Permittee shall require the implementation of a site-specific plan to mitigate post-development storm water for new development and redevelopment projects not identified in Parts 4. E. III.1(b), III.1(c), and III.1(d), but which may potentially have adverse impacts on post-development storm water quality, where 1 or more of the following project characteristics exist: (1) Vehicle or equipment fueling areas;</p>		X

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<p>(2) Vehicle or equipment maintenance areas, including washing and repair; (3) Commercial or industrial waste handling or storage; (4) Outdoor handling or storage of hazardous materials; (5) Outdoor manufacturing areas; (6) Outdoor food handling or processing; (7) Outdoor animal care, confinement, or slaughter; or (8) Outdoor horticulture activities.</p>		
<p>4.E.1.III.4.(a) – Redevelopment Projects Each Permittee shall apply the post-construction BMP requirements, or site specific requirements including post-construction storm water mitigation to all projects that undergo significant Redevelopment in their respective categories.</p>		X
<p>4.E.1.III.5.(a) – Maintenance Agreement and Transfer Each Permittee shall require that all development projects subject to post-construction BMP requirements and site specific plan requirements provide verification of maintenance provisions for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and/ or conditional use permits.</p>	X ³¹	
<p>4.E.1.III.6.(a) - Each Permittee shall implement a program to inspect and enforce on new development and redevelopment projects for post-construction control BMPs.</p>		X
<p>4.E.1.III.6.(a)(1) - Prior to approving and signing off for occupancy and issuing the Certificate of Occupancy for all new development and redevelopment projects subject to post-construction control BMPs, each Permittee shall inspect the constructed site design, Structural control and</p>		X

³¹ 40 CFR 122.26(d)(2)(iv)(A)(i).

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<p>Treatment control BMPs to verify that they have been constructed in compliance with all specifications, plans, permits, ordinances, and this Order.</p>		
<p>4.E.1.III.7.(a) - A Permittee or a coalition of Permittees may apply to the Regional Water Board for approval of a regional or sub-regional storm water mitigation program to substitute in part or wholly for on-site post-construction requirements. Upon review and a determination by the Regional Water Board Executive Officer that the proposal is technically valid and appropriate, the Regional Water Board may consider for approval such a program if its implementation will:</p> <ul style="list-style-type: none"> (1) Result in equivalent or improved storm water quality. (2) Protect stream habitat. (3) Promote cooperative problem solving by diverse interests. (4) Be fiscally sustainable and has secure funding. (5) Be completed in four years or less including the construction and startup of treatment facilities. 		X
<p>4.E.1.III.7.(b) - A Permittee may apply to the Regional Water Board for approval of a Redevelopment Project Area Master Plan (RPAMP) for redevelopment projects within Redevelopment Project Areas, in consideration of balancing the environment with the needs for adequate housing, population growth, public transportation and management, land recycling, and urban revitalization. The RPAMP may substitute in part or wholly for on-site post-construction requirements. Upon review and a determination by the Regional Water Board Executive Officer that the proposal is technically valid and appropriate, the Regional Water Board may consider for approval such a program if its implementation will result in equivalent or improved storm water quality.</p>		X
<p>4.E.1.III.8.(a) - The Permittees may propose a management framework, for approval by the Regional Water Board Executive Officer, to support regional</p>		X

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or subregional solutions to storm water pollution, where any of the following situations occur: (1) A waiver for impracticability is granted; (2) Funds become available; (3) Off-site mitigation is required because of loss of environmental habitat; or (4) An approved watershed management plan, or an integrated water resources management plan, or a regional storm water mitigation plan, or a wetlands recovery plan exists that incorporates an equivalent or improved strategy for storm water pollution mitigation.		
4.E.1.III.9.(a)(1) - Each Permittee shall develop and implement no later than (6 months from this Order's adoption) the following a GIS or other electronic system for tracking projects that have been conditioned for post-construction treatment control BMPs.		X
4.E.1.III.9.(a)(2) - A post-construction treatment control BMP inspection program to verify proper maintenance and operation of post-construction treatment control BMPs previously approved.	X ³²	
4.E.1.III.10.(a) - The Ventura County Technical Guidance Manual for Storm Water Quality Control Measures shall be updated to include a number of additional requirements, including Hydromod control criteria, expected BMP pollutant removal performance, appropriate BMPs for Stormwater POCs, LID specifications and BMP cost information, etc.		X
4.E.1.III.11.(a) - Each Permittee shall facilitate a process for effective approval of post-construction control measures.	X ³³	
4.E.1.III.12.(a) - Each Permittee shall incorporate into its CEQA process, with immediate effect, procedures for considering potential storm water quality impacts and providing for appropriate mitigation when preparing and reviewing CEQA documents.	X ³⁴	

³² 40 CFR 122.26(d)(2)(iv)(A)(1).

³³ 40 CFR 122.26(d)(2)(iv)(A)(1).

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4.E.1.III.13.(a) - Each Permittee shall amend, revise or update its General Plan to include watershed and storm water quality and quantity management considerations and policies when certain General Plan elements are updated or amended (i.e., land use, etc.).	X ³⁵	
Part 4.F: Development Construction Program		
<p>4.F.1.(a) – Grading Prohibitions</p> <p>Each Permittee shall implement a program to control storm water discharges from construction activity at all construction sites within its jurisdiction. During the wet season, the program shall ensure that the following requirements are effectively implemented at all of the construction site categories listed below:</p> <p>(1) No grading shall occur between October 1 – April 15 (wet season) for construction projects in the following areas of high erosivity or receiving water impairment or sensitive habitat:</p> <p>(A) On hillsides with slopes 20% or steeper prior to land disturbance;</p> <p>(B) Directly discharging to a waterbody listed on the CWA § 303 d) list for siltation or sediment; or</p> <p>(C) Within or adjacent to an environmentally sensitive area (ESAs).</p>		X
4.F.1.(b) - If grading operations in these areas are not completed before the onset of the wet season beginning October 1st, grading shall be halted and effective erosion control measures shall be put in place to minimize erosion. Grading shall not resume until after April 15th. Depending on the project area, the developer shall implement the Erosion and Sediment control BMPs listed in Tables 5, 6, and 7.		X
4.F.1.(b)(1) - A Grading Prohibition Variance may be granted by the		X

³⁴ 40 CFR 122.26(d)(2)(iv)(A)(2).

³⁵ 40 CFR 122.26(d)(2)(iv)(A)(2).

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<p>Regional Water Board Executive Officer, where the Permittee can demonstrate that BMP measures proposed by the project proponent and approved by the Permittee can be reasonably expected to: (A) not cause or contribute to the degradation of water quality; (B) ensure that Total Suspended Solids discharged is 100mg/L or less; (C) ensure that Turbidity of the discharge is 50 NTU or less; (D) not impair beneficial uses; and (E) includes a monitoring program to ensure effectiveness.</p>		
<p>4.F.2. – Sites less than one acre Each Permittee shall require the implementation of a minimum set of BMPs at all construction sites to prevent erosion and sediment loss, and the discharge of construction wastes. Where the Erosivity Factor (R) for the construction project is 50 or greater, erosion controls (erosion avoidance) will be the preferred BMPs.</p>		X
<p>4.F.3. - Sites 1 acre or greater but Less than 5 acres Each Permittee shall require the implementation of the following BMPs in addition to the ones identified for sites less than one acre to prevent erosion and sediment loss, and the discharge of construction wastes.</p>		X
<p>4.F.4. - Construction Sites 5 acres and Greater Each Permittee shall require the implementation of the following BMPs, in addition to the ones identified for smaller sites, to prevent erosion and sediment loss, and the discharge of construction wastes.</p>		X
<p>4.F.5.(a) - Each Permittee shall require for all construction sites 1 acre or greater, compliance with all conditions identified in the Order and additional requirements including compliance with the SWPPP.</p>		X
<p>4.F.6.(a) - Each Permittee shall require that for any project that includes roadbed or street paving, repaving, patching, digouts, or resurfacing roadbed surfaces, that certain BMPs be implemented for each project.</p>		X
<p>4.F.7.(a) - Each Permittee shall use an electronic system to track grading</p>		X

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permits, encroachment permits, demolition permits, building permits, or construction permits (and any other municipal authorization to move soil and/ or construct or destruct that involves land disturbance) issued by each Permittee. To satisfy this requirement, the use of a database or GIS system is encouraged, but not required.		
4.F.8.(a) - Each Permittee shall inspect all construction sites for the implementation of storm water quality controls a minimum of once during the wet season.		X ³⁶
4.F.8.(a)(1) – Each Permittee shall ensure that the Local SWPPP shall be reviewed for compliance with local codes, ordinances, and permits.		X
4.F.8.(a)(2) – Each Permittee shall ensure that for inspected sites that have not adequately implemented their Local SWPPP, a follow-up inspection to ensure compliance shall take place within 2 weeks.		X
4.F.8.(a)(3) – Each Permittee shall ensure that if compliance with municipal codes, ordinances, or permits has not been attained, the Permittee shall take additional enforcement actions to achieve compliance as specified in municipal codes.		X ³⁷
4.F.8.(a)(4) – Each Permittee shall ensure that if compliance has not been achieved, and the site is also covered under a Construction Activities Storm Water General Permit (CASGP) or Small Linear Underground/ Overhead Construction Projects General Permit (small LUPs), each Permittee shall notify the Regional Water Board for further joint enforcement actions in conformance with the procedures listed in section D.3.(d)- Interagency Coordination of this Order.		X

³⁶ The construction site inspection requirements go beyond those required by the federal MS4 regulations. See EPA Guidance for the Preparation of Part 2 of the NPDES Permit Application for Municipal Separate Storm Sewer Systems 6-15.

³⁷ The construction site inspection requirements go beyond those required by the federal MS4 regulations. See 40 CFR 122.26(d)(2)(iv)B)(3).

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<p>4.F.8.(b) – Prior to approving and/ or signing off for occupancy and issuing the Certificate of Occupancy for all construction projects subject to post-construction controls, each Permittee shall inspect the constructed site design, source control and treatment control BMPs to verify that they have been constructed in compliance with all specifications, plans, permits, ordinances, and this Order.</p>		X
<p>4.F.9.(a) – Each Permittee shall ensure that no grading permit, encroachment permit, demolition permit, building permit, electrical permit, or construction permit (or any other municipal authorization to move soil and/ or construct or destruct that involves land disturbance) is issued for any project requiring coverage under the CASGP or Small LUP General Permit unless:</p> <p>(1) Proof of coverage under a State NPDES permit is demonstrated (a copy of a letter from the State Water Board showing a valid Waste Discharger Identification Number (WDID) for that site);</p> <p>(2) Demonstration or Certification that a SWPPP has been prepared by the project developer. A Local SWPPP may substitute for the State SWPPP if the Local SWPPP is at least as inclusive in controls and BMPs as the State SWPPP; and</p> <p>(3) Proof of an updated NOI(s) and a copy of the modified SWPPP(s) at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities</p>		X

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are still on-going.		
4.F.10.(a)(1) – A Permittee may refer a violator to the Regional Water Board provided that the Permittee has made a good faith effort at progressive enforcement consistent with the preceding section F.7. At a minimum, the Permittee’s good faith effort shall be documented with: (1) a minimum of 2 follow-up inspection reports (inspections completed within 3 months); and (2) a minimum of 2 warning letters or NOV’s.		X ³⁸
4.F.10.(a)(b) – Referral of Non-filer under the CASGP or the Small LUP General Permit: Each Permittee shall refer non-filers (i.e., those projects which cannot demonstrate that they have a WDID number) under the CASGP or Small LUP General Permit, to the Regional Water Board, no later than 15 days after making a determination of failure to file.		X
4.F.10.(a)(c) - Each Permittee shall initiate, within 1 business day of receiving notification from the Regional Board of a complaint, an initial investigation of complaint(s) (other than non-storm water discharges) on the construction site(s) within its jurisdiction.		X ³⁹
4.F.10.(a)(d) - Each Permittee shall support Regional Water Board enforcement actions by: (A) assisting in identification of current owners, operators, and lessees of properties and sites; (B) providing staff, when available, for joint inspections with Regional Water Board inspectors; (C) appearing to testify as witnesses in Regional Water Board enforcement hearings; and (D) providing copies of inspection reports and other progressive enforcement documentation.		X
Part 4.G: Public Agency Activities Program		

³⁸ The construction site enforcement requirements go beyond those required by the federal MS4 regulations. See 40 CFR 122.42(c)(6).

³⁹ The construction site enforcement requirements go beyond those required by the federal MS4 regulations. See EPA Guidance Manual for the Preparation of Part 2 of the NPDES Permit Applications for Discharges from Municipal Separate Storm Sewers 6-15.

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4.G. - Each Permittee shall implement a Public Agency Activities Program to minimize storm water pollution impacts from public agency activities, which includes a number of requirements.		X
4.G.1.(a) - Each Permittee shall implement a response plan for overflows of the sanitary sewer system within their respective jurisdiction.		X
4.G.1.(b) - Each Permittee which owns and/ or operates a sanitary sewer system, shall in addition to the preceding section 1(a), also implement the following requirements: (1) Identify, repair, and remediate sanitary sewer blockages, exfiltration, overflow, and wet weather overflows from sanitary sewers to the MS4; and (2) Implement procedures and maintenance on schedules to prevent sewage spills or leaks from sewage facilities from entering the MS4.	X ⁴⁰	
4.G.1.(c) - Each Permittee with septic systems in their jurisdiction shall implement a response plan for overflows of septic system leachate to surface waters within their respective jurisdiction.		X
4.G.1.(d) - In addition, Regional Water Board expects that the municipal departments that have responsibilities to implement the MS4 NPDES permit, other individual NPDES permits that may contain spill prevention, sewer maintenance, pretreatment programs and the SSO WDR will coordinate their compliance activities for consistency and efficiency.		X
4.G.2.(c) - Each Permittee shall obtain coverage under the CASGP for construction activities and projects that are: (1) Covered under 1 (or more) Capital Improvement Projects (including but not limited to street repaving, new streets, channel clearing) or contract, and that individually or cumulatively disturb 1 acre or more of land; or (2) Less than 1 acre, but are part of a larger common plan of development		X

⁴⁰ 40 CFR 122.26(d)(2)(iv)(B)(7).

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that in total disturbs 1 or more acres of land; and (3) Linear construction project(s) that disturb 5 or more acres of land.		
4.G.2.(d) - Each Permittee shall obtain coverage under the Small LUP General Permit when disturbing at least 1 acre, but less than 5 acres of land during linear construction (land area includes trenching and staging areas).		X
4.G.3.(a) - Each Permittee shall implement certain BMPs at all Permittee owned, leased facilities and job sites including but not limited to vehicle/equipment maintenance facilities, material storage facilities, and corporation yards, and at any area that includes the activities as described in the order.		X
4.G.4.(a) - Each Permittee shall eliminate discharges of wash waters from vehicle and equipment washing no later than (365 days after permit adoption) by implementing any of certain measures at existing facilities with vehicle or equipment wash areas.		X
4.G.5.(a) - Each Permittee shall implement a jurisdiction-wide IPM program (an ecosystem based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties).		X
4.G.6.(a)(1) - Each Permittee shall designate catch basin inlets within its jurisdiction as one of the following: Priority A: Catch basins that are designated as consistently generating the highest volumes of trash and/ or debris. Priority B: Catch basins that are designated as consistently generating moderate volumes of trash and/ or debris. Priority C: Catch basins that are designated as generating low volumes of trash and/ or debris.		X
4.G.6.(a)(2) - Each Permittee shall clean catch basins according to the following schedule:		X

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<p>Priority A: A minimum of 3 times during the wet season and once during the dry season every year.</p> <p>Priority B: A minimum of once during the wet season and once during the dry season every year.</p> <p>Priority C: A minimum of once per year.</p>		
4.G.6.(a)(3) - In addition to the preceding schedule, Permittees shall ensure that any catch basin that is at least 25% full of trash and/ or debris shall be cleaned out.		X
4.G.6.(b) - Each Permittee shall require for any event in the public right of way or wherever it is foreseeable that substantial quantities of trash and litter may be generated, that certain measures be implemented.		X
4.G.6.(c) (1) - Each Permittee shall install trash receptacles at all transit stops in commercial areas and near schools within its jurisdiction no later than (6 months from the Order's adoption).		X
4.G.6.(c) (2) - Each Permittee shall ensure that all trash receptacles are cleaned out and maintained as necessary to prevent trash overflow.		X
4.G.6.(d)(1) - Each Permittee shall inspect the legibility of the catch basin stencil or label nearest each catch basin and inlet before the rainy season begins.		X
4.G.6.(d)(2) - Each Permittee shall record and re-stencil or re-label within 15 days of inspection, catch basins with illegible stencils.		X
4.G.6.(e)(1) - Each Permittee shall install trash excluders, or similar devices on catch basins to prevent the discharge of trash to the storm drain system on all catch basin inlets no later than (180 from permit adoption).		X
4.G.6.(f) - Each Permittee shall implement a program for Storm Drain Maintenance no later than (180 days after permit adoption) that includes certain specific requirements.		X
4.G.6.(g)(1) - Permittee Owned Treatment Control BMPs		X

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Each Permittee shall implement an inspection and maintenance program for all Permittee owned treatment control BMPs, including post-construction treatment control BMPs.		
4.G.6.(g)(2) - Permittee Owned Treatment Control BMPs Each Permittee shall ensure proper operation of all treatment control BMPs and maintain them as necessary for proper operation, including post-construction treatment control BMPs.		X
4.G.6.(g)(3) - Permittee Owned Treatment Control BMPs Any residual water within a treatment control BMP when being maintained shall be: (A) Hauled away and legally disposed of; (B) Discharged to the sanitary sewer system (with permits or authorization); or (C) Treated to remove bacteria, sediments, nutrients, and meet the limitations set in Table 10 prior to discharge to the MS4.		X
4.G.7.(a)(1) - Each Permittee shall perform street sweeping of curbed streets in commercial areas to control trash and debris at least 2 times per month.		X ⁴¹
4.G.7.(b)(1) - Each Permittee shall implement certain BMPs for road reconstruction.		X
4.G.8.(a) - Each Permittee shall obtain coverage under the CASGP for all long-term maintenance programs including but not limited to any project under the Capital Improvement Program (CIP) including but not limited to: pavement replacement; sidewalk replacement; channel maintenance; roadside maintenance (such as vegetation removal); or grading, clearing or excavation activities that disturb 1 or more acres of land either for an individual project or as part of a long-term city/county plan that may be less.		X

⁴¹ Street sweeping is not specifically required by the federal permitting scheme. 40 CFR 122.26(d)(2)(iv)(A)(3).

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4.G.9.(a) - Each Permittee shall obtain separate coverage under the IASGP for any municipal activity subject to U.S. EPA regulations at CFR 122.26 for the discharge of storm water associated with industrial activity.		X
4.G.12.(a) - Each Permittee shall, no later than (6 months from the permit adoption and annually thereafter before June 30), train all of their employees and contractors in targeted positions (whose interactions, jobs, and activities affect storm water quality) on the requirements of the overall storm water management program to: (1) Promote a clear understanding of the potential for activities to pollute storm water; and (2) Identify opportunities to require, implement, and maintain appropriate BMPs in their line of work.		X ⁴²
4.G.12.(b) - Each Permittee shall, no later than (6 months from the permit adoption and annually thereafter before June 30), train all of their employees and contractors who use or have the potential to use pesticides, herbicides or fertilizers (whether or not they normally apply these as part of their work).		X ⁴³
4.G.12.(c) - Each Permittee shall, no later than (6 months from the permit adoption) and annually thereafter before June 30, train all of their employees and contractors who are responsible for illicit connections and illicit/ illegal discharges.		X ⁴⁴
Part 4.H: Illicit Discharges		
4.H. - Each Permittee shall eliminate all Illicit Connections and Illicit Discharges (IC/ ID) to the storm drain system, and shall document, track, and report all such cases in accordance with the elements and performance	X ⁴⁵	

⁴² Federal permit requirements do not place specific curricular requirements on the education programs. See 40 CFR 122.26(d)(2)(iv)(D)(4).

⁴³ Federal permit requirements do not place specific curricular requirements on the education programs. See 40 CFR 122.26(d)(2)(iv)(D)(4).

⁴⁴ Federal permit requirements do not place specific curricular requirements on the education programs. See 40 CFR 122.26(d)(2)(iv)(D)(4).

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measures specified in the following subsections.		
4.H.1.(a) - Each Permittee shall implement an IC/ ID Program. The IC/ ID procedures shall be documented and made available for review.	X ⁴⁶	
4.H.1.(b) - All Permittees shall, no later than (2 years after the adoption of this Order), map at a scale and in a format specified by the Principal Permittee all permitted connections to their storm drain system. All Permittees shall map at a scale and in a format specified by the Principal Permittee incidents of illicit connections and discharges on their baseline maps, and shall transmit this information to the Principal Permittee no later than (2 years after the adoption of this Order). Permittees shall use this information to identify priority areas for further investigation and elimination of IC/ ID.		X ⁴⁷
4.H.2.(a) - Permittees shall establish and maintain a phone hotline and internet site to receive all reports of IC/ ID complaints.	X ⁴⁸	
4.H.2.(b) - Permittees shall document the location of the reported IC/ ID and the actions undertaken in response to all IC/ ID complaints.	X ⁴⁹	
4.H.3.(a)(1) - The Permittees shall submit to the Principal Permittee: (A) A GIS layer showing the location and length of underground pipes 18 inches and greater in diameter, and channels within their jurisdiction in accordance with the following schedule: (i) All channeled portions of the storm drain system no later than (365 days after the adoption of this Order). (ii) All portions of the storm drain system consisting of storm drain pipes 36		X

⁴⁵ 40 CFR 122.26(d)(2)(vi)(B).

⁴⁶ 40 CFR 122.26(d)(2)(vi)(B).

⁴⁷ The federal MS4 Permit requirements do not mandate these specifics for mapping purposes. See 40 CFR 122.26(d)(2)(iv)(B); 40 CFR 122.42(c).

⁴⁸ A hotline is recommended by EPA but not required by the applicable regulations.

⁴⁹ 40 CFR 122.26(d)(2)(iv)(B)(5).

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<p>inches in diameter or greater, (no later than 3 years after the adoption of this Order).</p> <p>(iii) All portions of the storm drain system consisting of storm drain pipes 18 inches in diameter or greater, (no later than 5 years after the adoption of this Order).; and</p> <p>(B) The status of suspected, confirmed, and terminated illicit connections.</p>		
<p>4.H.3.(a)(2) - Permittees shall conduct field screening of their storm drain systems in accordance with screening procedures described in the Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments (2004). Permittees shall conduct field screening for illicit connections in accordance with the following schedule:</p> <p>(A) All portions of the storm drain system consisting of storm drain pipes 36 inches in diameter or greater no later than (5 years after the adoption of this Order).</p> <p>(B) High priority areas identified during the mapping of illicit connections and discharges no later than (5 years after the adoption of this Order).</p> <p>(C) All portions of storm drain systems 50 years or older in age no later than (5 years after the adoption of this Order).</p>		X
<p>4.H.3.(a)(3) - Each Permittee shall maintain a list containing all connections under investigation for possible illicit connection and their status.</p>	X ⁵⁰	
<p>4.H.3.(b)(1) - Upon discovery or upon receiving a report of a suspected illicit connection, a Permittee shall complete an investigation within 21 days to determine source, etc.</p>		X
<p>4.H.3.(b)(2) - Upon confirmation of an illicit storm drain connection, a Permittee shall ensure the following: Termination of the connection within</p>		X

⁵⁰ Ibid.

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180 days of completion of the investigation, using formal enforcement authority to eliminate the illicit connection.		
4.H.3.(b)(3) - Permittees shall keep records of all illicit connection investigations and the formal enforcement taken to eliminate all illicit connections.	X ⁵¹	
4.H.4.(a) - The Permittees shall investigate an illicit/ illegal discharge during or immediately following containment and cleanup activities, and shall take formal enforcement action to eliminate the illegal discharge.		X ⁵²
4.H.4.(b) - Each Permittee shall respond, within 1 business day of discovery or a report of a suspected illicit/ illegal discharge, with actions to abate, contain, and clean up all illegal discharges, including hazardous substances.		X ⁵³
4.H.4.(c) - Permittees shall maintain records of all illicit/ illegal discharge discoveries, reports of suspected illicit/ illegal discharges, their response to the illicit/ illegal discharges and suspected illicit/ illegal discharges, and the formal enforcement taken to eliminate all illicit/ illegal discharges.	X ⁵⁴	
Part 4.I: Reporting Program		
4.H.1. - The Principal Permittee in consultation with the Permittees and Regional Water Board staff shall convene an ad hoc working group to develop an Electronic Reporting Program, the basis of which shall be the questions in the attached Monitoring Report and Program Report (Reporting Program- Attachment "H") for approval by the Regional Water Board Executive Officer. The Committee shall no later than (6 months of permit adoption): (a) develop an electronic reporting format and (b) Include		X

⁵¹ Ibid.

⁵² Federal MS4 Permit requirements do not require "immediate" action to eliminate all detected illicit discharges. See 40 CFR 122.26(d)(2)(iv)(B)(3).

⁵³ Ibid.

⁵⁴ 40 CFR 122.26(d)(2)(iv)(B)(5).

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requirements as basis for reporting.		
4.H.3. - The Principal Permittee shall submit by December 15 th of each year beginning the year of 2007, an Annual Report to the Regional Water Board Executive Officer in the form of one hard copy and three compact disk (CD) copies (or an electronic equivalent).	X ⁵⁵	
4.H.4. - The Annual Report shall document the status of the General Storm Water Program, an integrated summary of the results of analyses from: (a) The monitoring program described under Part 1- Monitoring Report; and (b) The requirements described under Part 2-Program Report.		X ⁵⁶
Part 5 – Watershed Ecological Restoration Planning		
5.1. - The Permittees shall develop and implement Watershed Ecological Restoration Plans (ERP) and submit Annual Watershed Ecological Restoration Status Reports (ERSR) in accordance with the requirements in Part 5 of this Order.		X
5.2. – The Permittees shall develop ERPs for all Watershed Management Areas’ (WMA) stream segments that have obtained a score of “poor” and “very poor” from Bioassessment Monitoring (Attachment “F”, section E).		X
5.4. - Permittees within WMA, shall develop ERP for the degraded stream segments of the Ventura River, Santa Clara River and Calleguas Creek.		X
5.5 - The Permittees shall submit Annual ERSR on the WMA ERP.		X
Part 6 – TMDLs		
6.1.(a)(1) - Permittees (Ventura County Watershed Protection District, and the Cities of Santa Paula and Fillmore) in the Santa Clara River and its Tributaries’ (Reach 3) shall conduct field screening of their storm drain systems, in accordance with screening procedures documented in <i>Illicit</i>		X

⁵⁵ 40 CFR 122.42(c) contains the annual reporting requirements for the MS4 Program.

⁵⁶ The reporting and monitoring requirements contained in the Proposed Order go beyond the federal MS4 Permit requirements.

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<i>Discharge Detection and Elimination</i> for nitrogen compounds.		
6.1.(a)(2) - The WLAs are expressed as numerical limits in-stream for Ammonia and Nitrate within the Santa Clara River and its Tributaries' Watershed (Reach 3), established for its MS4 Permittees are following: (A) MS4 Permittees shall not exceed water quality objectives in the Water Quality Control Plan Los Angeles Region (Basin Plan), the Ocean Plan, and the California Toxics Rule (CTR) for both acute and chronic criteria for Ammonia and Nitrate plus Nitrite.	X ⁵⁷	
6.2(a)(1) - MS4 Permittees (Ventura County Watershed Protection District, County of Ventura, and the Cities of Simi Valley and Thousand Oaks) discharging to Malibu Creek and Lagoon shall conduct field screening of their storm drain systems, in accordance with screening procedures documented in <i>Illicit Discharge Detection and Elimination</i> for Bacteria.		X
6.3.(a)(1) - The WLAs are expressed as numerical limits in-stream for Toxicity, Chlorpyrifos and Diazinon within Calleguas Creek, its Tributaries and Mugu Lagoon's Watershed, established for its MS4 Permittees (see Table 12 of Proposed Permit).	X ⁵⁸	
6.4.(a)(1) - The WLAs expressed as numerical limits in-sediment for Organochlorine (OC) Pesticides, Polychlorinated Biphenyls (PCB) and Siltation within Calleguas Creek, its Tributaries and Mugu Lagoon established for the MS4 Permittees (Ventura County Watershed Protection District, County of Ventura, and the Cities of Camarillo, Moorpark, Simi Valley, and Thousand Oaks) are set forth in Table 13 of Proposed Permit).	X ⁵⁹	
Part 8 – Standard Provisions		

⁵⁷ 40 CFR 122.44(d)(1).

⁵⁸ 40 CFR 122.44(d)(1).

⁵⁹ Ibid.

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8.E. - Each Permittee shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.	X ⁶⁰	
8.K.1. - Each Permittee shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.	X ⁶¹	
8.K.2 - The Permittees shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Order.	X ⁶²	
8.L. - The Permittees shall report to the Regional Water Board any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time any Permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.	X ⁶³	
8.T. – Compliance with annual MS4 Reporting program.	X ⁶⁴	
Exhibit H.A. - The Principal Permittee shall monitor mass emissions to accomplish the following objectives:		X

⁶⁰ 40 CFR 122.41(d).

⁶¹ 40 CFR 122.41(h)

⁶² 40 CFR 122.41(h)

⁶³ 40 CFR 122.41(l)(6).

⁶⁴ 40 CFR 122.42(c) – the specific reporting requirements noted below go beyond the monitoring requirements required by federal MS4 regulations.

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<p>Estimate the mass emissions from the MS4.</p> <ul style="list-style-type: none"> • Assess trends in the mass emissions over time. • Determine if the MS4 is contributing to exceedences of water quality objectives by comparing results to applicable water quality objectives in the Water Quality Control Plan Los Angeles Region (Basin Plan), the Ocean Plan, and the California Toxics Rule (CTR) for both acute and chronic criteria. 		
<p>Exhibit H.A.1. - The Santa Clara River mass emission station (ME-SCR) shall be relocated so that mass emissions measurements include urban storm water discharges from the cities of San Buenaventura and Oxnard. Until the ME-SCR station is relocated, the Principal Permittee in coordination with the cities of San Buenaventura (ME-SB) and Oxnard (ME-OX) shall separately monitor mass emissions from the two urbanized areas.</p>		X
<p>Exhibit H.A.2. - The Principal Permittee shall monitor mass emissions from the following 5 mass emission stations:</p> <ul style="list-style-type: none"> (a) ME-VR for Ventura River. (b) ME-SCR for Santa Clara River. (c) ME-SB for Santa Clara River (until ME-SCR is relocated). (d) ME-OX for the Santa Clara River (until ME-SCR is relocated). (e) ME-CC for Calleguas Creek. 		X
<p>Exhibit H.A.8. - The Principal Permittee shall monitor:</p> <ul style="list-style-type: none"> (a) The first storm event of the wet season that produces at least 0.25 inches of rain, and 2 additional storm events. (b) Also, 2 dry weather flow events shall be monitored. <ul style="list-style-type: none"> (A) Monitor 1 prior to the onset of wet weather- October 1st (during the months of May - June). (B) Monitor 1 post wet weather- April 15th (during the months of August - September). 		X

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<p>(c) A total of 5 monitoring events (3 storm and 2 dry weather) shall be sampled per mass emission station.</p>		
<p>Exhibit H.A.9. - All storms events, in addition to those required above, that result in at least 0.25 inches of rainfall shall be sampled and analyzed for total suspended solids (TSS). Results shall be used to assess the variability of storm water constituents and provide an accurate estimate of mass emissions (pollutant correlation with TSS).</p>		X
<p>Exhibit H.A.16. - The Principal Permittee shall perform an annual analysis, to be included in the Annual Storm Water Report, of the correlation between POC (including, but not limited to metals and PAHs) and TSS loading for the sampling events that are analyzed for the complete list of constituents in Attachment "G" of the Order.</p>		X
<p>Exhibit H.B. – Aquatic Toxicity Monitoring The Principal Permittee shall analyze mass emission samples and tributary samples for aquatic toxicity to evaluate the extent and causes of toxicity in receiving waters. Permittees shall utilize documents such as: Ventura County’s Technical Guidance Manual for Storm Water Quality Control Measures and U.S. EPA’s National Management Measures to Control Nonpoint Source Pollution from Urban Areas to implement measures to eliminate or reduce sources of toxicity in storm water.</p>		X
<p>Exhibit H.C. - The Principal Permittee shall monitor tributary emissions to accomplish the following objectives:</p> <ul style="list-style-type: none"> • Identify sub-watersheds where storm water discharges are causing or contributing to exceedences of water quality objectives. • Prioritize drainage and sub-drainage areas where control measures need to be implemented. • Determine if the MS4 is contributing to exceedences of water quality objectives by comparing results to applicable water quality objectives in the 		X

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Basin Plan, and the California Toxics Rule (CTR) for both acute and chronic criteria.		
Exhibit H.D. - This Monitoring section incorporates the TMDL MS4 Waste Load Allocations (WLAs) that have been adopted by the Regional Water Board and have been approved by the Office of Administrative Law and the U.S. EPA.		X
Exhibit H.D.1.(a)(1) - Upon adoption of the Order, the discharge of dry weather flows from the MS4 to Santa Clara River that exceed the WLA is prohibited. Permittees shall implement an illicit connection/ discharge elimination (ICIDE) program to detect and eliminate the discharge of Ammonia and Nitrate plus Nitrite to the MS4, and shall monitor a minimum of 2 dry weather flow events at the Santa Clara River mass emission station (ME-SCR). The MS4 Permittees shall monitor 1 dry weather flow event prior to the onset of wet weather- October 1st (during the months of May - June); and monitor 1 dry weather flow event post wet weather- April 15th (during the months of August - September).		X
Exhibit H.D.2.(a)(1) - Upon adoption of the Order, the discharge of summer dry weather flows from the MS4 to Malibu Creek and Lagoon is prohibited. Permittees shall implement an illicit connection/ discharge elimination (ICIDE) program to detect and eliminate the discharge of Bacteria to the MS4, and shall monitor weekly from April 1 - October 31, weeks that contain days with less than 0.1 inch of rainfall (events separated by 3 days of dry weather) for exceedences to the WLAs in-stream at point zero of all publicly owned storm drain pipes and open channels/ drains discharging to Portrero Valley Creek to the Ventura County Line and Las Virgenes Creek to the Ventura County Line.		X
Exhibit H.D.2.(a)(2) - Upon adoption of the Order, the discharge of winter dry weather flows from the MS4 to Malibu Creek and Lagoon is prohibited.		X

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<p>Permittees shall implement an illicit connection/ discharge elimination (ICIDE) program to detect and eliminate the discharge of Bacteria to the MS4, and shall monitor weekly from November 1 to March 31, weeks that contain days with less than 0.1 inch of rainfall (events separated by 3 days of dry weather) for exceedences to the WLAs in-stream at point zero of all publicly owned storm drain pipes and open channels/ drains discharging to Portrero Valley Creek to the Ventura County Line and Las Virgenes Creek to the Ventura County Line.</p>		
<p>Exhibit H.D.3.(a)(1) - Upon adoption of the Order, the MS4 Permittees shall develop wet weather toxicity testing and compliance protocol and procedures. This may be accomplished by participating in the Southern California Municipal Storm Water Monitoring Coalition's (SMC) Standardized Toxicity Testing Protocol study. After the completion of the SMC study, the Permittees shall submit a report to the Regional Water Board Executive Officer identifying the testing protocol and compliance criteria, for consideration and approval. The Regional Water Board Executive Officer will approve a toxicity testing protocol and compliance criteria after providing the opportunity for public comment.</p>		X
<p>Exhibit H.D.3.(a)(2) - The MS4 Permittees, thereafter shall conduct toxicity testing for WLA compliance with both acute and chronic criteria for Chlorpyrifos and Diazinon on the first storm event of the wet season that produces at least 0.25 inches of rain, and 2 additional storm events per wet season (events separated by 7 days of dry weather), at the Calleguas Creek mass emission station (ME-CC).</p>		X
<p>Exhibit H.D.4.(a)(1) - Upon adoption of the Order, the MS4 Permittees shall participate in the 2008 Southern California Bight Project (SCBP) to evaluate the distribution and fate of contaminated sediments. Also, the MS4 Permittees shall monitor a minimum of 2 dry weather flow events, 1 dry</p>		X

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<p>weather flow event prior to the onset of wet weather- October 1st (during the months of May - June); and monitor 1 dry weather flow event post wet weather- April 15th (during the months of August - September), for OC Pesticides and PCBs exceedences to the TMDL interim WLAs in-sediment at the base of certain Hydrologic Units.</p>		
<p>Exhibit H.E. - The Principal Permittee shall perform Bioassessment monitoring to accomplish the following objectives:</p> <ul style="list-style-type: none"> • Detect biological responses to pollution. • Detect biological trends in receiving waters. • Assess the biological integrity of receiving waters. • Assess river segments impaired to restore. • Identify probable causes of impairment not detected by physical and chemical water quality measurements. 		X
<p>Exhibit H.E.3. - Bioassessment monitoring shall begin the first spring/ fall following adoption of the Order.</p>		X
<p>Exhibit H.F. - The Principal Permittee shall perform the trash and debris study to accomplish the following objectives:</p> <ul style="list-style-type: none"> • Quantitatively assess the types and amount of trash and debris on the coastal areas and beaches within the County of Ventura. • Identify areas impaired for trash and debris, and to develop control strategies. 		X
<p>Exhibit H.G. - The Principal Permittee shall perform a Pyrethroid Insecticides study to accomplish the following objectives:</p> <ul style="list-style-type: none"> • Evaluate whether creek/ river sediments are toxic to aquatic organisms. • Evaluate whether pyrethroid insecticide concentrations are at or approaching levels known to be toxic to sediment-dwelling aquatic 		X

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<p>organisms.</p> <ul style="list-style-type: none"> • Prioritize drainage and sub-drainage areas where control measures need to be implemented if necessary. 		
<p>Exhibit H.H. - The Principal Permittee shall conduct or participate in special studies to develop tools to predict and mitigate the adverse impacts of Hydromodification, and to comply with hydromodification control criteria.</p>		X
<p>Exhibit H.I. - The Principal Permittee shall conduct or participate in a special study to assess the effectiveness of low impact development techniques in semi-arid climate regimes such as in Southern California.</p>		X
<p>Exhibit H.J. - The Principal Permittee and Permittees shall participate with other government organizations regulating discharges in southern California in the collaboration to conduct a regional monitoring survey (Southern California Bight Project (SCBP)) anticipated to be held in 2008. The survey's primary objective is to assess the spatial extent and magnitude of ecological disturbances on the mainland continental shelf of the SCB and to describe relative conditions among different regions of the SCBP.</p> <p>The Principal Permittee shall participate on the Steering Committee for the bightwide monitoring project, and complete the estuary and nearshore sampling effort requirement of the proposed monitoring project for Ventura County as defined in the SCBP plan. The Principal Permittee shall be responsible up to a dollar amount of \$250,000 for monitoring in the SCBP.</p>		X
<p>Exhibit H.K. - The Principal Permittee and Permittees shall participate in the development and implementation of volunteer monitoring programs in the Ventura watersheds.</p>		X

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Attachment "B"

Selected Costs Associated with Wet Season Grading Prohibitions

Attachment B

The cost of prohibiting grading for six months per year involves assumptions about the cost of land per acre and the projected internal rate of return. For purposes of this calculation, the cost of land per acre includes the direct cost of the land plus all costs related to pre-acquisition, acquisition, entitlement, financing and pre-construction preparation. Internal rate of return varies between 20 and 30 percent and for the example below a rate of 25 percent is used. The formula is:

$$(\text{Land Value per Acre}) \times (\text{Internal Rate of Return/Year}) \times (0.5 \text{ Years})$$

The cost of prohibiting land development for 6 months of the year is shown below:

<u>Land Value</u>	<u>Rate of Carry</u>	<u>Length of Carry</u>	<u>\$/acre/6 months</u>
\$500,000	25%	0.5 Years	\$62,500
\$1,000,000	25%	0.5 Years	\$125,000

Therefore, the cost of allowing each acre of land to sit idle for six months is extremely expensive on a per acre basis, even if the land valuation was lower than presented here. Using the valuations presented above, avoiding grading a small 10-acre parcel for six months could cost the project proponent between \$0.5 million and more than \$1 million dollars.

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Attachment "C"

**Selected Costs Associated with Advanced Treatment Necessary to Attain
Construction Site Numeric Limits Required for Waiver of Wet Season Grading Prohibition**

Attachment 2. Advanced Stormwater Treatment--CICWQ Cost Estimation

<u>Coverages/Costs</u>		<u>Runoff vol. (in)</u>	<u>Runoff vol. (in)</u>	<u>Runoff vol. (in)</u>	
27154 Gal/ac-in		1	10	20	
\$8,000 Chitosan/M gal	<u>Acres</u>	<u>Gallons</u>	<u>Gallons</u>	<u>Gallons</u>	
\$1,250 Labor/M gal-Sm site	1	27,154	271,540	543,080	
\$5,000 Labor/M gal-Lg site	10	271,540	2,715,400	5,430,800	
M= Million gallons	20	543,080	5,430,800	10,861,600	
	100	2,715,400	27,154,000	54,308,000	
	250	6,788,500	67,885,000	135,770,000	
	1	\$217	\$2,172	\$4,345	Chitosan cost
	10	\$2,172	\$21,723	\$43,446	\$8000/Mgal
	20	\$4,345	\$43,446	\$86,893	
	100	\$21,723	\$217,232	\$434,464	
	250	\$54,308	\$543,080	\$1,086,160	
	1	\$34	\$339	\$679	Small Site Labor
	10	\$339	\$3,394	\$6,789	
	20	\$679	\$6,789	\$13,577	
	100	\$13,577	\$135,770	\$271,540	Large Site Labor
	250	\$33,943	\$339,425	\$678,850	

Cost Data Sources

Polymer	Clear Creek Systems, 12/2006
Basin	CASQA, 2003
Liner	NRCS, 2006
Inlets	NRCS, 2006
Spillway	NRCS, 2006
Labor	Clear Creek Systems, 12/2006

Water Collection Basin Construction Cost

<u>cubic feet</u>	<u>\$0.73</u>	<u>\$0.50</u>
3630	\$2,650	\$1,815
36302	\$26,501	\$18,151
72604	\$53,001	\$36,302
363021	\$265,006	\$181,511
907553	\$662,514	\$453,777

Project Examples:

10 and 100-acre sites
 Capture 1" effective runoff across site
 Use advanced treatment system for sediment control
 Size basin to contain and treat 1" effective rainfall
 Scale up to treat 10-inch and 20-inches of total season rainfall

Basin Construction and Treatment Example (100 Acre Site)

	1-inch	10-inch	20-inch
Basin Construction	\$181,511		
Basin Liner	\$10,000		
Lined Inlet	\$4,400		
Lined Spillway	\$4,400		
Polymer Addition (Chitosan)	\$21,723	\$217,232	\$434,464
Labor (handle 1")	\$13,577	\$135,770	\$271,540
Per 100 Acre Site	\$235,611	\$553,313	\$906,315
Per Acre	\$2,356	\$5,533	\$9,063

Basin Construction and Treatment Example (10 Acre Site)

	1-inch	10-inch	20-inch
Basin Construction	\$18,151		
Basin Liner	\$10,000		
Lined Inlet	\$4,400		
Lined Spillway	\$4,400		
Polymer Addition (Chitosan)	\$2,172	\$21,723	\$43,446
Labor (handle 1")	\$339	\$3,394	\$6,789
Per 10 Acre Site	\$39,463	\$62,069	\$87,186
Per Acre	\$3,946	\$6,207	\$8,719