

**Comments Received on draft Ventura County MS4 Permit
December 27, 2006**

**From: Mike Sedell, City Manager
City of Simi Valley**

To: RWQCB-LA

Date: March 7, 2007



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QUALITY CONTROL BOARD
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Mr. Jonathan Bishop, Executive Officer
Los Angeles Regional Water Quality Control Board
320 4th Street, Suite 200
Los Angeles, CA 90013

SUBJECT: DRAFT VENTURA COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT (NPDES PERMIT NO. CAS004002)

Dear Mr. Bishop:

The City of Simi Valley has been a key contributor in the countywide effort to improve water quality in Ventura County. The collaborative countywide program, including the City, continues to be very successful toward improving water quality. As a Calleguas Creek Watershed (CCW) agency, the City is an active Calleguas Creek Management Plan member, and commits resources including funding and personnel towards improving local water quality. The City, by its actions and policies, is clearly active in water quality improvement, and is committed to working locally on water quality issues.

As currently drafted, the subject Draft Order will place undue financial and technical requirements on the City's program. Furthermore, the Draft Order might not efficiently improve water quality, the goal your agency and the City are striving toward through mutual efforts, such as the CCW Management Plan and TMDL development.

The City concurs with the Ventura Countywide Stormwater Program comment letter dated March 6, 2007, and explicitly states our support for the record. In addition to the countywide comments, we have specific concerns, also provided for the record.

The following specific Draft Order requirements are of particular concern:

- The Draft Order's citing of Municipal Action Levels (MALs) is inconsistent with state and federal policies, is technically flawed, results in requirements more stringent than federal law, and creates limits that are more restrictive than adopted water quality objectives contained in the Basin Plan.

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- The Draft Order contains prescriptive requirements such as low impact development, hydromodification, and post-construction best management practices for "all" development and redevelopment projects. These requirements cannot be met and unduly forfeit the City's land use planning jurisdiction. Simi Valley has several areas of high groundwater, and the Draft Order's required low impact development infiltration techniques could cause or exacerbate hazardous situations and public safety issues. Further, the Draft Order places unreasonable requirements on routine maintenance projects such as street repaving and channel clearing. These excessive requirements would impede or impair the City's ability to build and maintain public facilities.
- The Draft Order requires implementing a jurisdiction-wide Integrated Pest Management program. This further requires ordinances and policy changes, partnerships and "timelines to reduce and ultimately eliminate the use of pesticides" within 180 days. This timeframe and the 100% elimination of pesticides are unrealistic. Furthermore, this prescriptive requirement preempts the ongoing watershed effort to develop a Pesticide TMDL Implementation Plan.
- The Draft Order requires the installation of trash excluders on all catch basin inlets within six months. This is an estimated \$2 million capital improvement project. Not only is this requirement cost prohibitive; the trash excluders would create a health and safety problem due to the potential flooding hazard. Further, a trash TMDL is currently being developed for two reaches of Calleguas Creek with expected adoption by the end of 2007. This Order requirement should be postponed pending the outcome of the TMDL.
- The requirement to obtain coverage under NPDES Permit CAG674001 for potable water discharges of over 100,000 gallons per year from activities such as fire hydrant flushing contradicts and possibly violates State Department of Health Service regulations requiring flushing to protect public health. Furthermore, Permit CAG674001 is a general permit that specifically regulates the discharge of hydrostatic test water. This requirement should be removed.
- The Draft Order should be entirely consistent with and subordinate to the TMDL process. The TMDL process involves not only your agency and the City, but also all stakeholders in the watershed, and the United States Environmental Protection Agency. The TMDL adoption process is conducted in public and provides for comment and revision by your agency and others. To preempt the TMDL work plans by requiring permit compliance on assumed outcomes, or to ignore the approved commitments in the approved TMDL Implementation Plans is inconsistent and arbitrary.

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Conclusion

The City of Simi Valley appreciates the opportunity to provide comments to the subject Draft Order. As a Co-permittee in the Ventura County permit, the City is committed to the collaborative effort to maintain and enhance local water quality. The City has significant concerns with the Draft Order. The City supports an Order that provides for accountability, conducts public outreach and education, supports ongoing water quality efforts, includes specific TMDL implementation and monitoring commitments, and receives broad public support. We look forward to working with the Regional Board to incorporate these changes into the Order.

If you have any questions, please call me at (805) 583-6701, or have your staff contact Assistant Director of Public Works Joe Deakin at (805) 583-6401.

Sincerely,


for Mike Sedell
City Manager

cc: Assistant City Manager, L. Behjan
Director of Public Works
Assistant Director of Public Works, J. Deakin
LARWQCB, Xavier Swamikannu