

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

**From: Jeff Pratt, Director
Ventura County Watershed Protection District**

To: RWQCB-LA

Date: March 6, 2007

VENTURA COUNTY



PUBLIC WORKS AGENCY
RONALD C. COONS
Agency Director

WATERSHED PROTECTION DISTRICT

March 6, 2007

Mr. Jonathan Bishop
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Subject: **COMMENT LETTER - DRAFT VENTURA COUNTY MUNICIPAL
SEPARATE STORM SEWER SYSTEM PERMIT (NPDES PERMIT
No. CAS004002)**

Jeff Pratt
District Director

Gerhardt Hubner
Water/Environmental Resources

Peter Sheydayl
Design/Construction

Sergio Vargas
Planning/Regulatory

Tom Lagier
Operations/Maintenance

Dear Mr. Bishop:

We have received the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Draft Order dated December 27, 2007 and appreciate the opportunity to provide comments on behalf of the Watershed Protection District (District). We have reviewed the document with the understanding this is a first draft and concerns and comments will be taken into account before a tentative permit is released.

Increases in permit requirements were expected as part of the iterative process, and that is reflected in the Draft Order. The comments presented here are not intended to argue against the increases in program requirements, but rather to maximize the effectiveness of the program to improve stormwater quality discharging from MS4s. Where ever possible each comment suggests a viable alternative; however in some cases the draft language was not readily understood or the requirements did not appear technically or scientifically justified, so clarification was requested.

In addition to the comments below the District supports the comments on this draft order made by the Ventura Countywide Stormwater Quality Management Program in their March 6, 2007 letter and attachments.

Issue: Draft Order erroneously adds Watershed Protection District as a responsible party under previously adopted TMDLs.

In all of the TMDLs adopted by the Regional Board the Watershed Protection District has never been identified as a responsible party. There is no reason that this Draft Order should include the District under any adopted TMDL. Additionally, any requirements based on the TMDLs adopted in Ventura County should be identical to the language in the adopted TMDLs. Please remove all references to the District from TMDL language.

Issue: Inappropriately requiring coverage under the Construction Activity General Stormwater Permit (CAGSP) for activities expressly exempted from that permit.

Part 4 G.2.c page 73, and Part 4 G.3 (b) page 76, and Part 4 g. 8. page 81

As adopted by the State Water Resources Control Board requirement for coverage under CAGSP "does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility." Street repaving and channel clearing are not required to get coverage under the CAGSP and that should not be required under this Draft Order. Please change to: all projects required to obtain coverage under the CAGSP shall do so.

Issue: Limiting options for effective BMPs Part 4 G.3 page 73

The District would prefer to maintain flexibility in BMP selection from other sources than the Caltrans Stormwater Quality Handbook. Please allow for other sources of BMPs.

Issue: Requirement to ultimately eliminate the use of pesticides Part 4 G.5 (7) page 77

The authority to eliminate the use of a pesticide rests with the California Department of Pesticide Regulation. If it is determined that a product cannot be used safely it can be banned statewide through the existing process. Pesticides can and have been used safely to protect public health and resources, and water quality should not be made a priority over human health and safety. Please change to: ". . . and timelines with the goal of reducing and ultimately eliminating the use of pesticides . . ."

Issue: Discharge limitations for dewatering BMPs Table 10 page 80

Please explain how these limitations were deemed appropriate for the Southern California region and why several of the limits are above the Municipal Action Limits.


Issue: Draft Order should focus on infrastructure under Permittees control. Part 4 H. 3. (a) (1) (A) page 84

The District can only be responsible for infrastructure under their control. Please change to: A GIS layer showing the location and length of Permittee owned underground storm drain pipes.

The issues mentioned here are of particular concern to the District, however it is necessary to emphasize again that the March 6, 2007 letter and attachments from the Ventura Countywide Stormwater Quality Management Program also expresses the District's opinion and comments on the Draft Order.

Our hope is to have the best stormwater quality program possible, and this permit process will help us in that goal. But we need to take care that our resources are being used wisely and efficiently in order to meet that goal. We look forward to your response to all of the comments you have received. If you have any questions please contact Gerhardt Hubner at 805-654-5051 or Gerhardt.Hubner@ventura.org.

Sincerely,



Jeff Fratt, Director

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