

# Executive Advisory Committee

## Stormwater Program – County of Los Angeles

October 15, 2007

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Regional Water Quality Control Board, Los Angeles Region  
320 West Fourth Street, Suite 200  
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**Subject: Comments on the Second Draft Ventura MS4 Permit (NPDES No. CAS004002)**

Dr. Swamikannu:

The Executive Advisory Committee (EAC) is composed of representatives from among the Los Angeles County Municipal Stormwater Permittees and we invite your attendance at our monthly meeting at the Los Angeles County Department of Public Works Headquarters in Alhambra. These meetings are usually attended by representatives from over half of the Municipal Separate Storm Sewer System (MS4) Permittees and could be a productive forum for discussion and clarification of Regional Water Quality Control Board initiatives, intentions, and goal setting.

The EAC members and Los Angeles County MS4 Permittee would like to acknowledge and support the Board's decision to conduct a second Workshop in the City of Ventura, on September 20, 2007, to receive local community comments on the August 15, 2007 draft Ventura County MS4 Permit. This Workshop provided a valuable forum for the Board to hear ~~and consider the many remaining concerns of the regulated communities. We would like to~~ encourage the Board and Board staff to thoughtfully consider the comments of the Ventura County Permittees, while incorporating further revisions to the draft MS4 permit.

Among the most worrisome comments, voiced by the Ventura Permittees, was the perception that their constructive suggestions were ignored during permit negotiations; leading to a request for facilitated negotiations with Board staff. The Board has asserted that the MS4 Permittees incorrectly implemented past MS4 permits, but these are extremely complex documents that, in the case of the Los Angeles County MS4 Permit, are still being clarified by Board staff over five years after issuance. Our own Los Angeles County MS4 Permit EAC meetings have lacked Board participation for several years. Without continued dialogue on the content and intent of our future MS4 Permits, both the regulatory and regulated communities will continue to grope for meaning and most likely fail to meet each others expectations, leading to continued conflict.

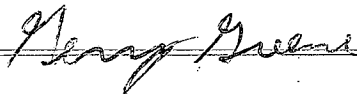
The EAC once again encourages the Board to consider our March 7, 2007 comments letter regarding the draft permit findings, which appear to have been significantly dismissed without consideration. In particular, we disagree with finding E 10 and are concerned that its inclusion could limit the ability of local agencies to apply for Federal grant funding, which the Board has encouraged as one of a very few sources of support for this expensive program. None of our agencies would assert that sufficient support exists to fully implement the proposed permit.

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The MS4 Permittees are very concerned about wastes resulting from numerous overlapping monitoring programs. Local MS4 Permittees are already subject to point source discharge, receiving water, mass emission, regional, ambient and TMDL compliance monitoring programs. The draft permit would append a new Municipal Action Limits (MALs) program based on numeric criteria that are at odds with these other programs. As has been asserted by the Permittees and other experts for years, stormwater quality is extraordinarily variable and difficult to monitor. As was asserted at the February 24, 2007 Regional Board Retreat, there exist ample enforcement opportunities for the regulatory community, but insufficient resources with which to implement the Board's intent. Similarly, the MS4 Permittees are greatly concerned that this additional monitoring requirement will simply divert our attention from productive priority pollutant source control efforts to generalized catchment wide efforts that municipalities will be poorly equipped to implement or utilize the results from. A greater effort should be focused by the Board and MS4 Permittees on the General Industrial and Construction Activities Stormwater Permit discharges, as was suggested by State Panel of Stormwater Experts.

The EAC would like to reiterate our interest in participating in crafting the contents and requirements of the draft Ventura County MS4 Permit, so as to avoid having conflicting requirements in adjacent jurisdictional areas, and reserves the right to provide additional oral or written comments at the planned public workshop. We further encourage the Board staff to thoughtfully consider the constructive suggestions of the Ventura County MS4 Permittees, which will have to implement the final permit. If you wish to further discuss these issues, or seek greater input from the EAC, please feel free to contact me at 562-904-7102.

Sincerely,



Gerald E. Greene, DENV, PE, QEP  
Chair, Executive Advisory Committee

cc: Ventura County MS4 Permittees  
Los Angeles County, Department of Public Works  
EAC MS4 Permittee mailing list