



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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May 29, 2008

IN REPLY PLEASE  
REFER TO FILE:

WM-9

Ms. Tracy Egoscue  
Executive Officer  
California Regional Water Quality  
Control Board - Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013-2343

Attention Dr. Xavier Swamikannu

Dear Ms. Egoscue:

**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS  
COMMENTS IN RESPONSE TO THE DRAFT TENTATIVE ORDER VENTURA  
COUNTY MUNICIPAL STORMWATER NATIONAL POLLUTANT  
DISCHARGE ELIMINATION SYSTEM PERMIT DATED APRIL 29, 2008**

On behalf of the Los Angeles County Flood Control District and the County of Los Angeles, Public Works has reviewed the proposed draft Tentative Order Ventura County Municipal Stormwater National Pollutant Discharge Elimination System Permit made available for public comment by the Regional Board. Our comments are enclosed.

If you have any questions, please contact Mr. Scott Schales at (626) 458-4325 or [sschales@dpw.lacounty.gov](mailto:sschales@dpw.lacounty.gov).

Very truly yours,

DEAN D. EFSTATHIOU  
Acting Director of Public Works

MARK PESTRELLA  
Assistant Deputy Director  
Watershed Management Division

RW:sv

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**County of Los Angeles Department of Public Works  
Comments in Response to the  
Draft Tentative Order Ventura County Municipal Stormwater National Pollutant  
Discharge Elimination System Permit  
Dated April 29, 2008**

The County of Los Angeles and Los Angeles County Flood Control District, herein jointly referred to as County, submit the following comments in response to the draft Tentative Order Ventura County Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (draft Tentative Permit). The County shares the Regional Board's goal of improving receiving water quality in the County of Los Angeles and appreciates staff's efforts in preparing the draft Tentative Permit. Although the Ventura permit is generally believed to be a precursor to the next Los Angeles County Municipal Stormwater NPDES Permit, the County fully expects that the Regional Board will approach the Los Angeles permit in a manner specific to the circumstances and challenges unique to the Los Angeles area, which includes 84 copermittees and nearly 10 million residents. Nonetheless, as an interested stakeholder in the draft Tentative Permit, the County has serious concerns over both the legality and the technical feasibility of some of the requirements as currently drafted. Our over-arching concerns are organized into five areas:

I. Defining Maximum Extent Practicable through Municipal Action Levels

Despite strong and convincing arguments from the regulated community (particularly by the Ventura Countywide Stormwater Management Program in its letter to the Regional Board dated October 12, 2007, which we hereby incorporate by reference), the draft Tentative Permit continues to misuse Municipal Action Levels (MALs) as a quantitative expression of the technology-based Maximum Extent Practicable principal on which the Municipal Stormwater NPDES permits are based. The Regional Board's desire to institute a more quantitative method for assessing permit compliance is understandable. However, the MALs concept in its current form remains seriously flawed.

The County encourages the Regional Board to incorporate the California Stormwater Quality Association's (CASQA) groundbreaking concepts in increasing accountability in municipal stormwater programs into the draft Tentative Permit. These concepts are described in CASQA's draft White Paper submitted to the Regional Board on August 15, 2007, and in its Municipal Stormwater Program Effectiveness Assessment guidance document dated May 2007. These documents provide a road map toward better water quality protection, one that the County has embraced as a basis for watershed monitoring.

## II. Draft Tentative Permit is Overly Prescriptive

The County believes that an overly prescriptive programmatic permit will not result in water quality standards attainment and can have many unintended consequences such as increased bureaucracy and wasted resources. The Regional Board should rely more on the TMDL regulatory framework to improve water quality.

## III. Low-Impact Development and Hydromodification

The County supports the concepts and policies related to Low-Impact Development (LID) and hydromodification. However, as previously stated in the February 2008 workshops, we believe it is improper for the Regional Board to act as the certifying agency for LID standards. The most logical way to implement LID and the related Redevelopment Project Area Master Plan requirement is through a third-party certification process.

## IV. Best Management Practices (BMPs) Performance Design Criteria

While the County generally supports the development of criteria for designing treatment control BMPs, using BMP effluent quality data to establish such design criteria raises a series of technical questions and implementation issues that have not been studied by or vetted among the stormwater quality management community. The County recommends that any provision related to BMP performance design criteria be written as a goal rather than an absolute requirement, and to encourage permittees to work with other permittees, CASQA, and the American Society of Civil Engineers to research and develop design criteria for treatment control BMP performance.

## V. Monitoring

As an agency with over 15 years of stormwater monitoring experience, we have serious reservations regarding the draft Tentative Permit's proposed monitoring program. Generally, the proposed program is extremely resource intensive and impracticable. The proposed major outfalls assessment would require monitoring and sampling at potentially hundreds or thousands of sites in three years. Installing monitoring stations at all of the major outfalls within three years is physically impossible and will not produce useful information.

Finally, as a CASQA member agency, the County has reviewed and is in full support of CASQA's comment letter in response to the draft Tentative Permit.

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