



City of Thousand Oaks

MAYOR THOMAS P. GLANCY

April 10, 2009

Via electronic mail

Mary Ann Lutz, Chair
Los Angeles Regional Water Quality Control Board
320 4th Street, Suite 200
Los Angeles, CA 90013

Re: Tentative Order - Ventura County Municipal Separate Storm Sewer System Permit (NPDES No. CAS004002) for the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein

Dear Chairperson Lutz:

The City of Thousand Oaks appreciates the opportunity to provide comments on the Tentative Ventura County Municipal Separate Storm Sewer System Permit for the Ventura County Watershed Protection District, County of Ventura and the incorporated cities.

Thousand Oaks has been an active and supportive member of the Ventura Countywide Stormwater Quality Management Program since its inception in 1992. In addition, for many years, and at significant cost, the City has worked cooperatively with the Regional Board and other stakeholders to develop the Calleguas Creek Watershed Management Plan and also to address water quality impairments through the development of Total Maximum Daily Loads (TMDLs). The City believes that the cooperative effort in the Calleguas Creek Watershed is unprecedented and will result in significant water quality improvements.

The City along with the other Ventura County co-permittees have worked together to review the Tentative Order and the City is pleased to say that we are substantially in agreement with the comments submitted on April 10, 2009 by Gerhardt Hubner, Chair of the Countywide Program, on behalf of all co-permittees. In addition to the Countywide Program comments, the City of Thousand Oaks is also submitting technical comments for the Regional Board's review and consideration (Attachment A).

The Ventura County Watershed Protection District, County of Ventura and the incorporated cities (the co-permittees) and the Regional Board embarked upon the permit renewal process in January 2005, when the countywide program submitted its Report of Waste Discharge, or permit application. Through a lengthy, but ultimately constructive process, the co-permittees and Board staff developed a better

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understanding of each agency's concerns and constraints. The permit before you is the end result of that lengthy discussion process.

The Tentative Ventura County Municipal Stormwater Permit is a groundbreaking document; the requirements of this permit are, in total, more stringent than any other stormwater quality permit that has been adopted in this State. Commensurate with groundbreaking requirements come tremendous implementation costs for local government, as well as the residents and businesses that call Ventura County home. Given the difficult economic climate, with local government struggling to provide basic health and safety services, supporting the issuance of a permit that will require the expenditure of millions of dollars is a difficult premise. That being said, the City recognizes its responsibility to protect and improve water quality. We look forward to working with the Regional Board to implement the new requirements as we continue our common roles as leaders in environmental stewardship.

If you have any questions or need additional information, please feel free to contact Mark Watkins, Public Works Director at (805) 449-2399 at your convenience.

Sincerely,



Thomas P. Glancy
Mayor

c: Ventura County Stormwater Permittees
Ventura County City Managers

Attachment

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DPW:530-25(2)\cm\glancy\stormwater permit comment letter 4_09.doc

Attachment A

February 24, 2009 Tentative Order - Ventura County Municipal Separate Storm Sewer System Permit (NPDES No. CAS004002) for the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein
 City of Thousand Oaks – Technical Comments

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| 1 | 31-32 | Table 1 | <p><i>"Dechlorinated/debrominated swimming pool discharges [see definition Part 8]. Where discharge is not excepted [sic] by the sanitary sewer operator. Swimming pool discharges are to be dechlorinated, pH adjusted if necessary, aerated to remove chlorine if necessary, and volumetrically and velocity controlled top prevent resuspension of sediments.</i></p> <p><i>"No discharges are allowed containing salts in excess of Water Quality Standards."</i></p> <p><i>Chlorine residual in discharge shall not exceed 0.1 mg/L."</i></p> <p>This requirement conflicts with the requirements on pages 36 and 37, Part 4 B.1.(b)(5) and on page 98 Definitions (see following comments)</p> <p>Also, "Swimming pool discharges are to be dechlorinated,.... aerated to remove chlorine if necessary.." is redundant.</p> |
| 2 | 36-37 | Part 4 B.1(b)(5) | <p><i>"Permittees shall possess the necessary legal authority to prohibit...(5) Swimming pools that have a concentration greater than: (A) Chlorine/bromine – 0.1 mg/L (B) Chloride – 250 mg/L"</i></p> <p>This requirement conflicts with the requirements on pages 31-32 (Table 1) and on page 98 Definitions (see comments No. 1 and 3).</p> <p>Swimming pool discharges should not be subject to an arbitrary chloride standard since water quality standards differ throughout the county. The requirement should read as it does in Table 1.</p> |

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| 3 | 98 | Definitions | <p><i>“Dechlorinated/debrominated swimming pool discharge – means any swimming pool discharge with a residual chlorine or bromine level of 0.1 mg/L or less; and does not contain any detergents, wastes, algaecides, or cyanuric acid in excess of 50 ppm; or any other chemicals including salts from pools commonly referred to as “salt water pools”. The term does not include swimming pool filter backwash or swimming pool water containing bacteria.”</i></p> <p>The definition conflicts with requirements on pages 31-32 (Table 1) and pages 36 and 37, Part 4 B.1.(b)(5) (see comments No. 1 and 2)</p> <p>The requirement should read the same as it does in Table 1. Restrictions on salt water pools should not be required for ocean discharges. In the last sentence, “...or swimming pool water containing bacteria” should be deleted. It is not possible to remove all bacteria from water exposed to the atmosphere. Also change “ppm” to mg/L.</p> |
| 4 | 37 and 38 | Part 4.B.2 & Part 4.B4 | <p>Legal Authority: These sections require Permittees to possess legal authority over persons and entities within their jurisdiction and hold them accountable for discharges to the MS4 system. Compliance with this section would require stormwater discharges from federal property, state property and public schools to be subject to Municipal Code requirements. This is not legally possible. Please include a footnote for the term “persons within their jurisdiction” (page 37, Part 4.B.2.(b)) indicating that the requirement does not apply to federal, state and public school property and/or facilities.</p> |
| 5 | 50 | Part 5.D.2(B) | <p><i>“The Permittees shall require implementation of additional BMPs where the stormwater from the MS4 discharges to 303(d) listed waterbody; or”</i> Please revise to read: <u>The Permittees shall require implementation of pollutant specific controls to reduce pollutants in stormwater runoff that are causing or contributing to exceedances of water quality standards additional BMPs where the stormwater from the MS4 directly discharges to a CWA Section 303(d) listed waterbody; or</u></p> |
| 6 | 53 | Part 5.E.II.1.(3) | <p>Why is the descriptor “strip mall” included in this category? Although some developments are arranged in multiple-suites, some commercial developments of 10,000 SF are not what would be characterized as “strip malls” or “plazas”.</p> |

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| 7 | 53 | Part 5.E.II.1.(7) | Please delete the requirement to incorporate USEPA Guidance regarding "Managing Wet Weather With Green Infrastructure: Green Streets" to the maximum extent practicable in the construction of street projects over 10,000 sq. ft. Street projects must be designed, constructed and operated using a flexible BMP-based approach and should not be required to incorporate guidance from a single manual. In addition, the term "maximum extent practicable" in this requirement should be deleted. |
| 8 | 54 | Part 5.E.II.2.(3) | To avoid loss of design effort on public agency capital improvement projects, and to acknowledge that occasionally supervisory staff ("designee") may internally initiate project designs, it is imperative the last sentence be reworded as follows: " <u>For Permittees' projects the effective date shall be the date the governing body or their designee approves authorization to advertise to bid the project initiation of the project design.</u> " |
| 9 | 55 | Part 5.E.III.1.(c) | In the first sentence, omit the word "structured". |
| 10 | 64 | Part 5.E.V. 1.(a) | "Each Permittee shall incorporate into its CEQA process, no later than (6 months from Order adoption date)..." To afford consistency in treating applications on both the CEQA and design-review levels, the compliance date for incorporation of the new permit's development standards into the City's CEQA process should coincide with the effective date for the new development and redevelopment requirements. That date is 90 calendar days after the Executive Officer approves the changes to the Technical Guidance Manual needed to comply with the permit (see page 54, Part 5 E.II.3.). |
| 11 | 83 | Part 5.H.I.1.(b) | "(b) Tracking – All permittees shall, no later than (3 years after Order adoption date) map at scale.....all known connections to their storm drain system". The compliance date should be changed to 5 years after permit adoption date, in order to allow the required map of the public system to be completed, as per the requirement in Part 5.H.I.3.(a)(1) (page 83), which allows five years. |
| 12 | 83 | Part 5.H.I.2.(b) | "Permittees shall document the location of the reported IC/ID events..." This language needs to be amended to reflect confirmed IC/ID events rather than reported events. Mapping 'false alarms' and 'unable to confirm' reports and events provides only a detrimental effect on interpreting IC/ID data. Change to "Permittees shall document the location of the reported IC/ID events..." |
| 13 | 83 | Part 5.H.I.3(a)1. A | Please change to: "...showing the location and length of underground public storm drain pipes 18 inches and greater..." |

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| 14 | 96 | Part 7. Definitions | Bacteria TMDL Dry Weather and Wet Weather need to be clarified to include the appropriate date ranges of April 1 through October 31 for dry weather and November 1 through March 31 for wet weather. |