

**California Regional Water Quality Control Board, Los Angeles Region
Ventura County Municipal Storm Water Discharge Permit
Response to Comments on the December 27, 2006 Draft**

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
<i>Permit Development Process</i>				
General	Permit development was not an inclusive process unlike the Basin Plan.	Oxnard 2, 4	This permit development process has been inclusive. The Water Board has held more than nine meetings (October 2005 through February 2009) with permittees and their representatives (Larry Walker and Associates, and Somach, Simmons & Dunn), and various stakeholders (Building Industry Association of Southern California/ Greater Los Angeles Ventura Chapter (BIAGLA/ VC), California State Dept. of Health Services, Calleguas Water District, California Stormwater Quality Association (CASQA), City of Downey, City of Los Angeles-EMD, Coalition for Practical Regulation (CPR), Construction Industry Coalition on Water Quality (CICWQ), County of Orange, Geosyntec Consultants, Golden State, Heal The Bay; Local Government Commission, Los Angeles City; Los Angeles County Department of Public Works, Los Angeles County-SD, Los Angeles Department of Water & Power, Metropolitan Water District, Natural Resources Defense Council (NRDC), Richard Watson Association, San Bernardino Flood Control District, Santa Monica Bay Restoration Commission, Southern California Coastal Water Research Project, University of California Sea Grant, Ventura CoastKeeper, and Charles Abbott Associate. On April 5, 2007, September 20, 2007, and July 10, 2008 the Regional Water Board conducted workshops to discuss drafts of the NPDES Order and received input from the permittees and the public regarding proposed changes.	The most recent draft reflects revisions to the permit in most major sections. The revisions are summarized in this table below.

¹ BILDF = Building Industry Legal Defense Foundation; Caltrans = State of California Department of Transportation; Camarillo = City of Camarillo; Carson = City of Carson; CASQA = California Stormwater Quality Association; CICWQ = Construction Industry Coalition on Water Quality, Building Industry Association of Southern California; CONTECH = CONTECH Stormwater Solutions, Inc.; Countywide Program = Ventura Countywide Stormwater Quality Management Program; CSDs of LA = County Sanitation Districts of Los Angeles County; LA County Stormwater = Stormwater Program – County of Los Angeles; Fillmore = City of Fillmore; Heal the Bay = Heal the Bay; Inglewood = City of Inglewood; LA County PW = Department of Public Works, County of Los Angeles; LGC = Local Government Commission; Long Beach = Stormwater Management Division, City of Long Beach; Moorpark = City of Moorpark; NRDC = Natural Resources Defense Council; Ojai (Carol Smith) = City of Ojai; Oxnard = City of Oxnard; Oxnard Chamber of Commerce = Oxnard Chamber of Commerce; Port Hueneme (Carrie Mattingly) = City of Port Hueneme; Port Hueneme (Maricela Morales) = City of Port Hueneme, Maricela P. Morales; Signal Hill = City of Signal Hill; Signal Hill Coalition PR = City of Signal Hill, Coalition for Practical Regulations; Simi Valley = City of Simi Valley; TECS = Environmental Compliance Services; Theresa Jordan = Theresa Jordan (citizen); Thousand Oaks = City of Thousand Oaks; Various Citizens (Alyson Austin) = Various Residents B; Various Citizens (Christine Shimane) = Various Residents D; Various Citizens (Karen Conlon) = Various Residents A; Various Citizens (Karen Zieba) = Various Residents E; Various Citizens (Odie Duggan) = Various Residents C; Ventura = City of Ventura; Ventura County PWA = County of Ventura Public Works Agency; Ventura County RCD = Ventura County Resource Conservation District; Ventura County WPD = Ventura County Watershed Protection District

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
General	Permit developed with many prescriptive practices, few chances for flexibility.	Simi Valley 2; Ventura 3; Thousand Oaks 2; Signal Hill Coalition PR 1; Various Citizens (Karen Conlon) 1; CONTECH 1-2; Heal the Bay 2; Fillmore 1	The Permit was written in a way to allow maximum flexibility. However, we have provided direction/clarity wherever necessary to help ensure that there is no ambiguity. Also, there is a BMP substitution provision that allows the RB Executive Officer to substitute a program for one of the Permittee's request.	The most recent draft reflects revisions to the permit in most major sections. The revisions are summarized in this table below.
General	Science and studies on which the permit was based are incomplete and aren't applicable to Ventura County.	Various Citizens (Karen Zieba) 1	There have been many studies and land use studies across the country that are consistent at identifying pollutants of concern for different land uses and activities. Many requirements in the draft permit are management controls that are far less expensive to implement than it is to implement studies that will show what other studies have already shown.	The most recent draft reflects revisions to the permit in most major sections. The revisions are summarized in this table below.
Phase I vs. Phase II	No distinction between Phase I and Phase II community requirements exists.	Port Hueneme (Carrie Mattingly) 2; Moorpark 1; Countywide Program 3; Fillmore 2	There is no need for a distinction between Phase I and Phase II as all municipalities in the County of Ventura are or have been designated as Phase I in the 1994 Ventura MS4 Permit issuance. Regional Board staff are open to alternative timelines or programs but no specific request has been received. Within the Permit there is a provision for implementation of alternative programs and/or BMPs.	The most recent draft reflects revisions to the permit in most major sections. The revisions are summarized in this table below.
Consistency with Other Regulations and Requirements	Not coordinated with previous legislation and regulations, which makes it unreasonable and confusing.	Simi Valley 2; Signal Hill Coalition PR 1	This draft permit is consistent with all laws, regulations, and established waste load allocations in approved TMDLs.	The most recent draft reflects revisions to the permit in most major sections. The revisions are summarized in this table below.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Consistency with Other Regulations and Requirements	Must consider balancing factors required in Porter Cologne Section 13241 when exercising discretion to achieve MEP.	BILDF 3-11	Porter –Cologne Section 13241 sets out Factors to be considered by a Regional Board in establishing water quality objectives, not when determining whether the MEP standard has been met.	No changes are required to address this comment. State Board has conducted an economic analysis of the probable costs of implementing this permit, and the analysis shows reasonable costs of implementation.
Consistency with Other Regulations and Requirements	Many provisions are more stringent than those required by federal law.	Countywide Program 10; Signal Hill 2-3	The commenter gives no specific example of inconsistency. This draft permit is consistent with federal law and regulations and is reasonable based upon a progressive regulatory approach.	Finding has been revised to address this comment.
<i>Discharge Prohibitions</i>				
General Prohibitions	Exceedances of water quality standards are already occurring (303(d)-listed waters) so provisions cannot be complied with.	LA County PW 4,5	When an exceedance occurs, the iterative process begins. The Permittees must make progress during the iterative process to prevent further exceedances. The purpose of the MS4 permit is to require implementation of programs that will achieve water quality standards.	No changes required to address this comment.
General Prohibitions	The permit should not prohibit discharges <u>into</u> the MS4.	BILDF 1-3	Federal Regulations at 40 CFR 122.26 XXXXX includes a requirement that all non storm water discharges shall be effectively prohibited. The prohibition is into the MS4.	No changes required to address this comment.
Non-Storm Water Prohibitions	The Order only applies to the MS4, not to natural watercourses, so the prohibition of non-storm water discharges into watercourses should be removed.	LA County PW 5	The definition of an MS4 includes any conveyance of storm water, natural or manmade.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Non-Storm Water Prohibitions	Permittees should be allowed to conditionally exempt discharges that are considered a violation of local ordinances, providing additional authority to enforce and prohibit discharges considered a nuisance.	LA County PW 5	The Permittees already had this authority. However, some non-storm water discharges have been determined to either be a source of pollutants or whose existence causes flows of pollutants already in/on streets and/or the rest of the storm drainage system to flow to waters of the U.S. unabated contrary to the required effective prohibition on non storm water discharges.	No changes required to address this comment
Non-Storm Water Discharges	Recreation and Parks Dept empties pond water into the city sewer system. Is a permit required for this?	Teresa Jordan	This Order does not regulate discharges of pond water (or other waters) into the sanitary sewer system. Discharges into the sanitary sewer system are regulated by the sewer agency or by a city/county discharging into the sewer system via an industrial waste program. However, if this (pond) discharge is into the storm sewer system, the discharge is not authorized under the current draft permit. The municipality would need to find alternative means to discharge of the potentially bacteria laden water.	No changes required to address this comment
<i>Receiving Water Limitations</i>				
Public Role in Reporting RWL violations	The permit, in stating that the public can offer documentary evidence of a violation of RWLs, wrongly encourages members of the public to conduct their own monitoring. It also forces permittees to address potentially incorrect allegations.	LA County PW 5	The provision has been eliminated.	The provision has been eliminated.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
<i>Storm Water Quality Management Program Implementation</i>				
Fiscal Resources	The requirements are cost-prohibitive for many municipalities.	Ventura 3; Camarillo 1; Moorpark 1; Thousand Oaks A2; Ventura County PWA 1; Countywide Program 2; Signal Hill 2; Ojai (Carol Smith) 1-2; Port Hueneme (Maricela Morales) 1	The requirements in the Ventura Draft permit have been conscientiously thought out and were developed to be consistent with other storm water programs across the state and within the Los Angeles Region specifically while also considering local communities needs and land use patterns. The cost is comparable to other cities of similar size and population. However, the draft permit also includes a BMP Substitution provision that allows a Permittee to implement a different program to achieve the same goal.	No changes required to address this comment.
Fiscal Resources	The permit does not reach goals cost effectively.	Ventura 3; Camarillo 1; Thousand Oaks 2; Ventura County PWA 1; Countywide Program 12,13; Various Citizens (Karen Conlon) 1	The requirements in the Ventura Draft permit have been conscientiously thought out and were developed to be consistent with other storm water programs across the state and within the Los Angeles Region specifically while also considering local communities needs and land use patterns. The cost is comparable to other cities of similar size and population. However, the draft permit also includes a BMP Substitution provision that allows a Permittee to implement a different program to achieve the same goal.	No changes required to address this comment
Fiscal Resources	More information is needed regarding how costs were considered.	LA County PW 4	Although not required under federal mandates, an economic analysis has been prepared by SWRCB staff.	No changes required to address this comment.
Fiscal Resources	Fiscal reporting requirements are onerous.	Long Beach 1	The fiscal reporting requirements are nearly identical to that in the Los Angeles MS4 Permit.	No changes required to address this comment

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Required BMPs	Requirements for BMP substitution are unclear.	CSDs of LA 2	<p>Regional Board Staff disagree with the commenter. The requirements for BMP substitution are in fact very clear. Permittees need only identify the following:</p> <p>That the proposed alternative BMP or program will meet or exceed the objective of the original BMP or program in the reduction of storm water pollutants;</p> <p>The fiscal burden of the original BMP or program is substantially greater than the proposed alternative and does not achieve a substantially greater improvement in storm water quality; and</p> <p>The proposed alternative BMP or program will be implemented within a similar period of time.</p>	No changes required to address this comment.
<i>Development Construction Program</i>				
Grading Prohibitions	Eliminate or add flexibility to the wet season grading prohibition.	Thousand Oaks A9,11; Ventura County RCD 1; Countywide Program B15,B21	The wet season grading restriction is only applicable to certain sites meeting certain conditions. As an alternative to the restriction, the MS4 Permittee may issue a waiver if the developer can demonstrate that their plans will protect water quality.	The permit has been revised to include requirements for enhanced BMPs to account for increased threat to water quality from rain events and hillside construction.
Grading Prohibitions	Ensure that agricultural grading and clearing is exempt from the grading prohibition.	Ventura County RCD 1	Agriculture is exempted from the NPDES program under federal law.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Grading Prohibitions	The grading prohibition adversely affects housing construction and is onerous and inappropriate. The grading prohibition will cause construction work force to idle for months. Provision can increase cost of development and cause hardship for permittees, developers, and businesses.	LA County PW 3,4,13; Long Beach 2; Various Citizens (Christine Shimane) 1; Various Citizens (Alyson Austin) 1	The winter grading restriction requirement has been removed from the permit and replaced with a requirement for enhanced BMPs to address the areas of greatest vulnerability to erosion due to anthropogenic activities and thus, require a definitive suite of BMPs to be implemented to protect exposed soils from erosion during construction activity.	Revised to include requirements for enhanced BMPs to account for increased threat to water quality from rain events and hillside construction.
Grading Prohibitions	The cost/benefit of wet season grading restrictions is low. It is expected to benefit water quality only for 28 days, but the cost is expected to be \$62,500 to \$125,000 per acre over the 6-month wet season because of significant land carrying costs. The restriction is based on the unreasonable assumption that construction site operators do not comply with the General Construction Permit.	BILDF 55-58; CICWQ 21-22	Federal law requires compliance with water quality standards and for those sites with a State of California General Construction Storm Water Permit, compliance with BAT/BCT (Best Available Technology/Best Conventional Technology) standards. If compliance is achievable, as the commenter suggests, a variance can be requested by the permitting authority which allowed the construction, the local municipality.	Revised to include requirements for enhanced BMPs to account for increased threat to water quality from rain events and hillside construction.
Variances	Developers, not permittees, should be responsible for demonstrating conditions for variances.	LA County PW 13	Regional Board staff agree with the comment or and have changed the draft permit to reflect the change in responsibilities.	No changes are required to address this comment.
Variances	Requirements to meet numeric limits to obtain a wet season waiver go against Blue Ribbon Panel recommendations to determine baseline sediment loads in receiving waters.	BILDF 58-60	Federal law requires compliance with water quality standards and for those sites with a State of California General Construction Storm Water Permit, compliance with BAT/BCT (Best Available Technology/Best Conventional Technology) standards. If compliance is achievable, as the commenter suggests, a variance can be requested by the permitting authority which allowed the construction, the local municipality.	No changes are required to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Erosivity Factor	The erosivity factor is not defined and may not be reasonable, implementable, or enforceable.	Long Beach 2	Regional Board uses USEPA's term (erosivity factor) as defined by USDA. For more info see - Renard, K.C., G.R. Foster, G.A. Weesies, D.K. McCool, and D.C. Yoder. 1997. <i>Predicting soil erosion by water: A guide to conservation planning with the Revised Universal Soil Loss Equation (RUSLE)</i> , Agricultural Handbook 703, USDA-ARS, U.S. Government Printing Office, Washington, D.C.	A definition of erosivity factor has been added to the permit.
BMP Requirements	Minimum BMPs required for construction sites are too prescriptive, not flexible enough.	LA County PW 13-14	Minimum BMPs provide clarity and finality that these are the measures to be implemented at a given site. The Permittee is still responsible for approval of BMPs on a site specific basis. This provides for the flexibility that the commenter is requesting.	A BMP performance criterion includes flexibility for BMP implementation.
Inspection Requirements	Inspection requirements exceed federal CWA requirements.	LA County PW 14,15	Inspection requirements are consistent with 40 CFR 122.26 (d)(2)(i)(A)-(F).	No changes are required to address this comment.
Enforcement	Enforcement requirement eliminates municipal discretion in enforcing local codes.	LA County PW 14	Lack of enforcement on the Permittee's part may be a violation of the municipal permit. The municipality always has discretion to undertake enforcement but to allow continued violations of permits, laws, or regulations cannot be allowed.	No changes are needed to address the comment.
Enforcement	Local staff cannot be compelled by the Regional Board to serve as witnesses unless subpoenaed.	LA County PW 9	Regional Board staff are available to assist municipalities in enforcement actions they pursue. Likewise, if a site operator is referred to the Regional Board staff for enforcement, there is an expectation that the referring city be cooperative with the enforcement proceeding and not require a subpoena for assistance as a witness.	No changes are needed to address the comment.
<i>Public Agency Activities Program</i>				
Sewage Maintenance, Overflow, and Spill Prevention	These requirements are duplicative of SWRCB's General Waste Discharge Requirements for Sanitary Sewer Systems.	Countywide Program B23; CSDs of LA 2; LA County Stormwater 3	The draft has been changed to reflect the requirements of the Statewide Permit and Waste Discharge Requirements for Sanitary Sewer Systems. The new draft requirements are intended to protect water quality specific to storm water requirements.	Reflects the requirements of the Statewide Permit and Waste Discharge Requirements for Sanitary Sewer Systems.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Sewage Maintenance, Overflow, and Spill Prevention	Sanitary agencies should be required to notify the MS4 owner/operator within 2 hours.	LA County PW 15	Regional Board staff agree with the comment or and have changed the draft permit to reflect the change in responsibilities.	Reflects the requirements of the Statewide Permit and Waste Discharge Requirements for Sanitary Sewer Systems.
Public Construction	CASGP coverage for regular maintenance and CIPs should not be required.	Thousand Oaks A12-13; Countywide Program B23,B24,B26; LA County PW 15; Long Beach 2	Coverage for soil disturbing activities is a federal requirement. Regional Board staff have simplified compliance by allowing several soil-disturbing activities to be covered under a single NOI, if the municipality desires.	Compliance simplified by allowing several soil-disturbing activities to be covered under a single NOI, if the municipality desires.
Vehicle Maintenance, Materials Storage, Landscaping	The phase out of pesticides associated with the integrated pest management requirement are not feasible.	Simi Valley 2; Ventura County WPD 2; Countywide Program B24	The draft Permit has been revised to encourage the reduction in use of pesticides and the increase in use of integrated pest management.	Revised to encourage the reduction in use of pesticides and the increase in use of integrated pest management.
Storm Drain Operation and Management	Maintenance schedule and requirements for cleaning, updating, and trash are too onerous.	Thousand Oaks A13; Ventura County WPD 3; Countywide Program B24,B27; LA County PW 15	Schedules for compliance have been changed to a longer period.	Schedules for compliance have been changed to a longer period.
Storm Drain Operation and Management	There are concerns with prescribed numeric discharge limits for permittee-owned treatment control BMPs. Suggest providing a BMP prioritization process that defines appropriate disposal options.	CICWQ 4-6	The only option is to meet the prescribed limits or haul the water to where there is no discharge to the MS4.	No changes are needed to address the comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Storm Drain Operation and Management	Dewatering effluent limitations are not based on basin plan objectives or sound science.	BILDF 36-37	The Water Board has a General NPDS Dewatering Permit. Discharges of pollutants in Storm Water discharges that have not been reduced to the Maximum Extent Practicable (MEP) are prohibited.	No changes are needed to address the comment.
Storm Drain Operation and Management	Catch basin excluders pose a potential flood hazard, are cost-prohibitive, the requirement is excessive, and the 180-day time frame too short.	Simi Valley 2; Camarillo 2; Moorpark 1; Thousand Oaks A13; Carson 3; Inglewood 2-3; Signal Hill Coalition PR 3; LA County PW 15; Long Beach 2; CONTECH 7; TECS 3; Fillmore 1	Schedules for compliance have been changed to a longer period. Wherever the potential for flooding exists, the Permittee under the BMP Substitution provision of the draft permit may implement an alternative program that accomplished the same goal.	Revised to include a prioritization scheme for trash excluders, with provisions for use of other BMPs to eliminate trash.
Storm Drain Operation and Management	Requirement for trash receptacle distribution is too prescriptive, doesn't address design procurement issues, has unrealistic timelines, does not address operation and maintenance, doesn't incorporate a cost/benefit analysis, and doesn't guarantee trash reduction.	Carson 5; Inglewood 4; Long Beach 2; TECS 5	Schedules for compliance have been changed to a longer period. The requirement to install is only in areas subject to high trash generation, in commercial, industrial, and near educational institutions, except where flooding will occur. The Permittee under the BMP Substitution provision of the draft permit may implement an alternative program that accomplished the same goal.	Requirements for trash management have been revised in consideration of comments received.
Streets and Roads	CASGP coverage for road work is excessive and not cost effective.	Camarillo 1; Ventura County WPD 2; Carson 2; Inglewood 1-2; LA County PW 15; Long Beach 2; TECS 2	Coverage for soil disturbing activities is a federal requirement. Regional Board staff have simplified compliance by allowing several soil-disturbing activities to be covered under a single NOI, if the municipality desires.	Compliance simplified by allowing several soil-disturbing activities to be covered under a single NOI, if the municipality desires.
Streets and Roads	Minimum BMPs required for road repairs are too prescriptive, not flexible enough.	LA County PW 16	These BMPs are the same used by Caltrans statewide. However, a Permittee under the BMP Substitution provision of the draft permit may implement an alternative program that accomplishes the same goal.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Municipal Potable Water Supply System Discharges	NPDES limit on potable water discharges of 100,000 gallons/year should be removed; these discharges should remain conditionally exempt; volume limit should be based on the size of a municipality's water system and its discharge needs.	Simi Valley 2; Camarillo 2; Thousand Oaks A3,13; Countywide Program B5,B26; LA County PW 16; Long Beach 2; TECS 8	The 100,000 gallons per year was a trigger for a separate permit not a limit. Nonetheless, the 100,000 trigger has been removed. In order to discharge from potable water systems, a separate NPDES permit must be obtained with that permit serving as authorization to discharge for that agency.	Revised to reflect the requirement for a separate NPDES permit for potable water discharges.
Emergency Procedures	Change submission date to 14 days instead of 7 days.	LA County PW 16	Regional Board staff disagree with a 14 day period and will keep the 7 day reporting period.	No changes required to address this comment.
Cost	Cost feasibility is not considered.	BILDF 3-11; Signal Hill 2-4.	Although not required under federal mandates, a cost summary has been prepared.	No changes to the permit are necessary to address this requirement. The cost analysis is included in the record for this permit.
<i>Permit Development Process</i>				
Implementation Time Frame	Most time frames are unrealistic and unreasonable.	Ventura 3; Thousand Oaks A4; Signal Hill Coalition PR 1; Long Beach 3	In response to comments received on the Permit, staff has evaluated the "Time Schedules for Permit Implementation" paper submitted by the Permittees at the June 13, 2007 meeting and have extended time schedules equitably between 6 months and 1 year.	Various places throughout Permit

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Implementation Time Frame	Objects to the fact that requirements are allowed to be met within the 5-year permit term rather than having them be phased in.	Theresa Jordan 2	This is the third term of the Ventura County MS4 permit. The proposed permit fully incorporates the Water Boards mission "to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations." In order to meet water quality objectives the permit includes appropriate timelines to measure the progress towards those objectives.	The permit includes wasteload & load allocations, and implementation schedules from effective TMDLs in the watersheds covered by this Order.
<i>Watershed Ecological Restoration Planning</i>				
ERPs (Ecological Restoration Plans)	The Board does not have the authority to require ERPs.	Camarillo A1; Moorpark A1; Thousand Oaks A14; Countywide Program 15,16,B28; CSDs of LA 1	The Ecological Restoration Plan requirement has been eliminated from the Permit. The Permittees are required to participate in the Southern California Storm Water Monitoring Coalition (SMC) Southern California Regional Bioassessment Monitoring Program that is currently being developed. The Principal Permittee participates in the SMC's Southern California Regional Bioassessment Monitoring Program. This new SMC program is expected to begin monitoring within the next year.	The Ecological Restoration Plan requirement has been eliminated from the Permit.
<i>Total Maximum Daily Load Provisions</i>				
Incorporating TMDLs into Permits	TMDLs should not be integrated into the permit.	LA County Stormwater 2	Where a TMDL has been approved, NPDES permits must contain effluent limits and conditions consistent with the requirements and assumptions of the wasteload allocations in the TMDL, 40 CFR § 122.44(d)(1)(vii)(B). NPDES-regulated storm water discharges must be addressed by the wasteload allocation component of a TMDL (40 CFR § 130.2(h)).	No changes are required to address this comment.
Incorporating TMDLs into Permits	TMDLs should be integrated into the permit.	Heal the Bay 3-4	TMDLs that have a WLA for the point source MS4 storm water (wet weather) and non-storm water (dry weather), and an approved/ effective date within the permit term are integrated into the permit.	Part 6, Part 7 & Attachment F

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Current TMDL provisions	The permit should be consistent in supporting the TMDL provisions.	Simi Valley 2; Oxnard 3; Camarillo A1-A2,A6 ; Moorpark A1-A2,A6; Thousand Oaks 2, A16; Ventura County WPD 2; Countywide Program 15,B28	TMDL WLAs in NPDES permits have to be translated into effluent limits. "Effluent limits are not required to be expressed in a form that is identical to the form in which an available wasteload allocation for the discharge is expressed in a TMDL. Rather, permit limits need only be "consistent with the assumptions and requirements" of a TMDL's wasteload allocation. (40 CFR § 122.44(d)(1)(vii)).	No changes are required to address this comment.
Current TMDL provisions	The permit must include all required actions outlined in TMDL Implementation Plans.	Heal the Bay 4-6	U.S. EPA regulations require "Where a TMDL has been approved, NPDES permits must contain effluent limits and conditions consistent with the requirements and assumptions of the wasteload allocations in the TMDL." 40 CFR § 22.44(d)(1)(vii)(B). MS4 Permittees shall satisfy all applicable conditions stated in the TMDL including but not limited to: developing monitoring plans in receiving waters, developing workplans, writing reports, conducting and participating in studies, and developing and implementing programs (e.g., education, collection, and collection and disposal).	No changes are required to address this comment.
Dry Weather Discharge Restrictions	Limit on discharges from an MS4 during dry weather is impractical.	Oxnard 5; Camarillo A3; Moorpark A3; Countywide Program B6; LA County PW 6	TMDLs have WLAs for non-storm water (dry weather) that cause or contribute to the impairment of the beneficial uses of the receiving waters. "Effluent limits are not required to be expressed in a form that is identical to the form in which an available wasteload allocation for the discharge is expressed in a TMDL. Rather, permit limits need only be "consistent with the assumptions and requirements" of a TMDL's wasteload allocation. (40 CFR § 122.44(d)(1)(vii)).	Part 7
WLAs	Need to analyze whether efforts to attain WLAs would comply with the MEP standard.	LA County PW 2	Economic analysis is performed during TMDL development. Water Boards take into account "economic considerations", among other factors, when they establish water quality objectives (CWC § 13241). Reanalysis is not necessary.	No changes are required to address this comment.
WLAs	Incorporating WLAs into the permit is inappropriate and contrary to the Blue Ribbon Panel recommendations.	Long Beach 1	U.S. EPA regulations require "Where a TMDL has been approved, NPDES permits must contain effluent limits and conditions consistent with the requirements and assumptions of the wasteload allocations in the TMDL." 40 CFR §.122.44(d)(1)(vii)(B). State Water Resources Control Board has not yet acted on the Blue Ribbon Panel recommendations.	No changes are required to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
WLAs	WLAs should be numeric effluent limits, not expressed as a suite of BMPs.	NRDC 17-18	U.S. EPA has issued a policy memorandum recommending that limitations for NPDES-regulated municipal and small construction storm water discharges effluent limits should be expressed as best management practices (BMPs) or other similar requirements, rather than as numeric effluent limits. See Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits, 61 Fed. Reg. 43761 (Aug. 26, 1996).	Part 6 & Part 7
WLAs	The permit does not specify the BMPs necessary for the permittees to meet WLAs.	BILDF 35-37	There is no approved TMDL Implementation Plan for BMPs to be specified in this permit, in lieu of numeric limits.	No changes required to address this comment. Review C. Ck. Basin Plan Amendments
Malibu Creek Bacteria TMDL	Field screening for illicit discharges related to the Malibu Creek Bacteria TMDL will require substantial time, effort, and funds and is not part of the TMDL Implementation Plan.	Thousand Oaks A14; Countywide Program B28	The TMDL provisions in the Permit have been rewritten. There is no longer a prohibition or an illicit connections/ discharge elimination requirement for the Malibu Creek Bacteria TMDL.	TMDL provisions have been rewritten to address this comment.
WLAs	All WLA discussions should include the effective dates of the numeric interim and final limits.	Thousand Oaks A14-15; Camarillo A5	In response to comments received on the Permit, TMDL WLA's effective dates are incorporated in the Order.	TMDL WLA's effective dates are incorporated in the Order.
Malibu Creek Bacteria TMDL	The single sample marine limits are incorrect and are currently set equal to the geometric mean limits. The limits table should be corrected and clarified to state that WLAs are the number of exceedance days and the targets are the values used to determine if an exceedance day results.	Thousand Oaks A14	The TMDL provisions in the Permit have been rewritten. The Malibu Creek Bacteria TMDL has a multi-part numeric target based on bacteriological water quality objectives for marine and fresh water to protect the water contact recreation use. The WLAs incorporated into the Permit are addressed as water quality-based effluent limits expressed as numerical limits in fresh water for both storm water (wet weather) and non-storm water (dry weather).	TMDL provisions have been rewritten to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Calleguas Creek Toxicity, Chlorpyrifos and Diazinon TMDL	WLAs included in the Toxicity TMDL apply during both dry and wet weather – the dry label should be removed from the tables.	Thousand Oaks A14; Camarillo A5	The TMDL provisions in the Permit have been rewritten.	TMDL provisions have been rewritten to address this comment.
Calleguas Creek Toxicity, Chlorpyrifos and Diazinon TMDL	Regarding Toxicity WLAs as a trigger for conducting TIEs, the trigger language should be included in the discussion of numeric limits.	Thousand Oaks A14-A15; Camarillo A5	The NPDES permit incorporates TMDL WLAs, clarification of the WLAs is contained in the TMDL Basin Plan amendment.	TMDL provisions have been rewritten to address this comment.
Calleguas Creek OC, PCB, and Siltation TMDL	The final limits included in the OC Pesticides TMDL should not be included in this Order because the effective date is not within the permit term.	Thousand Oaks A15; Camarillo A5	The TMDL provisions in the Permit have been rewritten. For the Organochlorine Pesticides, Polychlorinated Biphenyls, and Siltation in Calleguas Creek, its Tributaries and Mugu Lagoon TMDL, compliance for both wet and dry weather final WLAs is March 24, 2026, and the final WLAs are <u>not</u> incorporated into the Permit due to their compliance dates being beyond the term of this Permit.	TMDL provisions have been rewritten to address this comment.
Calleguas Creek OC, PCB, and Siltation TMDL	Clarify that WLAs included in the OC Pesticides TMDL are annual average limits, not dry weather allocations.	Thousand Oaks A15; Camarillo A5	The TMDL provisions in the Permit have been rewritten. The Organochlorine Pesticides, Polychlorinated Biphenyls, and Siltation in Calleguas Creek, its Tributaries and Mugu Lagoon TMDL WLAs for pollutants in the water column for Minor Point Sources are addressed as water quality-based effluent limits expressed as numerical limits in the Permit for non-storm water (dry weather) and storm water (dry weather).	TMDL provisions have been rewritten to address this comment.
Calleguas Creek OC, PCB, and Siltation TMDL	The Siltation TMDL allocation is a reduction in sediment discharges, not a limitation on the amount of sediment that can be discharged. Change limits to reflect that it is a reduction.	Thousand Oaks A15; Camarillo A5	The TMDL provisions in the Permit have been rewritten. The TMDL Siltation WLA is not incorporated in the permit due to the compliance date exceeding the term of this permit. MS4 Permittees shall satisfy all applicable conditions stated in the TMDL including, but not limited to: developing monitoring plans in receiving waters, developing workplans, writing reports, conducting and participating in studies, and developing and implementing programs (e.g., education, collection, and collection and disposal).	TMDL provisions have been rewritten to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Malibu Creek Bacteria TMDL	The Malibu TMDL provisions require that there be no discharge from the MS4s during dry weather, which is not prescribed in the TMDL nor a part of the implementation plan.	Countywide Program B28	The TMDL provisions in the Permit have been rewritten. There is no longer a prohibition or an illicit connections/ discharge elimination requirement for the Malibu Creek Bacteria TMDL.	TMDL provisions have been rewritten to address this comment.
Malibu Creek Bacteria TMDL	Malibu TMDL provisions requiring no discharge from the MS4s during dry weather are impracticable because there are contributions from outside the permit area, other permitted NPDES discharges (e.g., underground utility box dewatering, water line flushing), and natural contributions to MS4 flows.	Countywide Program B28	The TMDL provisions in the Permit have been rewritten. There is no longer a prohibition or an illicit connections/ discharge elimination requirement for the Malibu Creek Bacteria TMDL.	TMDL provisions have been rewritten to address this comment.
Malibu Creek Bacteria TMDL	Monitoring requirements under the TMDLs for bacteria and toxicity will discourage other parties in participating in collaborative watershed monitoring.	Countywide Program B28, B32	The Water Board supports collaborative watershed monitoring by multiple stakeholders. NPDES permits require point source monitoring. In order to monitor compliance with the TMDL(s) MS4 WLAs each MS4 Permittee is required to monitor major outfalls to the receiving waters. The two monitoring plans (watershed monitoring and NPDES monitoring) are complementary programs.	TMDL provisions have been rewritten to address this comment.
Malibu Creek Bacteria TMDL	The discharge prohibition, monitoring, and implementation requirements related to the Malibu Creek Bacteria TMDL are extremely burdensome and are redundant with the monitoring plan and implementation plan.	Countywide Program B32	The TMDL provisions in the Permit have been rewritten. There is no longer a prohibition or an illicit connections/ discharge elimination requirement for the Malibu Creek Bacteria TMDL.	TMDL provisions have been rewritten to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Calleguas Creek OC, PCB, and Siltation TMDL	The City of Oxnard should be listed as a responsible party (MS4 permittee) in the Calleguas Creek Toxicity, Chlorpyrifos and Diazinon TMDL.	Countywide Program B29	In response to comments received on the Permit, the City of Oxnard has been listed as a MS4 Permittee for the Toxicity, Chlorpyrifos and Diazinon in the Calleguas Creek, its Tributaries and Mugu Lagoon TMDL.	City of Oxnard listed to address this comment.
Trash excluders requirement postpone pending outcome of the Calleguas Creek Trash TMDL	A trash TMDL is currently being developed for two reaches of Calleguas Creek with expected adoption at the end of 2007, so the order requirement should be postponed pending the outcome of the TMDL.	Simi Valley 2	In response to comments received on the Permit, the trash excluder requirement has been rewritten. "In the December 27, 2007 draft permit, staff included a provision for installation of trash excluders at all catch basin inlets in the County of Ventura to prevent trash from entering the system and being discharged. The August 28, 2007 draft permit, limits the installation of trash excluders, or equivalent devices on catch basins to prevent the discharge of trash to the storm drain system, to areas subject to high trash generation, i.e., commercial areas, industrial areas, and near educational institutions. The Permit allows for site-specific Best Management Practice (BMP) substitution if a Permittee wants to consider an alternative approach to the trash excluder (see Part 5 A.2)	Part 5 A.2 & G.5(e).
Calleguas Creek Chloride and Salts TMDLs	The finding regarding salts (Finding 12) is inaccurate and inconsistent with the effective chloride TMDLs and the work being done to develop a salts TMDL in the Calleguas Creek Watershed.	Camarillo A1	In response to comments received on the Permit, the finding regarding salts (Finding 9) has been reworded.	B.9.
Monitoring Program				
General	Monitoring requirements inadequate to determine compliance with permit.	Heal the Bay 1-2; NRDC 13	In response to comments received on the Permit, monitoring requirements have been revised. Non-storm water (dry weather) mass emission, Total Suspended Solids, and Tributary monitoring requirements have been replaced by TMDL wet and dry weather monitoring requirements of MS4 discharges.	Attachment F.
Reporting	45-day time period for electronic submission of results is too short, particularly for TIEs.	LA County PW 18	Monitoring results from each monitoring station sent electronically to the Regional Board, has been lengthened to 90 days. In response to comments received on the Permit, the electronic submission of TIE/TRE testing results has been lengthened to 90 days from sample collection date.	Attachment F & Attachment H.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Mass Emissions	Since mass emissions stations are monitored only 5 times per year, using non-detect status as specified (constituents not detected in more than 75% of the first 48 sampling events at a station) would take nearly 10 years to eliminate constituents from the monitoring program and does not account for parameters that are consistently below water quality standards but are detected. Recommend elimination based on a smaller sample number.	CICWQ 23	If a constituent is not detected at the Method Detection Limit (MDL) for its respective test method in more than 75 percent of the first 48 sampling events at a station started from the 1 st permit term and has continued forward, for most stations this means they have been sampled for at least 10 years.	Attachment F.
Mass Emissions	The scope of pollutants to be sampled via grab sample should be expanded to include volatile substances, analytes subject to biological activity such as phenols and DO, pH, temperature, and cyanide.	LA County PW 18	Volatile substances such as the mentioned MTBE are not listed in Attachment “G” (Storm Water Monitoring Program's Constituents with Associated Minimum Levels (MLs)) and are not required to be sampled. In response to comments received on the Permit, conventional pollutants such as: oil and grease, total phenols, cyanide, pH, temperature, and DO can be sampled via grab sample.	Attachment F.
Mass Emissions	The requirement to correlate TSS monitoring with pollutants of concern should be eliminated because a previous analysis has shown a poor correlation.	LA County PW 17; CICWQ 23	In response to comments received on the Permit, total suspended solids (TSS) monitoring has been eliminated. Monitoring for TMDL compliance will provide MS4 data specific to assess the variability of storm water constituents and provide an accurate estimate of mass emissions.	Attachment F.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Aquatic Toxicity Monitoring	Taking flow-weighted samples is onerous. Suggest requiring 3 grab samples taken at appropriate times during a runoff event (rising limb, at or near peak flow, descending limb of hydrograph).	LA County PW 19	In order to collect a representative sample of a constituent during an event, flow-weighted composites are required. The flow-weighted composite sample for a storm water discharge shall be taken with a continuous sampler, or it shall be taken as a combination of a minimum of 3 sample aliquots taken in each hour of discharge for the entire discharge, or for the first 3 hours of the discharge, with each aliquot being separated by a minimum of 15 minutes, within each hour of discharge.	No changes required to address this comment.
Aquatic Toxicity Monitoring	Specify a toxicity testing methodology for each species.	LA County PW 19	Aquatic Toxicity Monitoring provisions in the Permit have been rewritten. The Permit discusses toxicity testing methodology.	Attachment F.
Aquatic Toxicity Monitoring	In lieu of acute toxicity tests, continue to require the use of EPA chronic toxicity tests to maintain data continuity.	LA County PW 19	The objective of aquatic toxicity monitoring is to evaluate if storm water (wet weather) discharges are causing or contributing to acute and/ or chronic toxic impacts on aquatic life and identify the causes of toxicity. Chronic toxicity tests will continue to be required in accordance with U.S. EPA's Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms or to Marine and Estuarine Organisms.	Attachment F.
Aquatic Toxicity Monitoring	Specify how toxicity thresholds should be applied.	LA County PW 19	Aquatic Toxicity Monitoring provisions in the Permit have been rewritten. Aquatic Toxicity Monitoring at major outfall stations is intended to characterize runoff from a watershed into receiving waters. The Permit discusses toxicity requirements.	Attachment F.
Aquatic Toxicity Monitoring	Toxicity monitoring program requirements are arbitrary and will not provide a proper determination of whether storm water discharges are impacting wildlife.	Heal the Bay 2	Aquatic Toxicity Monitoring provisions in the Permit have been rewritten. Aquatic Toxicity Monitoring at mass emission stations has been eliminated. Aquatic Toxicity Monitoring at major outfalls is required.	Attachment F.
Aquatic Toxicity Monitoring	The most sensitive freshwater and marine species should be selected for screening.	Heal the Bay 2-3	Aquatic Toxicity Monitoring provisions in the Permit have been rewritten. A minimum of two sensitive species are required to be used to test each sample in order to address uncertainties in sample toxicant composition and test method sensitivity. It is recommended that one test species be a crustacean and the other test species include a sensitive invertebrate from a different phylum (e.g., mollusk or echinoderm).	Attachment F.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Tributary Monitoring	Require a dry weather sampling event in addition to wet weather sampling of tributaries.	Heal the Bay 3	In response to comments received on the Permit, monitoring requirements have been revised. Tributary Monitoring has been eliminated. With the implementation of TMDL "end-of-pipe" monitoring for both non-storm weather (dry weather) and storm water (wet weather), and Municipal Action Levels (MALs) monitoring, staff will be able to directly identify dry and wet weather MS4 discharges causing or contributing to exceedances of water quality objectives.	Attachment F.
Bioassessment	The five objectives may not be achievable even when subsequent requirements are met.	LA County PW 19	Bioassessment Monitoring performed by the MS Permittees alone has been eliminated. Instead, Permittees are required to participate in the Southern California Storm Water Monitoring Coalition (SMC) Southern California Regional Bioassessment Monitoring Program that is currently being developed and will be monitoring within this Permit term.	Part 5.B. & Attachment F.
Bioassessment	Need to clearly define which parts of the MS4 are natural streams to exclude engineered portions from needing ERPs	LA County PW 19-20	The Watershed Ecological Restoration Program requirement and its associated Watershed Ecological Restoration Plans (ERP) have been eliminated from the permit.	Part 5 - Watershed Ecological Restoration Planning.
Bioassessment	Continue to use latest available Southern California IBI for regional evaluation and to support CA DFG and SWAMP efforts.	LA County PW 20	Permittees are required to participate in the Southern California Storm Water Monitoring Coalition (SMC) Southern California Regional Bioassessment Monitoring Program, which will be using the Southern California IBI.	Part 5.B. & Attachment F.
Bioassessment	Use of the California Stream Bioassessment Procedure not appropriate. Suggest using the most recent state-approved methodology for bioassessment such as that being developed by the SWAMP.	CICWQ 22	Permittees are required to participate in the Southern California Regional Bioassessment Monitoring Program, which is an integrated regional watershed monitoring program with the Southern California Storm Water Monitoring Coalition (SMC) and the Surface Water Ambient Monitoring Program (SWAMP). The Southern California Regional Bioassessment Monitoring Program will use <i>SWAMP Bioassessment Procedures: Standard operating procedures for collecting benthic macroinvertebrate sample and associated physical and chemical data for ambient bioassessment in California.</i>	Part 5.B. & Attachment F.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Bioassessment	Include bioassessment monitoring as a core program, not as a special study.	Heal the Bay 3	Bioassessment Monitoring performed solely by the MS Permittees has been eliminated. Instead, Permittees are required to participate in the Southern California Storm Water Monitoring Coalition (SMC) Southern California Regional Bioassessment Monitoring Program that is currently being developed and will be monitoring within this Permit term.	Part 5.B. & Attachment F.
Trash and Debris Study	Assessments should focus on storm water outfalls; areas of the beach where trash and debris are from nonpoint sources should be excluded.	LA County PW 20	In response to comments received on the Permit, the Trash and Debris Study has been eliminated.	Attachment F.
Trash and Debris Study	Control strategies are redundant with the trash TMDL process – monitoring should be used only to identify impairment.	LA County PW 20	In response to comments received on the Permit, the Trash and Debris Study has been eliminated.	Attachment F.
Trash and Debris Study	Objectives of the Trash and Debris Study may not be achievable; the requirement should be omitted.	LA County PW 20	In response to comments received on the Permit, the Trash and Debris Study has been eliminated.	Attachment F.
Pyrethroid Insecticides Study	Requirement is onerous, not based on sound science, and has no cost/benefit analysis.	Long Beach 2	In response to comments received on the Permit, the Pyrethroid study has been reduced in scope from monitoring three watersheds to one, the Calleguas Creek watershed. Permittees will be working with the Calleguas Creek Watershed Group on the focused Study for two years in the largest urban watershed within Ventura County. California Water Code § 13267 requires: “The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.” This is not merely a cost-benefit analysis. However, the cost of report generation is a consideration. Indeed even if the cost of generating the report is far greater than the financial economic benefits to be gained, that is not dispositive. It is entirely appropriate that the qualitative environmental benefits be weighed against the burdens as well. Furthermore, Cal. Water Code § 13267 does not require that an order under its provisions include written documentation of the analysis in a report. It requires only that the burdens of the order be justified by its need.	Attachment F.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Pyrethroid Insecticides Study	Requirement to collect sediment at each location may not be feasible in concrete channels. Suggest providing an EPA-approved sampling approach.	LA County PW 18-19	The Pyrethroid study has been written for Ventura County urban tributaries. The Ventura County Permittees select the major and secondary tributary monitoring sites.	Attachment F.
Pyrethroid Insecticides Study	The state should conduct this study because they authorized the use of these pesticides.	LA County Stormwater 2	In California the Department of Pesticide Regulation (DPR) is responsible for pesticide regulation. The Water Boards and California Stormwater Quality Association (CASQA) have been working with DPR during the process of registration of pesticides for urban use.	Attachment F.
Hydromodification Control Study	The Hydromodification Control Study should not be required.	LA County PW 21	The Hydromodification Control Study is to avoid the adverse impacts of flow associated with new development. The provisions in the tentative permit are to develop assessment tools and mitigation strategies to prevent adverse impacts.	Attachment F.
Jurisdictional boundaries	There is no MS4 in the open space areas of the County; to impose MS4 regulations there is folly.	County of Ventura 1	Federal Regulations, 40 CFR 122.26	No changes required to address this comment.
<i>Public Information and Participation</i>				
Time Frame	The 180-day period to formulate and implement the program is too short.	Thousand Oaks A5; Countywide Program B9	The time frame for all PIPP requirements has been amended for consistency and achievability to 365 days after adoption of the Order.	Part 5- C. Public Information and Participation Program.
Outreach and Education	Requirement for 10 million impressions is too many and unnecessary.	Thousand Oaks A5; Countywide Program B9	The latest revision(s) of the Order requires 5 million impressions which is consistent with the impression per resident requirement of existing mature PIPP programs.	Part 5- C. Public Information and Participation Program.
Outreach and Education	Requirement for educational outreach to children via schools is outside of the permittees' authority.	Thousand Oaks A5; Countywide Program B9	The Order requires Permittees to provide education materials on storm water pollution and prevention necessary to educate 50% of K-12 school children. Feedback from most municipalities that have conducted this outreach has been positive. Permittees may consider conferring with environmental groups such as Tree People, Heal The Bay, Generation Earth, and others that have developed K-12 storm water educational programs for guidance on working with school districts to develop an accepted and effective program.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Outreach and Education	Requirements as described are vague and do not indicate the required level of effort.	LA County PW 7	Order requirements have been written to encourage flexibility and avoid being overly prescriptive.	Part 5- C. Public Information and Participation Program
Businesses Program	Small developers should be added as a separate category of small business owners to provide outreach on infill and redevelopment requirements.	LGC 3	Municipalities may conduct outreach and training for small developers through New Development provisions. Many municipalities distribute storm water educational materials through their Building and Planning departments.	No changes required to address this comment.
<i>Industrial/Commercial Facilities Program</i>				
Required BMPs	Requiring mandatory BMPs eliminates flexibility and efficiency.	Thousand Oaks A12; Ventura County WPD 2; Countywide Program B16	The BMPs required are commonly accepted source control BMPs including good house-keeping. The intent of requiring basic, cost effective source control BMPs was to provide clarity on expected BMP implementation at commercial industrial facilities. Several municipalities have asked the Regional Board to provide such guidance in the past. Permittees can still use the BMP substitution clause if they have alternative effective strategies to mitigate runoff from these sites.	No changes required to address this comment.
Required BMPs	Requiring treatment control BMPs at critical sources that discharge to a MS4 is not reasonable.	Countywide Program B10,B11	The Order has been revised to read may require the implementation of treatment control BMPs. The intent of the revised language gives discretion to municipalities to require the implementation of treatment control BMPs as they deem necessary.	Part 5- D. Industrial/ Commercial Businesses Program.
Required BMPs	BMP effectiveness and comparison data are not available.	Countywide Program B10	The ASCE database contains BMP effectiveness and comparison data. http://www.bmpdatabase.org/	No changes required to address this comment.
Required BMPs	Requirements for BMP substitution are unclear.	CSDs of LA 2	The requirements for BMP Substitution as written in this tentative permit have been used successfully, as written in the LA MS4 Permit since 1996.	No changes required to address this comment.
Inspections	Inspection requirements are more stringent than federal CWA regulations.	LA County PW 3	Federal CWA regulations (40CFR122.26(d)(2)(i)(c), requires the control of the contributions of pollutants to the municipal storm sewer and the control of the quality of storm water discharged from sites of industrial activity. The Ventura MS4 draft Order includes inspection requirements which help achieve compliance with these Federal requirements.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Inspections	Permittees should be reimbursed \$300 per inspection based on the fact that industrial facilities are required to pay permitting fees for coverage under the GIASWP and that the fees presumably cover the cost of inspection.	Carson 8; Inglewood 6-7; Long Beach 3; TECS 8	Permittees are required to inspect facilities for compliance with their own ordinances not for compliance with the GIASWP.	No changes required to address this comment.
Enforcement	Existing local government enforcement cases should not be compromised by Regional Board involvement.	LA County PW 8-9	The intent of this section of the Order is to clarify the Permittee's and Regional Board's responsibilities. The intent of this provision was not to interfere with local enforcement of municipal ordinances.	No changes required to address this comment.
Enforcement	Local staff cannot be compelled by the Regional Board to serve as witnesses unless subpoenaed.	LA County PW 9	The intent of this provision of the Order is to improve enforcement coordination between State and local municipalities.	No changes required to address this comment.
<i>Illicit Connections and Illicit Discharges Elimination</i>				
Screening	Field screening as performed in the first permit cycle was determined to be inefficient.	Countywide Program B27; Thousand Oaks A14	The Federal MS4 ROWD application guidance document requires illicit connection screening. The Order specifies the order of screening of potential high risk portions of the storm drain system to be completed over the term of the Permit.	No changes required to address this comment.
Screening	Requirement to follow procedures set forth in the Center for Watershed Protection's manual is too prescriptive, not flexible enough	LA County PW 16	The Center for Watershed Protection manual includes standard, effective methods to conduct field screening. The intent of this provision was to provide guidance for municipalities. If Permittees have a more effective way to conduct screening it would be reasonable to use the BMP substitution clause.	No changes required to address this comment.
Enforcement	Permittees should be allowed discretion in enforcing local codes.	Countywide Program B27; Thousand Oaks A14	The intent of this provision is to clarify the Permittee's responsibility in implementing the local program. The municipality has flexibility in the manner of enforcement.	No changes required to address this comment.
Complaints Website	Hosting a Website is extraneous in light of LA County's telephone reporting hotline.	LA County PW 16	The intent of this provision was to provide complementary means of reporting illicit discharges and spills. Permittees can utilize the BMP substitution clause if they have an equally effective reporting method(s).	No changes required to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
<i>Municipal Action Levels</i>				
General	MALs should not be discussed in the “Receiving Water Limitations” section because MALs relate to MEP, and MEP is a technology-based standard. MEP is not expressed in terms of a water quality outcome, which is what receiving water limits reflect.	NRDC 14-17	MALs have been moved from Receiving Water Limitation section.	Part 2- MALs.
General	Findings and provisions related to the implications of MALs are unclear and in conflict with each other. One finding (p. 23) says exceedance of MALs will be construed as a failure to implement adequate control measures and will be considered a violation of the MEP provisions, whereas another (p. 29) states that exceedances of MALs will create a presumption that the implementation of measures to reduce pollutants in the MS4 discharged to the MEP are inadequate, requiring the permittee to augment measures to reduce the discharge of pollutants to not violate the MEP. This conflict needs to be resolved.	CASQA 2	The Order has been revised to provide greater clarity for MALs.	Part 2- MALs & Attachment C.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
General	The Draft Order lacks findings and rationale to support the use of MALs.	Countywide Program 11	The Order includes an additional MAL finding.	Findings section.
General	Not consistent with the State's Blue Ribbon Panel Findings. The MALs were not generated in a scientifically defensible way.	Ventura 2; Thousand Oaks A16; Countywide Program 9,10,B30; Signal Hill Coalition PR 2; BILDF 24-25, 30-34, 59; LA County PW 1; CASQA 2-3; CICWQ 1-4; Caltrans 2	The State Board has not yet set policy based on the Blue Ribbon Panel's findings. MALs were based on actual nationwide MS4 sampling (compiled in the National Storm Water Quality Database) results of large (>36" pipes and outfalls). MALs were derived based on the sampling of over 3000 events, which included multiple land uses, multiple size drainage areas, multiple size rainfall events, and multiple intensity level rain events.	No changes required to address this comment.
General	MALs are a non-flexible, non-iterative approach.	Ventura 2; BILDF 31; CASQA, 2	MALs represent performance standards. They do not limit Permittees flexibility to implement programs to reduce pollutants to the MEP.	No changes required to address this comment.
General	MALs have not been properly adopted as water quality objectives.	LA County PW 4	MALs are not water quality standards and have not been set to protect beneficial uses. They represent performance standards.	No changes required to address this comment.
General	MALs result in numeric effluent limitations, which EPA strongly discourages.	Thousand Oaks A2; Countywide Program 5,6; Signal Hill Coalition PR 1; BILDF 24-29, 59; LA County Stormwater 3; CASQA 2	MALs are not water quality standards and have not been set to protect beneficial uses. They represent performance standards.	No changes required to address this comment.
General	Requiring additional BMPs when MALs are not met ignores the fact that cause/effect relationship of BMPs and receiving water quality is unknown. No requirement for assessment of BMP performance relative to baselines to judge whether corrective BMPs are more effective.	LA County PW 1-2,8; CONTECH 2; Caltrans 1	Compliance with MALs is determined at large outfalls greater than 36". The receiving waters are a default for MAL compliance if Permittees choose not to conduct outfall monitoring.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
General	The permit equates violations of end-of-pipe MALs with exceedances of receiving water limitations even if receiving water data do not show a violation. Also exceedances of receiving water limitations should not be considered violations of the MS4 permit because they cannot be conclusively linked to MS4 discharges.	BILDF 22-26; CICWQ 2-3	Exceedances of MALs are expressed as non-compliance of MEP provisions. Exceedances of MAL values presume that Permittees have not complied with MEP provisions and shift the burden of proof to the Permittees to demonstrate compliance with MEP provisions.	No changes required to address this comment.
General	The inclusion of MALs in the Order will require treatment BMPs on all outfalls 36" or greater.		MALs have been developed from nationwide sampling data of outfalls 36" or greater, none of which are reported to have treatment BMPs installed at the point of discharge.	No changes required to address this comment.
Cost	Cost feasibility is not considered.	BILDF 3-11; Signal Hill 2-4	MALs have been developed from nationwide sampling data, which includes the practicability and program costs incurred by the municipalities in achieving the numbers.	No changes required to address this comment.
Consistency with Other Regulations and Requirements	Inconsistent with MEP as specified in federal CWA requirements.	Oxnard 4; Thousand Oaks A1; Countywide Program 7; BILDF 11-19, 37, 41; LA County PW 1; Long Beach 1	The Order no longer uses MALs to define MEP. MALs are used in the Order as Action Levels, consistent with Blue Ribbon Panel recommendation.	Part 2- MALs & Attachment C.
Consistency with Other Regulations and Requirements	More stringent than federal regulations.	Simi Valley 1; Camarillo 1; Countywide Program 10; BILDF 31	The Order no longer uses MALs to define MEP. MALs are used in the Order as Action Levels, consistent with Blue Ribbon Panel recommendation.	Part 2- MALs & Attachment C.
Consistency with Other Regulations and Requirements	More restrictive than the Basin Plan and TMDLs.	Simi Valley 1; Ventura 2; Camarillo 1; Countywide Program 11; LA County PW 1	MALs represent performance expectations that have been achievable based on nationwide data.	No changes required to address this comment.
Table of MALs	Determination of MALs using median values does not account for natural variability in storm water runoff.	Caltrans 2	MALs were developed using the coefficient of variation to account for the variability of storm water runoff across the nation.	Part 2- MALs & Attachment C.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Table of MALs	Object to using median concentrations and CoVs derived from an outdated and regionally inappropriate data set.	CICWQ 2	The large population dataset of the National Storm Water Quality Dataset leads to statistically more valid numbers. Sampling events included in the dataset were conducted using practices and equipment that are currently used. The dataset includes sampling information specific to California.	No changes required to address this comment.
Table of MALs	It will be impossible for permittees to meet the identified CoVs because they are a characteristic of the samples and analytical methods.	LA County Stormwater 4	The coefficient of variability accounts for variability within the sampling population.	No changes required to address this comment.
Table of MALs	Delete bacteria counts and pH since MALs aren't appropriate.	LA County Stormwater 4	Bacteria has been eliminated from MALs.	Attachment C.
Table of MALs	Include MALs for additional storm water POCs (mercury and organics such as OP, halogenated pesticides, and PAHs).	Heal the Bay 6	The intent of MALs was to include common storm water pollutants which had sufficient data available to develop MAL values. MALs are used to numerically express MEP, which is applicable to the comprehensive storm water program, with the intent to reduce pollutants in storm water. The Order includes a mercury MAL value.	Par t 2- MALs & Attachment C.
<i>Treatment BMP Performance</i>				
General	There is no basis for allowing BMPs to be installed that perform worse than the median value for a specific BMP.	Heal The Bay	The Order requires treatment BMPs that are installed to perform at the median value.	No changes required to address this comment.
General	Order should establish design criteria for Treatment BMPs rather than performance standards.	Countywide Program	The intent of the provision is to ensure that treatment BMPs required to be implanted appropriately address the pollutants expected to be discharged from a project. Design criteria is another important and separate component of treatment BMP implementation.	No changes required to address this comment.
General	Treatment BMP performance should be developed for BMP categories instead of BMP performance per pollutant.	Countywide Program	The Order requires treatment BMP performance for BMP categories.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
<i>Planning and Land Development Program</i>				
Required Parties	The requirement should be less stringent than “all new development and redevelopment projects.”	Thousand Oaks A7; Ventura County PWA 2; Countywide Program B11,B13	New development and redevelopment projects have the potential to impact water quality and the intent of the provision is to be protective of water quality.	No changes required to address this comment.
Undermines Local Land Use Authority	The requirement to implement LID, hydromodification, and impervious area limitation strategies undermines local land use authority	Countywide Program 17-18	The permit provisions are intended to reduce post construction changes in hydrology and pollutant loads in a cost effective manner without infringing on local government land use authority. The CA Court of Appeal has upheld these type of controls in MS4 Permits (<i>County of Los Angeles v. California State Water Resources Control Board (2006) Cal. App. LEXIS 1546,</i>	No changes required to address this comment.
Size Thresholds	Clarify whether requirement in Part 4 E.III for implementation of post-construction BMPs for industrial parks and commercial strip malls with 5,000 square feet or more of surface area refers to total area or impervious area. Does this apply to both new and redevelopment? Suggest a threshold of 5,000 square feet of <u>new impervious</u> surface for <u>all types</u> of industrial and commercial projects.	CICWQ 18	The new development post-construction requirements for industrial parks and commercial strip malls apply to the disturbance of 5,000 square feet or more of total area. The redevelopment post-construction requirements apply to land disturbing activity that results in the creation, addition, or replacement of 5000 square feet or more of impervious surface area.	No changes required to address this comment.
Size Thresholds	Justify why the permit limits post-construction BMP requirements to commercial strip malls, not to other commercial development.	BILDF 62; CICWQ 18	The 5,000 square foot lower threshold for post-construction BMPs apply to certain types of commercial projects, including strip malls, which are associated with high vehicular traffic. All commercial development projects that disturb one or more acre of land are already subject to the controls.	No changes required to address this comment.
Size Thresholds	Justify the tiered numeric water quality design criteria based on 50-acre project size threshold.	Carson 6; Inglewood 5; CICWQ 18-19; TECS 6	The 50 acre tiered criterion is set to distinguish large construction projects (≈ top 10th percentile of projects in Southern California). It is also the sub-drainage area size for a major MS4 outfall as defined by the U.S. EPA.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Size Thresholds	The 5,000 square foot requirement for BMPs for redevelopment projects is excessive.	Oxnard Chamber of Commerce 1	The redevelopment threshold criterion for redevelopment is the same as in the 2000 MS4 permit.	No changes required to address this comment.
Size Thresholds	The “catch-all” category threshold for post-construction mitigation requirements should be lowered to 5,000 square feet rather than 1 acre.	NRDC 11	The 5,000 square foot threshold for post-construction mitigation is set to address pollutants from commercial development projects which generate pollutants associated with high vehicular traffic.	No changes required to address this comment.
Impervious Area	The maximum effective impervious area requirement of less than 5% of total project area is excessive, inhibits smart growth, and discourages infill/redevelopment in favor of greenfield development. Suggest a flexible approach that sets different thresholds for different areas depending on proximity to sensitive waters, restoration goals, redevelopment districts, etc.	Ventura 2; Thousand Oaks A7; Countywide Program B12; Signal Hill Coalition PR 2; BILDF 41,49-52; LA County PW 9; LGC 2-4; Long Beach 1; Various Citizens (Odie Duggan) 1; CICWQ 6-12; CONTECH 3; County of San Bernardino	The 5% EIA requirement is set to avoid the adverse stream habitat effects associated with increases in flow volume with new and redevelopment. Alternative provisions have been incorporated to allow for infill redevelopment, and other smart growth considerations.	No changes required to address this comment.
Impervious Area	When LID techniques are required, the EIA requirement is redundant	County of San Bernardino	The LID and EIA requirements complement each other by ensuring that post development discharge of pollutants are minimized at the site scale.	No changes required to address this comment.
Impervious Area	The maximum effective impervious area requirement should be lowered from 5% to 3%.	NRDC 11	See response above.	No changes required to address this comment.
Impervious Area	Pervious areas should be required to be engineered to handle runoff from impervious areas.	NRDC 12	Text has been added to clarify that pervious areas may be engineered to infiltrate storm water.	Part 5- Planning and Land Development Program.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
LID	LID requirements are excessive, more costly on many projects, and technically infeasible.	Carson 5; Inglewood 4; BILDF 40; TECS 5	LID and better site design strategies are supported by the State of California and the USEPA as a cost-effective approach to land development that will protect the environment.	No changes required to address this comment.
LID	LID principles and terminology should be explicitly defined.	Countywide Program 16,B13; Signal Hill Coalition PR 2; LA County PW 10; Long Beach 2	The Water Boards and the Southern California MS4s are implementing a project to develop LID measures and training for Southern California. The LID terminology and principles are better addressed in the technical guidance.	No changes required to address this comment.
LID	The time frame for developing LID guidelines should be extended beyond 18 months to 24 months.	Ventura 2	Some LID measures and specifications are already included in the Ventura County Technical Guidance Manual for Water Quality. Eighteen months is adequate time to update the manual.	No changes required to address this comment.
LID	Time frame for developing LID guidelines should be shortened to 3 months.	NRDC 12	See response above.	No changes required to address this comment.
LID	No evidence exists that project-specific LID BMPs are necessary to avoid water quality impacts or are more effective than larger scale, regional facilities.	BILDF 39-43	LID and better site design strategies are supported by the State of California and the USEPA as a cost-effective approach to land development that will protect the environment. LID is a source control strategy that may avoid the need for regional facilities.	No changes required to address this comment.
LID	The permit should allow phasing of LID compliance according to development type and incentives offered for LID strategies.	LA County PW 9; Long Beach 2	LID is a cost-effective approach to land development that will also protect the environment. MS4 Permittee has the flexibility to decide on appropriate strategies and incentives.	No changes required to address this comment.
LID	Permittees should be able to choose their own order of preference for controls; it is unclear why the first options are better than latter options.	LA County PW 10, CICWQ 18; CONTECH 4	The order of preference of BMP selection is to promote source control, cost-effectiveness, multiple benefits, and public acceptance.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
LID	Smart growth considerations should be added to the integrated approach list: integrated watershed and general plans that direct growth and preservation, and subwatershed or district plans and designs to manage resources.	LGC 4	This is in the area of land planning, which is under the municipality's jurisdiction.	No changes required to address this comment.
LID	Clarify the relationship between LID requirements and post-construction storm water requirements and how they apply to different development projects.	LA County PW 10,11	The section has been reformatted to clarify the relationship between LID and post-construction storm water requirements.	Part 5- E. Planning and Land Development Program.
LID	Address potential groundwater/drinking water impacts stemming from LID infiltration requirements.	Carson 4-5; Inglewood 4; TECS 4-5; Fillmore 1	LID measures promote pre-development hydrology and soil function that allows for the percolation of water. It does not involve the construction of infiltration basins, which when inappropriately sited or designed, may potentially present risks to drinking water sources.	No changes required to address this comment.
Erosion Potential	Object to Ep=1 standard. There is no basis for the Ep=1 requirement. It does not allow for consideration of local factors affecting channel stability and it mandates that land be set aside for hydromodification control BMPs for all projects regardless of the BMPs' expected ability to mitigate adverse impacts.	BILDF 51-53; CICWQ 13-14	The Ep of one is established to ensure that post-development changes in flow do not result in excess erosion and damage to stream habitat. The text has been revised to allow for an Ep greater than 1 if local factors support a higher value while still being protective of the stream habitat.	No changes required to address this comment.
Erosion Potential	Proposed erosion potential limits would effectively halt development.	Thousand Oaks A9; Countywide Program B14, B21; BILDF 55-58	See response above.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Hydromodification	More science is needed for determining a 2-year storm event.	Countywide Program B15	The choice of the up to the 2-year 24-hour storm is based on the literature and is considered generally protective of the adverse impacts of hydromodification based on increases in flow, frequency and duration.	No changes required to address this comment.
Hydromodification	The one-size-fits-all hydromodification approach does not consider soil, drainage, topographic, precipitation, or runoff characteristics of the region, including variability.	CICWQ 12-13	SCCWRP/ SMC Study	No changes required to address this comment.
Hydromodification	Clarify to which projects the hydromodification requirements apply.	LA County PW 11;	The requirements apply to all projects subject to the new development/ redevelopment section that drain to natural drainage systems.	No changes required to address this comment.
Hydromodification	Characterization of erosion potential for a natural stream off the project site is burdensome.	LA County PW 11	SCCWRP/ SMC Study	No changes required to address this comment.
Hydromodification	The choice of the 2-year 24-hour storm should be clarified and the storm event defined in the glossary.	LA County PW 11; Ventura Co WPD	The choice of the up to the 2-year 24-hour storm is based on the literature and is considered generally protective of the adverse impacts of hydromodification based on increases in flow, frequency and duration.	No changes required to address this comment.
Hydromodification	Permittees can't be required to participate in the SMC hydromodification Phase II study.	LA County PW 11	Southern California MS4 Programs have a cooperative agreement to work together to address regional issues such as hydromodification and find common solutions. The VCWPD already participates in the study.	No changes required to address this comment.
Hydromodification	The standard for matching the pre- and post-development hydrographs is infeasible.	Thousand Oaks A9; Countywide Program 19,B13,B14; Signal Hill Coalition PR 2; BILDF 43-49; CICWQ 16-17; CONTECH 5-6	The Order no longer requires the matching of pre- and post-development hydrographs.	Requirement eliminated in Tentative Order.

Section/Topic	Comment	Commenter(s)¹ & Page Numbers	Response	Change Made
Hydromodification	Hydromodification requirements should not be applied to areas adjacent to downstream sections of major rivers.	Fillmore 2	The hydromodification criteria is to protect tributaries and not downstream areas of major rivers.	No changes required to address this comment.
Hydromodification	Proposed interim criteria to maintain peak outflow at pre-development levels may result in less sediment outflow.	Countywide Program	This is possible and a desired effect in most receiving waters within the Region.	No changes required to address this comment.
Post-Construction Storm Water Mitigation Criteria	Tiered design criteria are burdensome to private and public developers.	LA County PW 12	Tiered design criteria have been selected to account for the complexity of larger projects, while providing for a simple approach for smaller projects.	No changes required to address this comment.
Post-Construction Storm Water Mitigation Criteria	The requirement to inspect before issuing a certificate of occupancy exceeds federal CWA requirements and is onerous.	LA County PW 12,13	The purpose of the inspection is to ensure that post-construction BMPs as approved have been properly installed.	No changes required to address this comment.
Post-Construction Storm Water Mitigation Criteria	Development of a GIS tracking system for BMPs is burdensome.	LA County PW 12; Long Beach 2	The purpose of a tracking system is to ensure that the location of BMPs are known, and for follow-up maintenance	No changes required to address this comment.
Post-Construction Storm Water Mitigation Criteria	Expansion of SUSMP requirements to include transportation infrastructure construction and industrial/commercial development $\geq 5,000$ square feet is onerous and inappropriate.	Long Beach 2	The 5,000 square foot lower threshold for post-construction BMPs have been expanded to include select commercial projects, which are associated with high vehicular traffic and are known source of urban storm water pollutants.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
Post-Construction Storm Water Mitigation Criteria	Clarify underlined terminology from the following passage from the bottom of page 55: “Each permittee shall require that post-construction treatment control BMPs incorporate, at a minimum, a volumetric and/or hydrodynamic (flow based) treatment control design standard...to <u>mitigate (infiltrate, filter or treat) storm water.</u> ”	Carson 4; Inglewood 3; CICWQ 19; CONTECH 6; TECS 4	This language has been eliminated from the Order.	The provision has been eliminated.
Post-Construction Storm Water Mitigation Criteria	Specify BMP performance criteria.	CONTECH 1,5; Heal the Bay 6-7	A new table for BMP performance criteria is proposed in the tentative.	Attachment "C", Table 3 and Table 4.
Post-Construction Storm Water Mitigation Criteria	Set numeric treatment criteria for post-construction BMPs for development greater than 50 acres.	NRDC 12	New text has been added in the Order.	Part 5- E. Planning and Land Development Program.
Post-Construction Storm Water Mitigation Criteria	Requirement for developments 50 acres or more to evaluate treatment BMPs using HSPF or SWMM is infeasible because of limited expertise.	Ventura Co. WPD	The capability to do the modeling for large developments to predict and mitigate adverse water quality impacts exists and is a common practice in the State.	No changes required to address this comment.
Post-Construction Storm Water Mitigation Criteria	The 72-hour drain down requirement eliminates many effective treatment BMPs; a provision should be added to allow for BMPs with permanent pool if mosquito breeding habitat is eliminated. Emphasize the importance of pretreatment.	CONTECH 2-3	The 72 hour drain time for proprietary devices is to avoid standing water pools that may support the breeding of vectors, which is a concern for the California Department of Health.	No changes required to address this comment.

Section/Topic	Comment	Commenter(s) ¹ & Page Numbers	Response	Change Made
RPAMPs	Develop criteria to assess what level of additional BMPs are needed for redevelopment districts.	LGC 5	The Order Contains an Alternative Post Construction Storm Water Mitigation Programs section that species criteria and requirements for RPAMPs.	Part 5- E. Planning and Land Development Program.
RPAMPs	Provide Permittees 24 months to work with the LGC to develop RPAMP criteria	Ventura	This requirement has been eliminated. The Order Contains an Alternative Post Construction Storm Water Mitigation Programs section that species criteria and requirements for RPAMPs.	Part 5- E. Planning and Land Development Program.
RPAMPs	Consider allowing RPAMPs for <u>new</u> development projects to encourage compact growth that might have a higher impervious area threshold.	LGC 4	The intent of the RPAMP provision is to allow flexibility for redevelopment projects, which have either limited space for or can not implement onsite BMPs. Under most circumstances, appropriate site planning for new development projects allows for compliance with post construction, Hydromodification, and LID requirements due to greater flexibility in placement of onsite controls.	No changes required to address this comment.
RPAMPs	The permits alternative compliance programs are unlawfully vague.	NRDC	The Order contains an Alternative Post Construction Storm Water Mitigation Programs section that species criteria and requirements for RPAMPs.	Part 5- E. Planning and Land Development Program.
Inconsistent with CEQA	There are too many inconsistencies and incompatibility with existing CEQA legislation.	Thousand Oaks A10; Countywide Program 18,B20; BILDF 20-22	The CA Court of Appeal has ruled that the new development requirements in MS4 Permits do not conflict with CEQA (<i>County of Los Angeles v. California State Water Resources Control Board (2006) Cal. App. LEXIS 1546,</i>	No changes required to address this comment.