



City of Brea

June 25, 2008

Ms. Tracy Egoscue, Executive Officer
 Los Angeles Regional Water Quality Control Board
 320 W. 4th Street, Suite 200
 Los Angeles, CA 90013

Via Fascimile: 213-576-6640

**Subject: Draft Tentative Order - MS4 NPDES Permit for the Ventura
 Countywide Stormwater Program**

Dear Ms. Egoscue:

Thank you for this opportunity to comment on the April 29, 2008 draft Tentative Order MS4 NPDES Permit for the Ventura Countywide Stormwater Program (Ventura Draft Tentative Order), which only recently came to our attention. We understand that the indicated deadline for comment has already passed, but since the draft order is designated as "preliminary", it is still subject to further iteration. Moreover, we have recently learned that the United States Environmental Protection Agency advocates that all southern California MS4 permit holders adopt numeric performance standards as proposed – or perhaps similar to those proposed – in the Ventura Draft Tentative Order.

Although our City does not typically comment on individual municipal permits, especially in Board regions other than our own, we understand the Los Angeles Regional Water Quality Control Board staff proposes certain requirements in the Ventura Draft Tentative Order which may become, in effect, the baseline precedent for other municipal permits. Therefore, Brea has concerns regarding several proposed "one size fits all" approaches reflected in the Ventura Draft Tentative Order, particularly regarding the proposed Municipal Action Levels (MALs), Effective Impervious Area (EIA) and Best management practice (BMP) performance design criteria.

Rather than restate the lengthy practical and technical merits of our position, we would adopt and endorse the positions taken by the California Stormwater Quality Association in their May 29, 2008 letter. To summarize:

1) The MALs in the Draft Tentative Order conflict with the State's Blue-Ribbon Panel Report Findings regarding the purpose and use of Action Levels.

City Council **Don Schweitzer** **John Beauman** **Ron Garcia** **Roy Moore** **Marty Simonoff**
 Mayor Mayor Pro Tem Councilmember Councilmember Councilmember

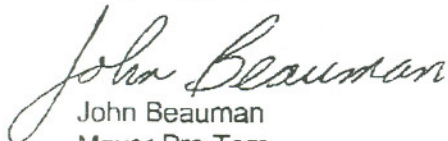
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2) The EIA threshold requirements constitute an improper take over of municipalities' ability to efficiently plan development. They effectively prohibit the building of projects including municipal infrastructure and community projects.

3). The use of BMP effluent quality data to mandate design criteria is untested and does not offer a reasonable solution to address the multitude of physical, engineering and practical factors that affect the planning and development of each project.

We appreciate the opportunity to comment on this permit. Thank you for your consideration.

Very truly yours,


John Beauman
Mayor Pro Tem

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