



City of Moorpark

CITY ENGINEER/PUBLIC WORKS DEPARTMENT

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April 10, 2009

Via Electronic Mail

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

Subject: Comments to 02/24/2009 Tentative Order – Ventura County Municipal
Separate Storm Sewer System (MS4) Permit (NPDES No. CAS004002)

Dear Ms. Egoscue:

In reference to the above subject, the City of Moorpark (City) wishes to inform you that we have completed our review and offers the following comments. The City supports the majority of the April 10, 2009 Ventura Countywide Stormwater Management Program (Ventura Program) Chair, Gerhardt Hubner, letter and attachments thereof addressed to you. The City would also like to emphasize a few comments.

Although the City, along with the Ventura Program, stands prepared to implement new programs in this groundbreaking permit, it must mention the significant costs that the Tentative Order will place on the City and its residents. The City is projecting that its NPDES program costs will dramatically increase 60% (from \$480,000/year to \$768,000/year). This increase in costs assumes that all parts of the Permit can be implemented without the need for additional City staff. As the Regional Board is aware, the nation is experiencing an economic crisis that has not been seen for several decades. This crisis is impacting everyone, from average citizens to large developers. All government agencies are feeling the economic downturn as well. As local governments in Ventura County face lay-offs, furloughs, hiring freezes, and cuts to popular programs, it is imperative that all regulatory agencies take into account the potential economic impacts of their regulations. As the Regional Board looks to adopt the Tentative Order, it should reconsider whether all the requirements in the Permit are necessary or even relevant, or can be deferred to a later permit when the economy stabilizes.

Municipal Action Levels (MALs) are one example of evaluating cost increases. Although the Tentative Order revises the use of MALs from being a determination of Maximum Extent Practicable (MEP) to being an assessment tool, the revised MALs will require Moorpark and the other Permittees to address discharges that exceed the MALs as the Tentative Order requires the Permittees to prepare and implement an MAL Action Plan. It is the City's understanding that this Tentative Order is the first of its kind to establish numeric metrics for assessing the effectiveness of a municipal program. We recommend for this action to be implemented at a later time.

JANICE S. PARVIN
Mayor

MARK VAN DAM
Mayor Pro Tem

GARY LOWENBERG
Councilmember

ROSEANN MIKOS
Councilmember

KEITH F. MILLHOUSE
Councilmember

The City appreciates the Tentative Order's incorporation of the wasteload allocations (WLAs) for effective Total Maximum Daily Loads (TMDLs) as permit limits which is consistent with 40 C.F.R. § 122.44(d)(1)(vii)(B). The City further appreciates that the permit limits in the Tentative Order have been modified from previous drafts of the permit to be consistent with the assumptions and requirements of available WLAs by being incorporated as receiving water limits in the permit. Additionally, the WLAs have been appropriately expressed in the form of BMPs consistent with EPA's 2002 Memorandum "Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs." The City concurs with the Countywide Stormwater Program letter's recommended revisions to the Tentative Order to provide further clarification that the WLAs will be implemented through BMPs and to provide a mechanism for making adjustments to the BMPs to ensure their adequate performance. As stated in previous comment letters, Moorpark is one of many stakeholders that have worked together collaboratively towards improving water quality, in the Calleguas Creek Watershed and it appreciates the Tentative Order's requirements being consistent with the adopted TMDLs for this watershed.

The City appreciates the Tentative Order's inclusion of a comprehensive approach for addressing trash in Ventura County. Although trash is not a significant issue in the water-ways of Ventura County (with less than 12 miles of water ways listed as trash impaired in the entire County), the City does support taking an aggressive approach to trash management. The Tentative Order provides the Permittees with the necessary flexibility to prioritize drainage systems for trash generation, and subsequent clean-up and removal. Furthermore, the Tentative Order allows the Permittees to develop alternative approaches that reflect the nature and composition of the municipality. The City supports the flexibility provided for in the Tentative Order and encourages the Regional Board to continue providing the flexibility needed to tailor municipal programs for relevant and identified water quality issues.

The City looks forward to your response to these comments and the comments in the Ventura Program's letter and attachments thereof. We would again like to emphasize our commitment to the collaborative effort in maintaining and enhancing water quality in its watersheds. Please feel free to contact Mr. Shaun Kroes at (805) 517-6257 if you have any questions regarding these comments. Thank you.

Sincerely,



Yugal K. Lall
City Engineer/Public Works Director

C: Honorable City Council
Steve Kueny, City Manager
Shaun Kroes, Senior Management Analyst
Gerhardt Hubner, VCWPD
Sam Unger, LARWQCB