

From: Gerald Horner
To: Samuel Unger
CC: Gail Linck
Date: 3/24/2009 1:46 PM
Subject: Re: Ventura Permit Econ. Study
Attachments: VenturaPermitChanges.doc

Sam,

I have reviewed the new version of the permit and compared it to the version I used when I did the earlier analysis. My conclusion is that the results of the earlier analysis can represent the provisions of the revised permit. I have attached my notes of my review.

Please contact me if you have any observations or questions.

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>>> Samuel Unger 2/17/2009 7:54 AM >>>

Jerry - sorry for the delay, we have been working on the draft and I wanted to wait until we had something that we felt pretty sure that we could go public with. Please see the attached.

I am also wondering if we could find a way to determine if your econ analysis would apply to this draft. I don't think it is markedly different except for the monitoring which is more costly - other things are less costly such as removal of the restriction on grading during the winter, and MALS as exceedances. Please let me know, and if we should talk this week, we can set up a time.

Thanks for your patience and interest.

Sam

>>> Gerald Horner 2/10/2009 11:56 AM >>>

Sam,

This is to follow up on our telephone conversation on Jan 26 concerning the Ventura MS4 permit. As we agreed, I would review the permit to assess the reduction in the production of stormwater and related contaminants. We can then discuss how to begin assessing the benefits of the program.

I have not yet received a copy of the draft permit and just want you to know I have not forgotten your request.

Jerry

>>> Samuel Unger 1/23/2009 9:03:27 AM >>>

Hello Gerald - I'm Sam Unger, Section Chief for the Regional Programs Section in the LA Region. I have taken over responsibility for the MS4 permit and have some questions for you regarding your study, specifically whether it can or needs to be augmented with estimated costs for natural resources damages. I am tied up in meetings this morning, but can talk this afternoon or perhaps next week. Could you let me know a good time to reach you?

Thanks.

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A comparison of the 2/20/08 Ventura MS4 permit with 2/26/09 version.

The following contains the title page from the current permit and the permit I reviewed and prepared an analysis on last year, the table of contents from the original permit with the major changes highlighted and the specific sections of the permit that have been changed, added or deleted.

From Sam Unger, (2/17/09)

I am also wondering if we could find a way to determine if your econ analysis would apply to this draft. I don't think it is markedly different except for the monitoring which is more costly - other things are less costly such as removal of the restriction on grading during the winter, and MALs as exceedances.

Summary: The biggest change is the removal of Part 5 – Special Provision, E. III New Development/ Redevelopment Performance Criteria. This section contained the requirement that all new development needs to reduce the Effective Impervious Area (EIA) to less than 5 percent of the total project area. By eliminating this requirement, Low Impact Development and hydromodification BMP implementation is eliminated. I think this was that major objection to the permit although it was not mentioned by Sam in his email.

I think the second most important change is Part 2 – Municipal Storm Water Discharge Limitations. This changes how Municipal Action Levels (MAL)¹ are used. MALs were treated as exceedance standards and now they are used as “identifiers of where improvement is needed”. The way MALs are calculated is also less ambiguous and removes potential for judgment calls.

I do not think the change in monitoring requirements is significant from the original permit, at least in the cost.

¹Municipal Action Levels (MALs) – means an action level that is derived from a statistical analysis of relevant data that is utilized to identify areas and subwatersheds that require additional or improved BMPs to reduce the discharge of pollutants to the maximum extent practicable. MALs may be revised as additional data are obtained so that MALs can continue to be used to effectively prioritize BMP implementation as the storm water program progresses. MALs are one measure of the effectiveness of the storm water program. MALs are not effluent limitations as defined by this Order, and/or as defined by Water code section 13385.1(c).