

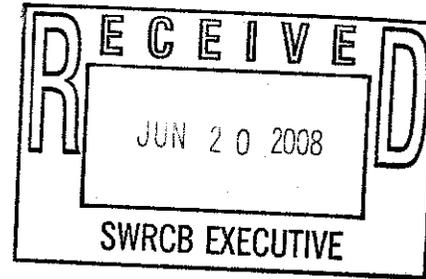


CITY OF LOMPOC

Public Comment
Strategic Plan Update
Deadline: 6/20/08 by 12

June 18, 2008

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



RE: City of Lompoc Letter of Comment on Proposed Strategic Plan Update: 2008-2012

Dear Ms. Townsend:

Thank you for the opportunity to comment on the proposed Strategic Plan update. After reviewing the Plan's provisions, we would like to comment on Objective 6.2 and Action 6.2.1. These provisions read as follows:

Objective 6.2. Target consistency improvements in program delivery identified through past input, and solicit input to identify consistency issues as they arise.

Action 6.2.1. Reissue the statewide storm water permit for Phase II municipal separate storm sewer systems (MS4s) by July 2009 that updates the baseline for consistency in the municipal storm water permitting program (the permit should provide a consistent approach for issues that have been raised regarding the Phase I MS4s, including hydromodification and the use of numeric benchmarks, action limits or effluent limitations). As appropriate, solutions developed in re-issuing the Phase II permit should be used in Phase I permits around the state in subsequent years. Phase II MS4s serve a population of 100,000 or less that are located in an urbanized area.

The City of Lompoc supports the goal of establishing and maintaining consistency between California's Regional Boards in implementing Phase I and Phase II National Pollutant Discharge Elimination System (NPDES) requirements, consistent with the Phase I and Phase II General Permits and federal regulations. However, we believe this consistency should be achieved through the development of statewide storm water policies, rather than by piecemeal, incremental changes in serial NPDES General Permit re-issuances. The California Storm Water Quality Association and the regulated MS4s have been requesting that the State Board establish consistently applied storm water policies, applicable to all Regions, for some time.

The City strongly opposes the use of the NPDES Phase II permit re-issuance as a means to address inconsistencies related to approved storm water programs under Phase I. To do so would severely penalize the smaller Phase II communities, many of whom have been unable to

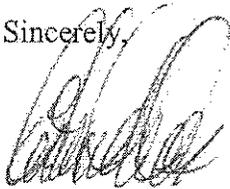
implement their Storm Water Management Programs (SWMPs) during the first permit cycle, as they have not been reviewed or approved, due to time and staffing concerns at the Regional Boards. This puts these communities at a distinct disadvantage, as they have not had the same opportunity to seek program funding, develop ordinances, or implement the six minimum measures in their SWMP. In many cases, the distinction between Phase II MS4s subject to Attachment 4, and those that are not, has been ignored. Asking these communities to implement the same measures as other Phase II communities that have approved SWMPs and have been able to implement them during the five-year permit cycle imposes an untenable burden on them. Beyond that, asking these and other Phase II communities to implement measures clearly stated in the proposed Strategic Plan Action 6.2.1 as meant to address concerns with Phase I SWMPs related to hydromodification, the use of numeric benchmarks, action limits or effluent limitations, goes beyond the intent of federal regulations and constitutes an unfunded mandate. It is unreasonable to expect smaller MS4s to implement standards that have not yet been applied to larger, better funded, pre-proposition 218, Phase I communities that have had storm water programs in place for well over fifteen (15) years.

Recommendation:

- Revise Action 6.2.1 to establish a statewide storm water policies for both Phases I and II, providing clear direction to Regional Boards as to the required elements of Storm Water Management Plans for Phase I communities, MS4s and MS4s not subject to Attachment 4, and establish review criteria for Phase I and Phase II Storm Water Management Plans that meets the intent of the Phase I and Phase II General Permits and federal regulations. The policies and direction to the Regional Boards should address the complex issues associated with hydromodification on a statewide basis, and provide direction as to whether use of numeric benchmarks, action levels and effluent limitations may be appropriate. The statewide policy should build upon the results and recommendations contained within the Storm water Blue Ribbon Panel Report entitled "*The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm water Associated with Municipal, Industrial and Construction Activities*" completed in 2006.

Thank you for your consideration of our comments.

Sincerely,



Dick DeWees
Mayor, City of Lompoc

cc: Lompoc City Council