



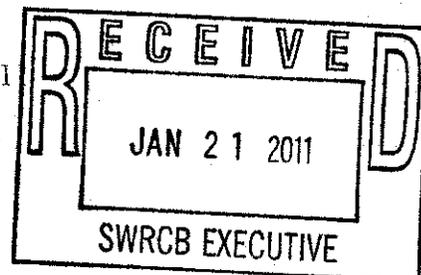
# County of Santa Cruz

## DEPARTMENT OF PUBLIC WORKS

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JOHN J. PRESLEIGH  
DIRECTOR OF PUBLIC WORKS

January 21, 2011



JEANINE TOWNSEND  
CLERK OF THE BOARD  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

SUBJECT: COMMENT LETTER - POLICY OF TOXICITY ASSESSMENT AND CONTROL

Dear Ms. Townsend:

On behalf of the Santa Cruz County Department of Public Works, we are writing to provide comments regarding the proposed Toxicity Policy (Policy). This proposed Policy is of significant concern to us because our agency is a Phase II NPDES stormwater permittee. Our agency generally agrees with and incorporates by reference the comments of the California Stormwater Quality Association (CASQA).

We are particularly concerned that establishment of toxicity monitoring requirements in this Policy (section III.B.3) will place an undue burden on smaller stormwater agencies, and as written, the Policy will place such agencies at substantial risk of non-compliance. Agencies such as ours, are not currently subject to any such monitoring requirements under the Phase II General Permit, with good reason. Additionally, there are substantial technical challenges associated with monitoring of stormwater for toxicity, as documented in the CASQA comment letter.

Also, as documented in the CASQA letter, local agencies do not have jurisdiction over uses of pesticides, the principal toxicants found in urban receiving waters, and are therefore unable to effectively control the cause of the observed toxicity.

For all of these reasons, we are requesting that the State Water Resources Control Board exclude all Phase II stormwater dischargers from this proposed Policy. Thank you for your consideration of these comments.

Yours Truly,

JOHN J. PRESLEIGH  
Director of Public Works

RJF:lh

Copy to: Paul Hann, Division of Water Quality  
Geoff Brosseau, California Stormwater Quality Association