



City of Camarillo

601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248

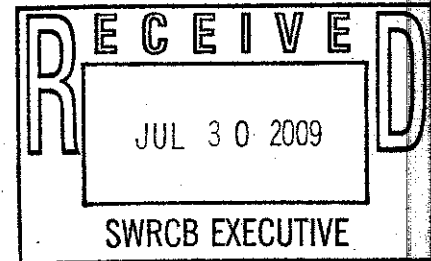
Department of Public Works

(805) 388-5380
Fax (805) 419-7820

July 30, 2009

Via Electronic Mail
commentletters@waterboards.ca.gov

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



RE: 8/4/09 Board Meeting (Consideration of a proposed Order in the Matter of the Petition of County of Los Angeles and Los Angeles County Flood Control District, Waste Discharge Requirements Order No. R4-2006-0074 Issued by the California Regional Water Quality Control Board, Los Angeles Region (SWRCB/OCC File A-1780))

Dear Ms. Townsend:

Staff respectfully submits the following comments regarding the draft State Water Resources Control Board Order in the *Matter of the Petition of County of Los Angeles and Los Angeles County Flood Control District*, SWRCB/OCC File A-1780 ("Petition"). Although the City of Camarillo is not a permittee under the municipal storm water permit at issue in the Petition, we are a permittee in the Ventura County Municipal Stormwater Permit (Order 09-0057) and a stakeholder in the Calleguas Creek Watershed Management Plan which are also subject to TMDLs. Staff requests that these comments in support of the Petition be placed in the record of this action and also be forwarded to the chair and members of the State Board prior to the hearing date.

The issues discussed in the Petition are of critical important to the City because of the complex, evolving and expensive technologies that are required to address the pollutants covered by TMDLs. The requirements to implement TMDLs, including developing compliance and monitoring plans, conducting monitoring, and BMP design and installation, are proving to be the single most expensive element of storm water compliance. The pollutants covered by the TMDLs are generated by a number of sources, most of them beyond the direct control of municipalities. In this era of shrinking government budgets, the State and local governments need to work together to achieve clean water goals using ever-limited public funds.

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We wish to emphasize four issues raised by the Petition that are of critical importance:

First, staff strongly objects to the incorporation of TMDLs that are expressed as numeric effluent limits into municipal storm water permits. Such an approach could place municipalities in immediate jeopardy of civil penalties under federal and state law and would ignore the difficult task of identifying and addressing exceedances of pollutants in storm water and urban runoff. This approach was expressly rejected by the State Board's panel of experts formed to consider numeric effluent limits in storm water permits.

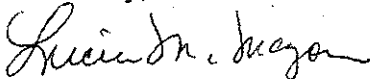
Second, any amendment of a municipal storm water permit to incorporate a TMDL should adopt an iterative approach. Use of an iterative approach is extremely important because in many cases, the sources of pollutants are not under the permittees' control, and reliable technologies are not always available. Municipalities should not be burdened with the threat of civil penalty actions or citizens' suits if initial attempts to meet the TMDL waste load allocations are unsuccessful. A better approach is an iterative one employing BMPs and monitoring to demonstrate compliance.

Third, staff urges the Board to require that, before a Regional Board incorporates a TMDL into a municipal storm water permit, the Regional Board make a finding that the amendment is consistent with the "maximum extent practicable" ("MEP") standard. This finding is legally required and is especially important because MEP is not considered when a TMDL is adopted. A TMDL's consistency with the MEP standard must be considered prior to its incorporation into a municipal storm water permit.

In conclusion, we urge the Board to grant the Petition and remand the permit amendment back to the Los Angeles Regional Board for hearing and revision in light of the Board's direction.

Thank you for your attention to this matter. If you have any questions regarding our comments, please call Anita Kuhlman, Stormwater Program Manager, at 805-383-5659.

Sincerely,



Lucia McGovern
Deputy Public Works Director

cc: Ventura Countywide Stormwater Management Committee