

Comment Letter-LA County MS4 Permit –Response to Petition for Review of WMP Approvals due 8.3.2015

The Petitioners state:

*Petitioners' members are aggrieved by the Executive Officer's action to conditionally approve the nine WMPs pursuant to the 2012 MS4 Permit because such action is an obstruction to achieving the Permit's ultimate goal of meeting Water Quality Standards ("WQS"), as required by the CWA. **Specifically, the Executive Officer's failure to deny the WMPs as required by the 2012 MS4 Permit – and thereby failure to adequately control urban stormwater runoff through the Permit and to ensure that pollution in stormwater discharges will not degrade the region's waters – has enormous consequences for Los Angeles County residents and Petitioners' members. Urban stormwater runoff is one of the largest sources of pollution to the coastal and other receiving waters of the nation, and is a particularly severe problem in the Los Angeles region.** Waters discharged from municipal storm drains carry bacteria, metals, and other pollutants at unsafe levels to rivers, lakes, and beaches in Los Angeles County. This pollution has damaging effects on both human health and aquatic ecosystems, causing increased rates of human illness and resulting in an economic loss of tens to hundreds of millions of dollars every year from public health impacts alone. The pollutants also adversely impact aquatic animals and plant life in receiving waters.*

*Receiving waters in the Permittees' jurisdiction continue to be impaired for a variety of pollutants, and monitoring data show that stormwater discharges continue to contain pollutants at levels that cause or contribute to these impairments. **Urban development increases impervious land cover and exacerbates problems of stormwater volume, rate, and pollutant loading.** Consequently, Los Angeles County's high rate of urbanization and persistent water quality problems demand that the most effective stormwater management tools be required. Both the Regional and State Board have defined the WMPs as the means by which compliance with WQSs is determined. **By conditionally approving clearly deficient WMPs, however, the Executive Officer is allowing Permittees to defer compliance with WQSs, resulting in zero improvement in water quality.***

All of these documented facts demonstrate the considerable negative impact on Petitioners' members and the environment that continues today as a result of the Executive Officer's failure to comply with the terms of the 2012 MS4 Permit.

Comments:

More than just membership non-profit organizations with interests, the public has been denied the right for inclusion in the process with concerns about water quality beyond the scope of the non-profits mission statements.

Stormwater management is a flood control issue as the taxpayers approve bonds accordingly.

This permit has omitted the public process consistently.

Participation in Watershed Management Programs are voluntary (Section Part VI.C.1.b)

TAC Technical Advisory Committee was not agenzized to be open to the public.
Watershed Management Programs stakeholder membership as stated in the Order:

*v. Provide appropriate opportunity for meaningful stakeholder input, including but not limited to, a permit-wide watershed management program technical advisory committee (TAC) that will advise and participate in the development of the Watershed Management Programs and enhanced Watershed Management Programs from month 6 through the date of program approval. The composition of the TAC may include at least one Permittee representative from each Watershed Management Area for which a Watershed Management Program will be developed, and must **include a minimum of one public representative from a non-governmental organization with public membership**, and staff from the Regional Water Board and USEPA Region IX.*

Please note that there is no such category as “public membership”. NGOs or non-profit organizations are private and not open to the public.

Delegation to the Executive Officer for conditional approval eliminated the open meeting process with time for Public Comment.

ORDER NO. R4-2012-0175 as amended by Order WQ 2015-0075 states:

5. Public Review

- a. All documents submitted to the Regional Water Board in compliance with the terms and conditions of this Order shall be made available to members of the public pursuant to the Freedom of Information Act (5 U.S.C. § 552 (as amended)) and the Public Records Act (Cal. Government Code § 6250 et seq.).*
- b. All documents submitted to the Regional Water Board Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment.*

-

There is difficulty in understanding this permit at all. State Board Resolution 68-16 Antidegradation Policy is vague as to recognition of baselines and, therefore, execution and compliance of this permit. State Board has yet to determine “maximum benefit to the people of the state” and “best practicable treatment or control”.

There is no CEQA process for the public to become involved.

Approvals and compliance issues appear to be an open-ended process without economic impacts disclosed. What will this cost the taxpayer?

Can anyone answer that question?

We are now concerned that a financial market of Cap and Trade in Stormwater Capture Credits is in process without any public input whatsoever.

This whole process is not consistent with Source Point permitting.

Joyce Dillard
P.O. Box 31377
Los Angeles, CA 90031