



A COOPERATIVE STRATEGY FOR RESOURCE MANAGEMENT & PROTECTION

January 21, 2015

Electronic Submission: commentletters@waterboards.ca.gov

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

**Subject: Comments to A-2236(a) through (kk); Comments on Proposed Order in
*In Re Petitions Challenging 2012 Los Angeles Municipal Separate Storm
Sewer System Permit (Order No. R4-2012-0174)***

Dear Ms. Townsend:

The Stakeholders Implementing Total Maximum Daily Loads (TMDLs) in the Calleguas Creek Watershed (Stakeholders) appreciate the opportunity to provide comments on the State Water Resources Control Board's (State Board) Proposed Order *In the Matter of Review of Order No. R4-2012-0175, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4* (Proposed Order). In its Proposed Order, the State Board reviews the Los Angeles Regional Water Quality Control Board's (Los Angeles Water Board) November 2012 adoption of the municipal separate storm sewer system (MS4) permit for the Los Angeles County Flood Control District, the County of Los Angeles, and 84 incorporated cities within Los Angeles County (hereinafter referred to as the "Los Angeles MS4 Order").

The Stakeholders consist of agricultural, wastewater, and MS4s that are responsible parties to six effective TMDLs in the Calleguas Creek Watershed (CCW). Five cities (Camarillo, Thousand Oaks, Simi Valley, Moorpark, and Oxnard), unincorporated Ventura County, and the Ventura County Watershed Protection District are all MS4 permittees within the CCW that must comply

Ms. Jeanine Townsend

January 21, 2015

Page 2

with the TMDLs to comply with the NPDES MS4 permit for Ventura County (Ventura MS4 Order). The Ventura MS4 Order is also administered by the Los Angeles Regional Water Quality Control Board. It is likely that decisions made on the Los Angeles MS4 Order will guide the provisions of the next Ventura County MS4 Order, scheduled for renewal in 2015. The Stakeholders have a demonstrated track record of working together to collaboratively identify and implement best management practices to improve water quality in the CCW. The Stakeholders provide the following comments on the Proposed Order for your consideration to support developing solution-oriented permit provisions for the discharges in the watershed.

First, the Stakeholders would like to support the comments provided by the California Stormwater Quality Association (CASQA) and recommend the language changes provided in that comment letter. While the Stakeholders generally support the Proposed Order's findings and discussion regarding alternative compliance pathways for complying with receiving water limitations, we also support the recommended changes provided by CASQA to improve the Proposed Order and clarify the direction to the Los Angeles Regional Water Board when crafting future MS4 permits.

In addition to the comments provided by CASQA, the Stakeholders request clarifications to the Proposed Order regarding the use of numeric WQBELs in MS4 permits. As discussed in the CASQA letter, since the Proposed Order was distributed, USEPA has released a new memorandum that provides guidance on translating wasteload allocations for storm water into effluent limitations in NPDES permits. This new memorandum replaces the 2010 USEPA Memorandum cited in the Proposed Order as part of the justification supporting the use of numeric WQBELs in the Los Angeles MS4 Order. The 2014 USEPA Memorandum changes the guidance available during the development of the Los Angeles MS4 Order. The Stakeholders consider this important as this Proposed Order will set precedent in the Los Angeles Region on future MS4 permits.

The 2014 USEPA Memorandum includes some key differences from the 2010 USEPA Memorandum that will be important considerations for the next Ventura County MS4 Order. In particular, the 2014 USEPA Memorandum modifies the 2010 USEPA Memorandum language regarding incorporation of numeric WQBELs. In particular, the 2014 USEPA Memorandum recommends including "clear, specific and measurable permit requirements and, where feasible, numeric effluent limitations as necessary to meet water quality standards." In contrast, the 2010 USEPA Memorandum recommended that when MS4 discharges "have the reasonable potential to cause or contribute to water quality standards excursions, permits for MS4s ... should contain numeric effluent limitations where feasible to do so." Additionally, the 2014 USEPA Memorandum clarifies that numeric effluent limitations do not need to be water quality standards applied as end-of-pipe limits, but could be expressed as any quantifiable or measurable parameter related to a pollutant. Examples include on-site stormwater retention volume or percentage or amount of effective impervious cover. Given the new guidance, it is appropriate for Regional Water Boards to be required to demonstrate that numeric effluent limitations are feasible and necessary to meet water quality standards prior to incorporating them into MS4 permits and to consider a broad range of potential numeric effluent limitations prior to requiring compliance with end-of-pipe water quality limits. As noted in the 2014 USEPA Memorandum and EPA's MS4 Compendium and in the Proposed Order, permitting authorities have significant flexibility in determining how to incorporate TMDLs into MS4 NPDES Permits. We would like

Ms. Jeanine Townsend

January 21, 2015

Page 3

to ensure that the Los Angeles Regional Water Board consider this flexibility and be consistent with current USEPA guidance when developing future MS4 NPDES Permits.

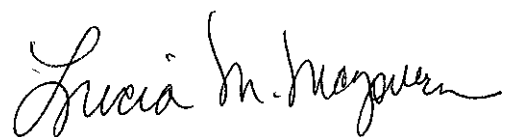
Additionally, it is critical that the Los Angeles Regional Water Board be required to consider the specific facts and circumstances surrounding the storm water discharges in developing the permit conditions. Ventura County has many significant differences from Los Angeles County that need to be considered in the next permit development. In particular, many other sources contribute to receiving water objective exceedances and it may not be feasible for control of MS4 discharges to bring the waterbody into compliance with water quality objectives. Additionally, the Stakeholders have made significant progress in improving water quality through the use of Best Management Practices and are cooperatively working on strategies that are regional in nature and address multiple sources. The Los Angeles Regional Water Board needs to be required to consider these differences regardless of the precedent set in the Los Angeles MS4 Order.

As a result, we fully support the language included on page 54 and 55 of the Proposed Order, and request the following modifications to the end of the first paragraph on page 55 to clarify the points outlined above:

Thus, while we decline to remove the numeric WQBELs from the Los Angeles MS4 Order, we also decline to urge the regional water boards to use numeric WQBELs in all MS4 permits. When developing the TMDL requirements within a MS4 permit, all regional water boards shall evaluate the specific facts and circumstances surrounding the storm water discharges for the permittee(s) to determine the best mechanism for incorporating the TMDLs. Permit conditions should be clear, specific and measureable, but are not required to be set equal to the TMDL WLAs. If numeric WQBELs are considered for implementing the TMDL requirements, the regional water board shall provide evidence that numeric WQBELs are feasible and necessary to meet the water quality standards.

Thank you for your time and consideration of these comments. If you have questions, please contact me at (805) 388-5334 or lmcgovern@ci.camarillo.ca.us.

Sincerely,



Lucia McGovern

Chair Stakeholders Implementing TMDLs in the Calleguas Creek Watershed