

WARREN D. WILLIAMS  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
FAX 951.788.9965  
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

June 1, 2015



Sent via e-mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Post Office Box 100  
Sacramento, CA 95814

Dear Ms. Townsend:

Re: Comments to A-2236(a)-(kk)  
Los Angeles County MS4 Permit

This letter is provided on behalf of the Co-Permittees in the three Riverside County Stormwater Programs (collectively, the "Riverside County Co-Permittees"),<sup>1</sup> to comment on the April 24, 2015 revised draft Order on the above-referenced petitions regarding the Los Angeles County MS4 Permit. The Riverside County Co-Permittees appreciate this opportunity to provide comments to the State Water Resources Control Board on the revised draft Order.

We would like to first comment on two issues covered in the redlined revisions: (1) stormwater retention; and (2) expectations that the Regional Boards would follow the seven principles. After that, we will comment on planning phase compliance even though that subject was not covered in the "redline" language in the April 24<sup>th</sup> Order.

***Stormwater Retention***

The Riverside County Co-Permittees support the modifications in the April 24<sup>th</sup> version of the Order regarding the treatment of the Enhanced Watershed Management Program option, which involves capture of the 85<sup>th</sup> percentile design storm (revised Order, pp. 44-51). As noted in our previous comments, the Co-Permittees support such innovative multi-benefit stormwater capture programs, and request the State Board to strongly encourage and foster the use of this option statewide.

***Following the Seven Principles***

The Riverside County Co-Permittees support the new language in Sections II.B.7 and III.12 of the revised Order (pp. 55-56 and 85, respectively), where the State Board makes known its expectation that the Regional Boards follow the seven principles set out in these sections unless they can make a "specific showing" that application of a given principle is not appropriate for region-specific or permit-specific reasons. We believe that it is important both that (1) there be a unitary framework for Regional Boards across the state to follow when establishing alternative compliance path options for their MS4 permittees; and (2) Regional Boards, upon a proper showing, be allowed to adopt different

<sup>1</sup> The Riverside County Flood Control and Water Conservation District ("District"), County of Riverside ("County"), Coachella Valley Water District, and the Cities of Banning, Beaumont, Calimesa, Canyon Lake, Coachella, Corona, Cathedral City, Desert Hot Springs, Hemet, Indian Wells, Indio, Lake Elsinore, La Quinta, Menifee, Moreno Valley, Murrieta, Norco, Palm Desert, Palm Springs, Perris, Rancho Mirage, Riverside, San Jacinto, Temecula, and Wildomar.

alternative compliance requirements to account for regional differences. This is especially important in Riverside County, which encompasses a number of widely varying hydrologic and climate zones.

***Planning Phase Compliance***

While the following comment does not address "redline" language in the April 24<sup>th</sup> Order, because the comment reflects discussions arising after the previous comments by the Riverside County Co-Permittees and after release of the April 24<sup>th</sup> Order, the Co-Permittees respectfully submit that it is appropriate to be set forth in this letter.

The Riverside County Co-Permittees appreciate that Principle Number 3 in Section II.B.7, expects every Regional Board to incorporate in their MS4 permits an alternative compliance path that "allows permittees appropriate time to come into compliance . . . during full implementation of the compliance alternative." When read with revised Order Section II.B.6, we interpret this principle to mean that such a compliance alternative should apply during the planning period when alternative compliance documentation is being prepared and submitted for Regional Board approval.

As there could be some confusion with some of the Regional Boards on this issue, we respectfully request that the State Board provide clear guidance to all water boards in the final Order that compliance during the planning phase is a part of any alternative compliance path provision. We also agree with the revised draft Order (page 53) that to benefit from such a "deemed compliant" status the permittee should meet the schedules and deliverables of the permit. Moreover, we agree that there should be a mechanism for the Executive Officers to issue reasonable extensions of the planning phase schedule during which there is no compliance.

The Riverside County Co-Permittees again wish to thank the State Board and staff for the opportunity to comment on the revised draft Order. We support adoption of the Order, as modified as suggested in these comments.

Should there be any questions regarding these comments, please contact me at 951.955.1273 or [semckibbi@rcflood.org](mailto:semckibbi@rcflood.org).

Very truly yours,



STUART E. MCKIBBIN  
Chief of Watershed Protection Division