

FRANK V. ZERUNYAN
Mayor

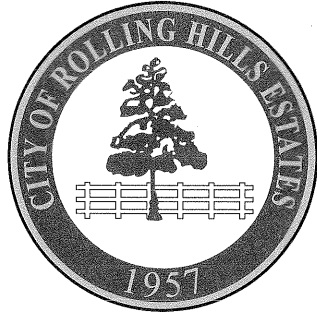
JUDY MITCHELL
Mayor Pro Tem

JOHN C. ADDLEMAN
Council Member

SUSAN SEAMANS
Council Member

STEVEN ZUCKERMAN
Council Member

DOUGLAS R. PRICHARD
City Manager



CITY OF

ROLLING HILLS ESTATES

4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274
TELEPHONE 310.377.1577 FAX 310.377.4468
www.ci.Rolling-Hills-Estates.ca.us

August 15, 2013

Emel G. Wadhvani
California State Water Resources Control Board
Senior Staff Counsel
P.O.Box 100
Sacramento, CA 95812-0100

Via email: ewadhvani@waterboards.ca.gov

Subject: SWRCB/OCC FILE A-2236(A) THOROUGH (KK) COMMENTS IN RESPONSE TO QUESTIONS POSED BY THE STATE WATER RESOURCES CONTROL BOARD CONCERNING RECEIVING WATER LIMITATIONS AS ADDRESSED IN ORDER NO. R4-2012-0175 – WASTE DISCHARGE REQUIRMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) DISCHARGES WITHIN THE COASTAL WATERSHEDS OF LOS ANGELES COUNTY, EXCEPT THOSE DISCHARGES ORIGINATING FROM THE CITY OF LONG BEACH MS4

Dear Ms. Wadhvani:

The City of Rolling Hills Estates (City) appreciates the opportunity to provide comments on the request by the State Water Resources Control Board (State Water Board) in its July 8, 2013 announcement with respect to the petitions received on Order No. R4-2012-0175 (LA MS4 Permit) which was further clarified in the subsequent announcement issued on July 29, 2013. Specifically, the State Water Board in its July 8, 2013 announcement requested comment as follows:

The Los Angeles MS4 Permit appears to provide a compliance alternative to the State Water Board's precedential receiving water limitations for MS4s. Under the Los Angeles MS4 Permit, dischargers that are in compliance with the requirements and milestones of an approved watershed management program/enhanced watershed management program are also generally deemed to be in compliance with the Permit's receiving water limitations. All interested persons are invited to submit comments within 30 days of the date of this letter, addressing the following questions:

- 1. Is the watershed management program/enhanced watershed management program alternative contained in the Los Angeles MS4 Permit an appropriate approach to revising the receiving water limitations in MS4 permits?*
- 2. If not, what revisions to the watershed management program/enhanced watershed management program alternative of the Los Angeles MS4 Permit would make the approach a viable alternative for receiving water limitations in MS4 permits?*

In its July 29, 2013 announcement, the State Water Board further clarified that in addition to the questions above, it is *generally seeking all information that would assist it in determining whether these approaches constitute appropriate revisions or additions to the existing receiving water limitations language in MS4 Permits.*

The City of Rolling Hills Estates has been concerned and continues to be concerned with the Receiving Water Limitations language in municipal stormwater permits. Permittees can be deemed in violation of the permit and become vulnerable to costly citizen suits even if they are acting in good faith to correct exceedances of water quality standards. Because of this language, even though cities are required to follow an iterative process to implement additional measures based on feedback from the results of water quality monitoring to increase as necessary the effectiveness of implementation measures, a city may be found in violation of the permit during the iterative process.

The Watershed Management Program (WMP) and Enhanced Watershed Management Program (EWMP) approaches in the 2012 LA MS4 permit provides a means to better define what is expected of the iterative process (e.g., through the "reasonable assurance analysis"). The EWMP approach also incorporates design storms (e.g., the 85th percentile 24-hour event for most pollutants and the 1-year/1-hour storm for trash control) and allows for a compliance schedule thereby providing greater certainty and clearer objectives for municipalities seeking to define the scope of their technical and fiscal responsibilities under the MS4 Permit. The WMP/EWMP approach is also consistent with, and serves as an example of, the Strategic Compliance Program approach recommended by CASQA in their comment letter and proposed language. The City supports the California Stormwater Quality Association (CASQA) comment letter and proposed RWL language which seeks to address the problem of Receiving Water Limitations language in MS4 Permits on a statewide basis.

Municipalities must utilize scarce fiscal resources wisely and would much prefer to deploy those resources to address water quality objectives and other essential public services rather than in the defense of third party actions under the federal Clean Water Act's citizen suit provision. Compliance with water quality standards will require significant investment in public programs and infrastructure which must be funded over time in the form of capital improvements, operation and maintenance, as well as institutional programs.

We believe that the EWMP approach contained in the Los Angeles MS4 Permit is an appropriate means for Permittees to comply with receiving water limitations for MS4 discharges. We want to continue to work with our sister agencies in the Palos Verdes Peninsula EWMP group to protect the quality of our valuable water resources and to deploy our limited municipal resources in a way that allows us to prioritize our efforts to address documented water quality concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'GG', with a long horizontal line extending to the right.

Greg Grammer
Assistant City Manager

Mr. Samuel Unger **[via email only]**
Executive Officer
Los Angeles Regional Water Quality
Control Board 320
West 4th Street, Suite 200
Los Angeles, CA 90013
sunger@waterboards.ca.gov

Ms. Deborah Smith **[via email only]**
Assistant Executive Officer
Los Angeles Regional Water Quality
Control Board 320
West 4th Street, Suite 200
Los Angeles, CA 90013
dsmith@waterboards.ca.gov

Ms. Paula Rasmussen **[via email only]**
Assistant Executive Officer
Los Angeles Regional Water Quality
Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
prasmussen@waterboards.ca.gov

Ms. Renee Purdy **[via email only]**
Environmental Program Manager I
Los Angeles Regional Water Quality
Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
rpurdy@waterboards.ca.gov

Mr. Ivar Ridgeway **[via email only]**
Environmental Scientist
Los Angeles Regional Water Quality
Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
iridgeway@waterboards.ca.gov

Lori T. Okun, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
lokun@waterboards.ca.gov

Frances L. McChesney, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
FmcChesnev@waterboards.ca.gov

Jennifer L. Fordyce, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
ifordyce@waterboards.ca.gov

Nicole L. Johnson, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
njohnson@waterboards.ca.gov

Michael Lauffer, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
milauffer@waterboards.ca.gov

Philip G. Wyels, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
pwvels@waterboards.ca.gov

Bethany A. Pane, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
bpane@waterboards.ca.gov

Mr. David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov