



Comment Letter–Phase II Small MS4 General Permit due 9.8.2011 NOON

Scientific data aka measurement, monitoring, reporting and analysis should be emphasized. In discussions on General Plan incorporation of Climate Change, data is the key factor.

The criteria of this plan is based on unidentified sources through BMP Best Management Practices.

With BMPs, the taxpayer and/or property owner is subject to unlimited fess and or assessments to build, maintain and operate systems that may fail—easily fail.

Maximum extent practicable (MEP) is subjective. You may be talking billions of dollars-at taxpayer expense, not private party expense.

With the elimination of Storm Water Capture Management Plans, recycled water planning is not clearly defined. We find that in Los Angeles, the Department of Water and Power LADWP is taking over a function of the Bureau of Sanitation by creating their own Storm Water Management Plan—for recycled water sales purposes.

Soils and geology are so important in the CEQA aspect of this planning. Any LID Low Impact Development Ordinances, as a BMP, is meaningless without the soils required for infiltration. With oil underground, as in Los Angeles, infiltration may just push up oil to the surface.

More pollutants are released.

SWMPs are necessary. You will have no oversight of the LADWP and they are not the applicants for the qualified Small MS4 permittees.

The MS4 applicants will have no means of due process.

In coastal California, you certainly need to be serious about discharge to sensitive water bodies, as source points may be inland in the basin and those source points are ignored.

The problem will persist.

You state:

“By May 15, 2013, the Permittee shall develop and implement a comprehensive storm water public outreach and education program. The public outreach and education program shall be designed to reduce pollutant discharges in storm water runoff and non-storm water discharges to the MS4 through behavior changes in target communities.

The Public Outreach and Education Program shall

- (1) Measurably increase the knowledge of targeted communities regarding the municipal storm drain system, impacts of urban runoff and non-storm water discharges on receiving waters, and potential BMP solutions for the target audiences and
- (2) measurably change the behavior of target audiences, thereby reducing pollutant releases to the MS4 and the environment.

In an urban sprawl and multi-language communities, this statement is not realistic. Those cultural ties are underused. People from foreign rural communities have definite ideas about pollution and nature already.

No one listens to them. The outreach is about talking to, not talking with.

Social marketing is limited to age group participation and technology ability.

Environmental justice issues should be taken seriously.

Get back to the basics. Is the permittee within a jurisdiction with a General Plan and its Elements. Is the Infrastructure Reporting current. Is there compliance with the General Plan, Housing Element and the other Elements.

Are watersheds incorporated into those documents.

Is the CEQA Mitigation Measures adhered to and reported currently and properly.

Does the municipality inspect all aspects of the infrastructure and are they in accordance with standard industry practice. For instance, are the storm drains inspected on all levels, or does the municipality inspect selectively.

Broken pipes cause pollutants. The source points need identification by qualified personnel.

At what point does the Department of Public Health enter the process. There are aspects under their jurisdiction for Low Impact Development requirements.

Do County Health officials/departments also need to be considered.

What allowances are made for grandfathered projects and the pollutants discharged.

You are missing the importance of local municipalities and the Land Use Element of the General Plans.

Please explain your legal jurisdiction in waters of the United States and how enforcement is obtained.

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