Public Comment
Draft IGP
Deadline: 4/29/11 by 12 noon

LEAGUE OF CALIFORNIA CITIES

REGIONAL COUNCIL OF Rural Counties

SWANA
SOLID WASTE ASSOCIATION of North America

CSAC

VIA E-MAIL

April 25, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814
Email: commentletters@waterboards.ca.gov

RE: Comment Letter- Draft Industrial Storm Water Permit

Dear Chair Hoppin:

On behalf of the League of California Cities (League), California State Association of Counties (CSAC), the Regional Council of Rural Counties (RCRC), and the Solid Waste Association of North America (SWANA) we thank you for the opportunity to comment on the Draft Industrial Storm Water Permit (Draft Permit). Our organizations have appreciated the opportunity to work with the State Water Resources Control Board (SWRCB) and staff in the past on Storm Water issues.

California's 483 cities and 58 counties are proud of what they have accomplished to help reduce run-off through our storm water programs. Cities and counties across the state are finding cost efficient, innovative solutions to accommodate the unique characteristics of their communities and over a number of years have developed strong relationships with the regulated community.

The League, CSAC, RCRC and SWANA, are in the somewhat unique position of viewing the proposed Draft Permit from two perspectives--first, as an enforcer of local water quality objectives and, secondly, as a regulated discharger. As regulators of water quality under the SWRCB's Municipal Storm Water Permitting Program, cities and counties are committed to working closely with the SWRCB to improve existing control requirements for industrial sites and to develop the tools necessary for meaningful and effective enforcement. However, we believe that

adoption of the Permit, as currently proposed, will not significantly help local government in this regard and we are concerned that strict application of many of the new regulatory provisions may actually hinder our efforts to work cooperatively with industrial discharges within in our jurisdictions.

Secondly, with respect to the subject storm water permit, most local governments are also considered to be industrial dischargers. Our regulated industrial activities include such things as city and county-owned landfill sites, recycling centers and material recovery facilities, water and wastewater treatment plants, vehicle maintenance yards, airports, and other transportation-related facilities. Cities and counties currently expend tremendous resources in an effort to control storm water discharges from these activities and to comply with existing permit monitoring and reporting requirements.

We are also frustrated that the draft Permit disregards the Blue Ribbon Panel report released in 2006 and sets de facto numeric effluent limitations (NELs) without a strong scientific basis. The Panel was clear that there isn't sufficient data to support the establishment of NELs in this Permit, and many stakeholders assumed that the next Permit cycle would be used to collect that data. EPA has also stated that its benchmarks are not appropriate for use as NELs, and there is no federal mandate that requires California to establish such a stringent Permit. We ask that the Board honor the recommendations of the Panel and direct staff to revise the Draft Permit accordingly.

Third, we also question whether the Permit will accomplish the water quality goals the Board desires based on the science presented, and urge you to seriously consider and respond to the comments and recommendations that have been offered to you by the California Stormwater Quality Association (CASQA) and by representatives of the solid waste industry. By reference, the undersigned endorse the positions being put forward in correspondence from these groups.

Fourth, we are very concerned that the additional costs associated with the Draft Permit's implementation will have profound adverse financial impacts on our members, especially in light of current budget shortages at the State and local level. Many local governments are struggling to continue to provide essential services to their citizens, which will only be exacerbated by costly new permit requirements and which equate to another unfunded mandate. We are disappointed that this permit largely was written without any stakeholder input or public outreach, because local governments would have willingly provided compliance cost data to SWRCB staff prior to the release of this draft.

Finally, any expectations that local governments can raise fees to pay for the proposed requirements are unrealistic. In order to cover the costs of implementation, cities and counties would have to pass a Proposition 218 fee. The passage of these fees is not an easy task and has become increasingly

more difficult. In fact, a number of communities are seeing a backlash from ratepayers who are refusing the higher fees and proposing local ballot measures to roll back fees.

Thank you again for the opportunity to comment. Your positive consideration of our input is very much appreciated, and we would be happy to work with staff in the future to help develop a more balanced, workable Permit. Please feel free to contact any of the undersigned for more information regarding our comments and concerns.

Sincerely,

Kyra Emanuels Ross

Kyra Emanuels Ross, League of California Cities
Legislative Representative

Karen Keene

Karen Keene, CSAC
Legislative Representative

Staci Heaton

Staci Heaton, RCRC
Regulatory Affairs Advocate

Tressa Wallace

Tressa Wallace, SWANA
Legislative Advocate