

Storm Water Panel Report
 Deadline: ~~9/1/06~~ 5pm



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September 1, 2006



STATE WATER RESOURCES
 CONTROL BOARD
 1001 I Street
 Sacramento, CA 95812

SUBJECT: COMMENTS ON THE STORM WATER PANEL RECOMMENDATIONS TO
 THE STATE WATER BOARD

Dear Members of the Board:

The County of Santa Cruz appreciates the opportunity to comment on the Storm Water Panel of Experts' (Panel) recommendations on *"The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities."* Protecting water quality is critical for our community, and our County is committed to this priority issue. We welcome your Board's efforts to use scientific findings to determine the feasibility of numeric effluent limits and understand that this is a complicated issue with potential resource, economic, and social impacts.

We have reviewed the findings of the Panel and many of the comment letters your Board has already received. We support the Panel's finding that *"It is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges."* (Page 8, Panel Report). We also concur with the recommendations made by the California State Association of Counties in their July 31, 2006, letter to your Board regarding suggested policy on municipal discharges.

We are concerned that current Total Maximum Daily Load (TMDL) development may establish load allocations that are essentially numeric effluent criteria for municipal discharges that may not be feasibly enforceable and therefore put us and the State in danger of legal actions from third party groups. Since implementation of many TMDLs will rely on municipal storm water National Pollutant Discharge Elimination System (NPDES) permits, it would seem that the Panel's recommendations are applicable to TMDL storm water discharge load allocations. We suggest that your Board refrain from establishing storm water TMDL allocations until you have completed the process of determining how to use the Panel's findings to improve the NPDES Storm Water Program as well as the TMDL Program.

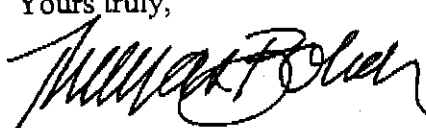
STATE WATER RESOURCES
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Page -2-

In addition to supporting the Panel's recommendations regarding the infeasibility of applying numeric effluent limits to municipal activities, we think this recommendation should be explicitly extended to the TMDL process.

Thank you for your Board's consideration.

Yours truly,



THOMAS L. BOLICH
Director of Public Works

RJF:mh

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