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City of Monterey Park

"Pride in the Past - Faith in the Future"

Storm Water Panel Report
Deadline: 8/4/06 5pm

7/26/2006

State Water Resources Control Board
1001 I Street
Sacramento, CA 95812-0100

Attention: Song Her, Clerk to the Board

Dear Board Members:

Subject: Findings of the Storm Water Panel of Experts

The City of Monterey Park is pleased to provide the following comments on the Storm Water Panel recommendations on *"The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities."* We support the efforts of the State Water Resources Control Board to rely on sound science when considering the major water policy issues facing the Water Boards, as well as State agencies and local governments. Our City is committed to improving water quality and working with the State Board, our Regional Water Board and the environmental community to implement programs that are scientifically sound and practicable.

In particular, we want to thank the State Water Board for convening the expert panel to consider the question of whether it is technically feasible to establish numeric limits for inclusion in storm water permits. We support the panel's overall finding for municipal storm water permits, that *"It is not feasible at this time to set enforceable numeric effluent criteria fir for municipal BMPs and in particular urban discharges"* (Page 8, Panel Report).

The panel has found further that:

- *"Monitoring for the enforcement of numeric effluent limits would also be challenging. While spot checks could be made at some of the many outfalls in an areas, there is wide variation in stormwater quality from place to place, facility to facility, and storm to storm." (Page 6)*

- *"Since the storm-to-storm variation at any outfall can be high, it may be unreasonable to expect all events to be below a numeric value. In a similar circumstance, there are a number of storms each year that are sufficiently large in volume and/or intensity, to exceed the design capacity volume or flow rates of most BMPs. (Page 6) The Panel acknowledged that several to more times each year, the runoff volume or flow rate from a storm will exceed the design volume or rate capacity of the BMP. Stormwater*

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agencies should not be held accountable for pollutant removal from storms beyond the size for which a BMP is designed." (Page 10)

- *It will take substantial research effort, including data gathering on well-designed BMPs, to develop design criteria for the removal of pollutants with confidence intervals that enable us to make reliable estimates of the median and variance of the effluent concentrations to be expected from the various BMPs. Until this is done, it will be very difficult to assign legally enforceable numerical effluent limitations to any BMP." (Page 6)*

We provide the following suggestions on how the State Board could use the Panel's findings to improve the NPDES storm water program in California.

1. Since the Panel has found that it is not feasible at this time to set enforceable numeric effluent criteria for urban discharges and municipal Best Management Practices (BMPs), the State Board should adopt a policy providing direction to staff and Regional Water Boards that numeric effluent criteria are not be established for urban discharges, nor for municipal BMPs, until additional monitoring and research has been completed and the State Board has adopted an additional policy on the application of numeric effluent criteria to urban discharges and municipal BMPs.

2. The State and Regional Water Boards should pursue the development of Action Levels as an alternative quantitative approach for the storm water program. This would assist local government in focusing priority attention on "bad actor" catchments (See Pages 8-10 of the panel report).

3. The State Water Board should establish a program to evaluate and certify Best Management Practices (BMPs) that target specific combinations of water quality impairments. (See Page 4).

4. The State and Regional Board should recognize that "built-out" urban areas will need more assistance in addressing impairments, than will newly developed (or developing) watersheds. Newer areas are able to better incorporate SUSMP planning and limited hydromodifications, since in many cases they are planning on vacant land.

5. The amount debris in urban runoff is a potential problem for BMP effectiveness. The State and Regional Boards should assist cities by requiring that the U.S. Forest Service and the California Department of Parks and Recreation control the amount of debris discharged from their properties into the MS4 storm drains and flood control systems. (See Page 5)

6. The Panel has recognized that the hydraulic capacity of many BMPs is exceeded several times per year. The State and Regional Boards should establish design storms for the various regions of the State and the types of BMPs. (See Page 5)

7. The State Board should use its grant programs to fund pilot and demonstration projects of BMPs that include well designed monitoring programs to support the panel's recommended research effort. This would compliment our recommendation that the State Board establish a BMP testing and certification program. It would also allow for data collection and the development of reliable criteria for estimating the removal of pollutants by various BMPs.

8. The State Board should adopt a policy that atmospheric deposition, including indirect dry deposition, should receive load allocations in TMDLs and that Air Pollution Control Districts, Air Quality Management Districts and the California Air Resources Control Board should be assigned load reduction requirements in TMDLs. (See Page 14).

9. The State Board should work with the regulated community to develop long-term performance criteria for developer installed BMPs. We recognize that many BMPs that have been installed by the development community may become the responsibility of homeowner's association or property owners who need to understand the importance of properly maintaining the BMPs. (Page 4)

We do not agree with the Panel's statement that: "public facilities are maintained mostly in response to clogging and/or resultant drainage or aesthetic problems." (Page 4). Many of cities are just beginning to install municipal BMPs and therefore do not have much experience with the maintenance issues. As with the developer installed BMPs, we would like to work with the State Board on long-term performance and maintenance criteria to ensure that the BMPs are effective.

In conclusion, we would like to reiterate our support of the panel's overall finding that it is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs. This is of utmost concern to the City, as currently under the Los Angeles County NPDES permit, a jurisdiction is still subject to potential fines and penalties and may be liable to third party lawsuits despite permit requirements being met.

We appreciate the State Board taking the initiative in commissioning the Panel. We look forward with working with you on implementing the Panel's recommendations. Please do not hesitate to contact me should you need additional information or have any questions.

Sincerely,

Betty Tom Chu
Mayor