

ORANGE COUNTY
COASTKEEPER

EDUCATION / ADVOCACY / RESTORATION / ENFORCEMENT

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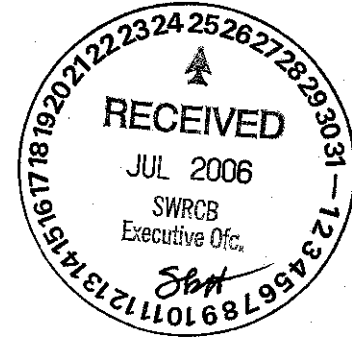
July 24, 2006

Song Her
Clerk to the Board
State Water Board
P.O. Box 100
Sacramento, California 95812-0100

Re: Comment Letter – Storm Water Panel Report

To Whom It May Concern:

On behalf of Orange County Coastkeeper, I submit the following comments in regards to the Storm Water Panel Report. We have reviewed the Storm Water Panel's Recommendations to the California State Water Resources Control Board (the "Board") as published on June 19, 2006, and have the following specific concerns regarding the Storm Water Panel Report:



1. The Storm Water Panel Report Does Not Hold Municipalities to a Clear Standard.

33 U.S.C. § 1342(p)(3)(B)(iii), provides that a National Pollution Discharge Elimination System (NPDES) permit for a municipal discharge into a storm drain require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Environmental Protection Act Administrator or the State determines appropriate for the control of such pollutants. Best management practices are generally pollution control measures set forth in NPDES permits.

The Storm Water Panel recommends that numeric effluent criteria for municipal BMPs should not be established. Failure to establish such numeric criteria creates a reliance on limitations set forth in a "narrative" form, which, in this case has proven convoluted and nearly impossible to integrate and apply. In accordance with 33 U.S.C. § 1342(p)(3)(B)(iii), the Board has a duty to require that clearer standards be implemented and applied to ensure that BMPs are actually in place.

2. The Storm Water Panel Report states that Numeric Limits are feasible for construction activities.

The Storm water panel finding that it is feasible to develop numeric limits for construction activities should result in the development of a draft set of limits for TSS. This would be an important first step in the process of developing a full suite of standards for construction activities. TSS is a good indicator of a wide variety of pollutants since many pollutants attach to particulates. Additionally it is easy to visually identify high sediment loads and the necessary laboratory tests are fast and

inexpensive, resulting in a minimal burden to contractors verifying the performance of the BMPs that are already required

3. The Storm Water Panel Report states that numeric limits are feasible for industrial activities.

The Storm water panel found that numeric limits could be an effective tool for some industrial activities. This should begin a process to identify the specific industries where it would be effective to apply numeric limits and begin the process of developing the appropriate standards for the affected industries. Industry is currently required to implement BMPs to reduce pollutants to the maximum extent practicable. The development of numeric standards to assist industry in identifying the level of pollutant removal necessary to maintain good water quality is a natural first step. Without numeric standards there is no real incentive for industry to do more than regulators can enforce.

Conclusion

Thank you for the opportunity to comment on the Storm Water Panel Report. As described in detail above, we strongly urge the board to revisit the Panel's finding on feasibility of numeric effluent limits applicable to municipal activities. Additionally we support the findings of the panel that numeric effluent limits are feasible for construction and industrial activities and recommend that the board move forward on developing the appropriate limits.

Sincerely,

Ray Hiemstra
Associate Director-Programs
Orange County Coastkeeper