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Tehama County

September 12, 2005

Mr. Bruce Fujimoto, Chief
Storm Water Program
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: **Comments Regarding Compliance Criteria for Industrial, Construction, and
Municipal Stormwater Discharge Permits**

Dear Mr. Fujimoto:

On behalf of its 22 member counties, the Environmental Services Joint Powers Authority (ESJPA) appreciates this opportunity to provide the State Water Resources Control Board (SWRCB) with comments regarding the proposed use of numeric effluent limitations as the basis for determining compliance with stormwater discharge requirements, especially with regard to landfill sites, recycling centers and material recovery facilities.

The ESJPA represents solid waste management programs in rural counties covering over 30% of the state's land mass. In general, solid waste management in rural counties is already programmatically and financially challenging given the lack of economies of scale, low population densities, and long traveling distances. The ESJPA is very concerned that setting numeric limits for stormwater discharge will significantly impact rural solid waste programs without meaningful positive environmental effect.

Establishing numeric limits for stormwater discharges fails to acknowledge the site specific conditions at solid waste facilities that undoubtedly impact the ability of dischargers to control the quality of stormwater flowing from a regulated site. With numeric standards, facility owners will find that they are unable to achieve regulatory compliance despite conscientious implementation and maintenance of "best practical control technologies." At solid waste facilities, which rely on year round movement of soil and heavy equipment activity, a significant percentage of every site is devoted to the storage of stormwater to encourage separation of sediment prior to offsite discharge. Setting numeric limits that effectively require little or no sediment in stormwater discharge does not acknowledge that upstream stormwater may also exceed the numerical limits, or that facility owners would most likely have to construct additional diversion ditches and stormwater ponds, further limiting the available space to conduct recycling and disposal activities. The end result will be significant expense to solid

waste facilities in order to discharge “clean” stormwater to a stream already containing sediment from naturally occurring conditions.

On September 14 and 15, 2005, the SWRCB will be assembling a team with “academic and regulatory expertise” to discuss stormwater discharge issues. The ESJPA is concerned that this team, while having academic and regulatory expertise, may be lacking other expertise that would be required to fairly address these issues with respect to solid waste facilities. We echo the concerns about this process as stated by the Regional Council of Rural Counties letter dated September 8, 2005.

Please feel free to call me at 530-528-1103 if you have any questions regarding this letter or if you would like additional information about the potential effects of this process on rural solid waste programs.

Sincerely,

Alan Abbs
Solid Waste Specialist

Cc: ESJPA Board of Directors
Art Baggett, Chair, State Water Resources Control Board
Members, State Water Resources Control Board
Celeste Cantu, Executive Director, State Water Resources Control Board
Tom Howard, Deputy Director, State Water Resources Control Board