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October 12, 2007

Ms. Tracy Egoscue  
Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

Transportation Department  
**Wm. Butch Britt**, Director  
Central Services Department  
**Lane B. Holt**, Director  
Water & Sanitation Department  
**R. Reddy Pakala**, Director  
Watershed Protection District  
**Jeff Pratt**, Director  
Engineering Services Department  
**Alec T. Pringle**, Director

**SUBJECT: COMMENTS ON SECOND ADMINISTRATIVE DRAFT OF THE VENTURA COUNTYWIDE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) STORMWATER PERMIT**

Dear Ms. Egoscue:

On behalf of the County of Ventura Stormwater Program (County), we appreciate this opportunity to provide written comments concerning the Regional Water Quality Control Board's (Regional Board) second administrative draft of the Ventura County Municipal Separate Storm Sewer System MS4 NPDES Permit (Second Draft Permit). While we acknowledge and thank the Regional Board for responding to a few of the comments submitted by the County in its letter dated March 6, 2007, we have *grave concerns with the apparent lack of response to several of our key comments*. We had hoped to see more substantial changes made in the Second Draft Permit. As such, we find it necessary to enclose our March 6, 2007 comment letter (included as Attachment A).

Although we understand the Regional Board staff's desire to uphold the requirements of the Second Draft Permit, we must emphasize the importance of duly addressing our comments. We believe it is imperative that our future permit be mutually protective of water quality *and* economically reasonable, while not creating *an undue burden* to the County for potential non-compliance with its provisions. As currently written, the Second Draft Permit does not meet any of these criteria. It is our desire that we work together to ensure this will be the end result.

For instance, we had hoped the Regional Board staff would understand the illogicality of requiring an urban stormwater permit for areas of open space in unincorporated Ventura County. There is no MS4 in the open space areas of the County; to impose MS4 regulations there is folly. However, on page 8, the Second Draft Permit sustains this requirement, even though the County has clearly pointed out this fact in its previous comments. We are optimistic that this oversight will be remedied prior to issuance of the tentative permit.



In addition, the Second Draft Permit maintains the requirement for installing trash excluders on catch basins in certain areas (industrial, commercial and school areas). As commented by the County, as well as the other Co-permittees, the cost to retrofit hundreds of individual catch basins would be considerable. But, above and beyond the exorbitant cost, the *basic wisdom of implementing this provision must also be considered*. Catch basins must be designed to have large, unobstructed openings to function efficiently during major storm events, such as are common in Ventura County, or storm waters will bypass the inlet and cause local flooding. As such, installation of flow-restrictive trash excluders is often impractical, and in many cases will significantly increase the probability (and liability) of damage to local properties. Will the RWQCB take liability for this potential flooding hazard? If not, the County may be obliged to compensate private property owners for damage incurred by improperly managed flood waters. It is our anticipation that this comment, as well as a handful others, will be addressed with modified permit language prior to issuance of the tentative draft permit.

In addition, we would like to augment our existing concerns with the following two new written comments:

- Page 40, Part 5, Section D, Industrial/Commercial Facilities Program, item 1 (3) (B), utilizes the term "hazardous waste treatment, disposal and recovery facilities." This term now is considered outdated by the CA Health and Safety Code, Chapter 6.5, Section 25117.1. Please replace this language with the term "hazardous waste facilities for the treatment, storage and disposal of hazardous waste."
- The County of Ventura is not like a city, nor are many of the County roads like city roads. The County is predominantly the open space between cities, with winding rural roads and sparse housing. There are a few exceptions, such as Oak Park, but this is true for about 90% of the County jurisdiction. These roadways are drained by sheet flow runoff that enters ditches, usually on private property, which then lead to other ditches on private property, which empty into barrancas, also on private property. These ditches go from one city jurisdiction to another. We do not have jurisdiction or authority over these ditches. Therefore, the definition of an MS4 is not appropriate for the County roads jurisdiction, except in small areas as noted above. Please remove all references to requirements for street sweeping, debris removal, channel and catch basin cleaning for all areas where the County does not own the drainage facilities.

In conclusion, we acknowledged the efforts of Regional Board staff for the work done thus far. However, we remain concerned with the approach being taken with the Second Draft Permit. We strongly urge Regional Board staff to consider the October 12, 2007 comment letter as submitted by the Ventura Countywide Stormwater Quality Management Program, as well as our comments and concerns as voiced herein. Furthermore, we encourage you to continue working with County staff to draft a tentative

Ms. Tracy Escogue

October 10, 2007

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draft permit that is both mutually protective of water quality, economically reasonable, while not creating an undue burden to the County. Thank you for the opportunity to comment.

Sincerely,



Ronald C. Coons, Director

Attachment A: County of Ventura Letter – March 6, 2007

- C: Chris Stephens, Director of RMA
- Wm. Butch Britt, Director of Transportation
- R. Reddy Pakala, Director of Water & Sanitation
- Alec T. Pringle, Director of Engineering Services Department
- Jeff Pratt, Director of Watershed Protection District
- Gerhardt Hubner, Deputy Director, Watershed Protection District
- Paul Tantet, Watershed Protection District

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# county of ventura

PUBLIC WORKS AGENCY  
RONALD C. COONS  
Agency Director

March 6, 2007

Mr. Jonathan Bishop  
California Regional Water Quality Control Board  
Los Angeles Region  
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Los Angeles, CA 90013

Transportation Department  
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Jeff Pratt, Director  
Engineering Services Department  
Alec T. Pringle, Director

Subject: **DRAFT VENTURA COUNTYWIDE MUNICIPAL SEPARATE  
STORM SEWER SYSTEM PERMIT (NPDES PERMIT No.  
CAS004002)**

Dear Mr. Bishop:

We have received the draft National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit and appreciate the opportunity to provide comments on behalf of the Unincorporated Ventura County Stormwater Program. We have reviewed the document with the understanding that this is a draft and that our concerns will be taken into account before it is released as a tentative permit.

As currently crafted, the proposed Draft Order (Permit) will place undue financial and technical requirements on our program that may ultimately not result in efficiently improving water quality, which we and your agency are seeking to obtain. We concur with the comments as generated by the Ventura Countywide Stormwater Quality Management Program's letter and attachments dated March 6, 2007, and hereby incorporate our support for the record. In addition to the countywide comments, we have received a letter of concern from the Ventura County Resource Conservation District (VCRCD) addressed to the Ventura County Director of Public Works. In this letter, VCRCD voices their objection to several of the Permit's proposed requirements (Please see a copy of this letter as Attachment A.)

Additionally, we understand increased permit requirements are to be expected as part of the iterative process, and we agree with many of this draft permit's new provisions. As such, the comments presented here are not intended to argue against the increase in program requirements, but rather to maximize the overall effectiveness of the program to improve stormwater quality discharging from the MS4. Whenever possible, each comment suggests a viable alternative, however



using such a "qualitative" assessment is acceptable. However, where BMPs are required, as proposed in the Permit, this is unsound rule-making at best.

This issue is further contorted by the requirement in the Permit that alternative BMPs can be substituted only if there is documentation that it is more effective than the BMP it is replacing. Without any documentation for the required BMP, this is simply impossible. We strongly recommend that the BMPs be used as they were originally intended and as they are used in the current permit: Not a requirement that they must be used, but a requirement that they be applied as supported by local analysis on a project-by-project basis.

4. The Permit does not appear to take local costs into consideration. Based on our preliminary analysis, the costs to the County of Ventura to comply with the Permit will be substantial. These costs are not only associated with the initial efforts to prepare the implementing ordinances and procedures (which will require far more time to prepare than provided in the Permit), they are associated with on-going monitoring, enforcement and outreach. In addition, while these public agency costs will be substantial, they will be dwarfed by the costs to local residents and businesses. Ventura County and its ten cities have been grappling for the past decade with the difficult issue of providing affordable housing. Implementation of the Permit as written will set those efforts back more than any single regulatory or fiscal action in the past 30 years.
5. We believe Ventura County, through its use of BMPs under the current permit and its long-established land use policies, has done a good job protecting our water resources, especially compared to other areas in the southern California region. As such, we do not see a need to fundamentally alter the current permit. In fact, simply re-adopting the current permit would further the goals of the CWA by allowing the County to put its resources toward evaluating and implementing additional BMPs and associated programs, rather than toward a review and analysis of the new permit and the development of the required implementing ordinances and procedures.
6. The Permit is written in language and in a format that makes it extremely difficult to understand. It is recommended that the permit should be rewritten in clear and unambiguous language for ease of understanding, compliance and enforcement. Not doing so may prove to be an undesirable source of argument for several years.
7. The Permit encourages "smart growth" principles, and page 9 of the draft response states, "The Permittees agree that principles related to smart growth such as the avoidance of extensive roads, driveways, and other

the highway environment, as well as a well written discussion of the difficulties (technical, jurisdictional, practical and political) encountered. The contents of this report should be considered and incorporated into the permit.

11. Hydrology and hydraulic analysis for land development projects within the unincorporated County of Ventura shall be as follows:

All hydrology shall be determined using the Watershed Protection District Hydrology Manual. We further recommend that the difference between a Q10 developed storm flows and Q10 undeveloped flows be retained on site using an appropriate BMP that provides for percolation, evaporation, or storm storage so that the runoff from the property being developed does not create an adverse impact with sedimentation or siltation on the receiving property. This will revise the hydrology methods required by the NPDES permit on pp 53-54 / Part 3 II .1.(e), (f), (g) and 55-56 / Part 3 II .2. (a) to a common sense and traditional approach that is specific to the County's hydrology. There are very few subdivisions of land that are 50 or more acres. The method described above will work for all new subdivisions of land in the County unincorporated areas.

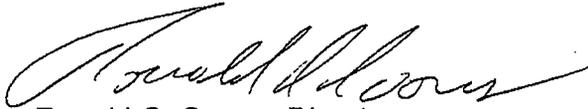
12. Post Construction BMPs could only be required on a private project through a discretionary permit process and that the Post Construction BMP clearly alleviates an adverse impact. These requirements could not be attached to ministerial permits such as a building permit. For the County of Ventura, Post Construction BMPs could be conditioned as part of the development, but its future maintenance and inspection could not be performed by the local agency due to access and privacy limitations by the subsequent owners. There would be no public easements and no monies for inspecting Post Construction BMPs on private property. We would only recommend Post Construction BMPs on subdivisions involving 5 or more parcels and when there is a homeowner's association being formed for the maintenance of improvements of such BMPs on private property. This pertains to pp 54-55 / Part 3 III .2. (a) & (b) and 58 / Part 3 III. 6.

13. The ban of "no grading" on slopes steeper than 20% in the rainy season is unreasonable in the County unincorporated areas. The County of Ventura issues approximately 100 grading permits per year and most of those grading permits are single lot developments that range in size from ¼ acre to 5 acres of disturbed area. Historically sediment runoff is efficiently minimized when a County grading permit has been issued, ongoing inspection is being performed by the County Public Works Agency, and there is either a SWPCP or SWPPP in place during the rainy season. Very few violations have ever occurred with this approach. Additionally the rainy season should be

**Ventura County Comments**  
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Regional Board to incorporate these changes into the Order. If you have any questions regarding this letter, please contact me at (805) 654-2073.

Respectfully submitted,



Ronald C. Coons, Director

Attachment A: VCRCD Letter – March 2, 2007

C: Chris Stephens, Director of RMA  
Wm. Butch Britt, Director of Transportation  
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