

VENTURA COUNTY



PUBLIC WORKS AGENCY

WATERSHED PROTECTION DISTRICT

May 28, 2008

Ms. Tracy Egoscue
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Subject: **COMMENT LETTER – THIRD DRAFT VENTURA COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT (NPDES PERMIT No. CAS004002) DATED APRIL 29, 2008**

Jeff Pratt
District Director

Gerhardt Hubner
Water/Environmental Resources

Peter Sheydayi
Design/Construction

Sergio Vargas
Planning/Regulatory

Tom Lagier
Operations/Maintenance

Dear Ms. Egoscue:

We have received the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Draft Order dated April 28, 2007 and appreciate the opportunity to provide comments on behalf of the Watershed Protection District (District). Comments from the District on the first draft were submitted on March 6, 2007, and the second draft on October 15, 2007. We understand this is a draft tentative Order and our concerns and comments will be considered before a tentative Order is released.

In addition to the comments from the District, the District supports comments made by the Ventura Countywide Stormwater Quality Management Program May 27, 2008 letter and attachments.

Increases in permit requirements were expected as part of the iterative process, as reflected in the Draft Tentative Order. The comments presented here are made to maximize the effectiveness of the program to improve stormwater quality discharging from MS4s. Wherever possible each comment suggests a viable alternative; however in some cases the draft language was not readily understood or the requirements did not appear technically or scientifically justified, so clarification was requested.

The District has developed the following studies and tools for use in evaluating hydromodification and they represent our experience and expertise in this area:

1. Development of continuous HSPF model on Calleguas Creek with sediment yield/transport capabilities;
2. Use of said model to evaluate TMDLs and channel stability;

3. HSPF "Hydrologic Modeling of the Arroyo Simi Watershed with Hydraulic Simulation Program" report by Aqua Terra and subsequent report "Understanding and Managing Urbanization Induced Erosion in Southern California";
4. Development of continuous HSPF model for Santa Clara River with sediment yield/transport capabilities;
5. Recent evaluation of debris basins utilizing HEC-6T model in Ventura County for possible removal to restore sediment equilibrium;
6. Historic sediment transport modeling by WEST and Chang Consultants to evaluate Calleguas Creek system;
7. Current study to update sediment yield methodology;
8. Planned development of continuous HSPF model of Ventura River watershed with sediment yield and transport capabilities; and
9. Study to evaluate sediment transport for Sespe Creek in response to 2006 Day Fire;

With this understanding, the District is compelled to comment on the hydromodification requirements in the draft order.

Issue: Need to include methodology to generate two-year storm hydrograph in Hydrology Manual Part 4 E. III 3 (a) (2) (A) (i) page 56

The definition of a two-year 24-hr storm needs to be clarified. Please clarify if this is related to a flow frequency analysis, or to rainfall based on a rain gauge analysis or other source.

To meet these requirements of the draft tentative order, the District would have to revise its methodology for developing design hydrographs. The current approach of using a modified rational method hydrograph with yield adjustment may not be suitable for sediment transport and hydromodification studies. The design hydrographs should be developed in conjunction with NPDES design volume requirements so the methodologies are consistent with each other, and the NPDES design volume requirements are unambiguous.

Additionally, in many places of the County adhering to the specified 1% interim volume restriction will be impossible due to restrictions on infiltration from soil types and high ground water. Another problem is that significant areas of the county are underlain by perched aquifers containing water that is of poor quality (not suitable for drinking or agriculture), so increases in the groundwater table may encourage base flow into the streams and adversely affect water quality.

Issue: Projects disturbing land areas of 50 acres or greater will need to use SWMM or HSPF to evaluate treatment BMPs. Part 4 E. III 3(a) (2) (A) (ii) page 54.

The requirement for developers with projects over 50 acres to use HSPF or SWMM to evaluate their water quality impacts is not available for that resolution at this time. HSPF is a continuous model that cannot be used to evaluate design storm runoff due to development without extensive work to develop a methodology. The use of these models requires complex modeling and data gathering efforts; however, only a few consultants in the County currently claim to have this modeling capability. The District would have to develop enough expertise to do a thorough review of its models to accept them.

Issue: Grading prohibition during the wet season is overly restrictive and goes beyond needed controls to protect water quality. Part 4 F.I.1 (a) (1) page 63.

In particular, to grant a variance from the prohibition, the Draft Order requires the Permittees to ensure total suspended solids discharged are 100 mg/L or less; ensure that turbidity of the discharge is 50 NTU or less; not impair beneficial uses; and, includes a monitoring program to ensure effectiveness. Most likely the turbidity and total suspended solids requirements would require the installation of advanced treatment units as it would be impossible to meet such requirements otherwise. This grading prohibition would apply to District work, including critical work related to public health and safety in Calleguas Creek. Requiring this for the entire time between October 1 and April 15 is unwarranted as additional enhanced BMPs could be implemented to address any water quality concerns.

Issue: Draft Order should focus on infrastructure under Permittees control. Part 4 H. 3. (a) (1) (A) page 80.

The District can only be responsible for infrastructure under its control. Please change to: A GIS layer showing the location and length of Permittee owned underground storm drain pipes.

Issue: The Draft Order erroneously identifies the Watershed Protection District as having been given waste load allocations when incorporating provisions from adopted TMDLs. Part 6 V. 2(A)(1); 3(a)(1); 4(a)(1); 5(a)(1)

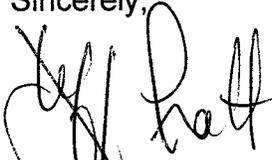
The TMDLs for Bacteria in Malibu Creek and Lagoon; Nitrogen Compounds in the Santa Clara River; and Toxicity, Chlorpyrifos, and Diazinon, Organochlorine (OC) Pesticides, Polychlorinated Biphenyls (PCBs) and Siltation, Metals and Selenium in the Calleguas Creek, its Tributaries and Mugu Lagoon do not list the District as a responsible party. However, the draft order erroneously lists the District for all of these

TMDLs, and requires it to comply with waste load allocations. The draft order should reference only the responsible parties identified in the adopted TMDLs.

All of the issues mentioned here are of particular concern to the District; however, it is necessary to emphasize again that the May 27, 2008 letter and attachments from the Ventura Countywide Stormwater Quality Management Program also expresses the District's opinion and comments on the Draft Order.

Our hope is to have the best stormwater quality program possible. This permit process will help us in that goal, but we need to take care that our resources are being used wisely and efficiently in order to meet that goal. We look forward to your response to all of the comments you have received. If you have any questions, please contact Arne Anselm at (805) 654-3942.

Sincerely,



Jeff Pratt, P.E.
Director

JP/AA/cs/K:\WQ\Water Quality Section\NPDES Program\Management\Permit Renewal\Draft Permit\3rd draft permit 04-29-08\3rd draft district comments