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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 04 2010

Ivar Ridgeway
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Re: Reconsideration of Ventura County MS4 Permit (NPDES No. CAS004002)

Dear Mr. Ridgeway:

This is in response to Public Notice No. 10-035, issued on May 5, 2010, announcing the Los Angeles Regional Water Quality Control Board's (LARWQCB's) reconsideration of the Ventura County Municipal Separate Storm Sewer System (MS4) permit. We understand that comments on the permit are to be limited to permit provisions identified in underline or strikeout format in the Tentative Order posted on May 5, 2010.

EPA supports adoption of the permit as proposed in the Tentative Order. In particular, we support the permit's New Development/Redevelopment Performance Criteria (Section 4.E.III.), portions of which are being reconsidered. We have been advocating for clear, measurable, and enforceable Low Impact Development (LID) requirements, such as those included in the Tentative Order, in MS4 permits throughout California.

While we recognize that there has been a decision to hold another hearing on this permit, we recommend that this be resolved in as timely a manner as possible. LARWQCB staff have been meeting with involved stakeholders regarding the renewal of the Ventura County MS4 permit since 2005, and over two years of public workshops preceded the May 7, 2009 permit adoption. We would recommend that it would be more productive for LARWQCB staff to direct their efforts on the renewal of the City of Long Beach MS4 permit (expired since 2004), and the Los Angeles County MS4 permit (expired since 2006).

Public Notice No. 10-035 states "the Regional Board may adopt the draft permit originally presented to the Regional Board at the May 7, 2009 hearing." EPA would not be supportive of such an action.

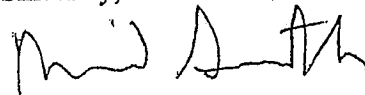
As background, on April 9, 2009 EPA provided comments on the February 24, 2009 draft permit. We noted several concerns with this draft permit's LID provisions. These included the absence of clear permit provisions regarding alternative compliance if LID was determined infeasible, and a lack of clarity over how the LID provisions applied to redevelopment projects. Our April 9, 2009 comments provided specific suggestions for how these deficiencies could be addressed. When the revised permit to be considered for LARWQCB adoption was posted in the days prior to the May 7, 2009 hearing, we were disappointed to see that our comments had not been satisfactorily addressed. In testimony at the May 7, 2009 hearing, we pointed to potential

loopholes in the proposed LID language which we believed needed to be remedied in order to avoid misinterpretations over compliance with the permit. As an alternative, we endorsed the LID provisions suggested by the Permittees, Natural Resources Defense Council, and Heal the Bay in their April 10, 2009 comment letter. Although we were not involved in the preparation of the alternative suggestions from the Permittees and these non-government organizations, nor did we directly receive a copy of their April 10, 2009 letter, we encountered the April 10, 2009 letter on the LARWQCB's website and concluded that the proposed LID provisions met our criteria as a clear, measurable, and enforceable approach.

Should the LID provisions initially presented for adoption at the May 7, 2009 hearing be proposed today, we would be more opposed than we were in our testimony last May. Since May 2009, we have worked closely with four other Regional Water Boards in California, and have seen their success in renewing six MS4 permits. Each of these six permits include clear, measurable, and enforceable LID provisions that steer clear of the uncertainties in the LID provisions initially presented to the LARWQCB on May 7, 2009.

In conclusion, we are supportive of the Tentative Order posted on May 5, 2010, and recommend prompt adoption of the Ventura MS4 permit without further diverting the LARWQCB staff resources away from other stormwater permitting priorities.

Sincerely,

A handwritten signature in black ink, appearing to read "David Smith". The signature is written in a cursive, somewhat stylized font.

David Smith, Manager
NPDES Permits Office (WTR-5)