

Construction Industry Coalition on Water Quality

August 18, 2014

Mr. Ivar Ridgeway, Chief, Storm Water Permitting
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Via Email: losangeles@waterboards.ca.gov

RE: LA County MS4 Permit—Comments on XXXXX EWMP/WMP

Dear Mr. Ridgeway:

The Construction Industry Coalition on Water Quality (CICWQ) is submitting comments concerning the preparation of Watershed Management Program Plans for seven watershed management groups and ten individual cities in Los Angeles County (Watershed Management Plans or Plans). These plans are also accompanied by Coordinated Integrated Monitoring Program Plans. We are submitting this letter on behalf of the CICWQ membership, which is described below.

CICWQ is an advocacy, education, and research 501(c)(6) non-profit group of trade associations representing builders and trade contractors, home builders, labor unions, landowners, and project developers. CICWQ membership is comprised of members of four construction and building industry trade associations in southern California: The Associated General Contractors of California, Building Industry Association of Southern California, Engineering Contractors Association, and Southern California Contractors Association, as well as the United Contractors located in San Ramon. Collectively, members of these associations build a significant portion of the transportation, public and private infrastructure, and commercial and residential land development projects in California.

In preparing this comment letter, we have reviewed seven watershed group and ten individual city Watershed Management Plans and their thousands of pages of combined content. Our comments are informed by our membership's collective experience and through CICWQ's years of involvement in the development of regulatory requirements for managing municipal stormwater discharges in the Los Angeles region.

Our intent here, rather than to comment on each group or individual city Plan specifically, is to provide input based on some common themes and elements contained in the Plans, or to provide suggestions for additional considerations in Plan content. While the Notice of Opportunity for Public Comment memo (dated July 3, 2014) from the Regional Board notes that "Late submittal of written comments will not be allowed,"

we respectfully submit to the Regional Board that this statement is in complete opposition to the very nature of the Watershed Management Plan implementation principle of “Adaptive Management.” We hope the Regional Board will take note of this contradiction, and continue to allow dischargers and other stakeholder to continually submit, as necessary, for Regional Board consideration, suggestions for Watershed Management Plan improvements as implementation proceeds.

Comments from CICWQ concern four primary areas: (1) Compliance Approach for the Construction Industry Contained within Group and Individual Watershed Management Plans; (2) Regulatory Basis for Compliance; (3) Aggregation of Watershed Management Plan Data is Necessary to Understand the Entirety of the Compliance Obligation; (4) The Timing of Monitoring and Capital Expenditures for Monitoring Should Be Commensurate with Installation of Appropriate Best Practices.

I. Compliance Approach for the Construction Industry Contained within Group and Individual Watershed Management Plans.

After review of the seven watershed group and ten individual Plans, CICWQ appreciates the application of the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2012-XXXX-DWQ; NPDES No. CAS000002 (CGP) as the means for construction industry water quality regulatory compliance. The use of the CGP approach throughout Los Angeles County allows for consistent application of appropriate best management practices for the construction industry.

II. Regulatory Basis for Compliance

We note that only two of the seven group Plans reference the Maximum Extent Practicable (MEP) standard, using the iterative approach, as the basis for Clean Water Act water quality regulatory compliance. A majority of the ten individual city plans address the appropriateness of citing the underlying MEP compliance standard, which we appreciate and support. We respectfully suggest that all Watershed Management Plans make the MEP standard clear.

III. Aggregation of Watershed Management Plan Data is Necessary to Understand the Entirety of the Compliance Obligation

After a review of the 17 different group and individual Watershed Management Plans, it is our recommendation that Regional Board staff provide aggregation of important physical, hydrological, demographic, best practices implementation, and cost data, and place the data collected in context with the entirety of the MS4 permit compliance obligation that is theoretically being addressed through the preparation of Watershed and Enhanced Watershed Management Plans. At the current time, there is no clear comprehensive picture of what is being proposed, and what the proposal will cost. There are 17 different plans prepared, with no understanding of their interconnections.

IV. The Timing of Monitoring and Capital Expenditures for Monitoring Should Be Commensurate with Installation of Appropriate Best Practices

Reviewed collectively, the group and individual Plans all appear to place a heavy emphasis and requirement to monitor stormwater discharges during wet weather events at hundreds and perhaps even thousands of locations throughout Los Angeles County. However, the Plans all generally either state that existing TMDLs and/or other water quality impairments within three priority pollutant control areas are being effectively addressed at the current time through the implementation of structural or institutional/operational control best practices, or require some additional installation of optimized and focused networks of regional and distributed BMPs to achieve water quality compliance requirements (defined through the RAA process).

Requiring extensive and costly stormwater discharge monitoring at the outset of watershed plan implementation is counter intuitive and, in our opinion, a waste of financial resources and should be performed in opposite order. Only after the planned networks of regional and distributed best practices are implemented over the years should additional monitoring be required, as this would then inform the Regional Board and stakeholders of effectiveness at an appropriate time. Requiring more and expensive monitoring at this time is both unnecessary and unhelpful to achieving compliance. Current monitoring programs have demonstrated where impairments or problem areas exist very clearly, and the RAA done for all the Plans acknowledges this fact and lays out a modeled approach for meeting water quality objectives through implementation of existing structural and operational controls and planned structural best practices for installation at a future date. Monitoring is needed when additional best practices are in place, not vice versa. We urge the Regional Board to re-think and change its approach to monitoring.

CICWQ's membership is in the forefront of water quality regulation, providing to water quality regulators practical ideas and solutions that are implementable and that have as their goal clean water outcomes. If you have any questions or want to discuss the content of our comment letter, please feel free to contact me at (951) 781-7310, ext. 210, (909) 525-0623, cell phone, or mgrey@biasc.org.

Respectfully submitted,



Mark Grey, Ph.D.

Technical Director

Construction Industry Coalition on Water Quality