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Via Email to: commentletters@waterboards.ca.gov, jbashaw@waterboards.ca.gov

TO: Ms. Jeanine Townsend
Clerk to the Board
California State Water Resources Control Board
1001 I Street, 24th Floor
P. O. Box 100
Sacramento, CA 95812-0100

FROM: Gary J. Grimm
Legal Counsel for the Alameda Countywide Clean Water Program

SUBJECT: COMMENTS TO A-2236(a) THROUGH (kk)

IN RE PETITIONS CHALLENGING 2012 LOS ANGELES MUNICIPAL SEPARATE STORM WATER SYSTEM PERMIT (ORDER NO. R402012-0175): TRANSMITTAL OF PROPOSED ORDER, NOTICE OF PUBLIC WORKSHOP, AND NOTICE OF WRITTEN PUBLIC COMMENT PERIOD

The Alameda Countywide Clean Water Program (ACCWP)¹ appreciates the opportunity to provide comments on the subject request by the State Water Resources Control Board (State Board) in its November 21, 2014 Notice of Written Public Comment regarding the proposed order in the above-entitled matter. The ACCWP has asked me to file these written comments on their behalf.

On November 20, 2012, the State Board held a workshop to take public comment on an issue paper discussing alternatives to addressing RWLs in MS4 NPDES permits. The ACCWP participated in that workshop and supported written comments filed by the Bay

¹ The Alameda Countywide Clean Water Program is composed of 17 cities and county entities in Alameda County including the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County (for the unincorporated area), Alameda County Flood Control and Water Conservation District and Zone 7 of the Alameda County Flood Control and Water Conservation District. These entities each have jurisdiction over and/or maintenance responsibility for their respective municipal separate storm drain systems and/or watercourses in Alameda County.

Area Stormwater Management Agencies Association (BASMAA). Many of the issues raised in that workshop are now addressed in the proposed order. The ACCWP is generally supportive of comments and suggested RWL-related language submitted to the State Board by the California Stormwater Quality Association (CASQA) on August 15, 2013 as favorably noted in your footnote #124 of the proposed order.

It has become apparent throughout the course of these petitions and the workshop held in Los Angeles on December 16, that an alternative receiving water limitations compliance pathway is critical to the ACCWP and the MS4 community. This approach is essential in order to achieve the objectives of municipal stormwater permits in the San Francisco Bay Region and throughout the State. The alternative compliance pathway should be one that would allow permittees regulated by the Municipal Regional Stormwater Permit (MRP) in the San Francisco Bay Region to proceed in an effective manner to address receiving water limitations of the MRP while being deemed in compliance.

Your proposed order directs regional boards to consider the WMP/EWMP approach to receiving water limitations compliance when issuing Phase I MS4 permits. You also acknowledge that regional differences may dictate a variation on the WMP/EWMP approach. Such regional difference exist in the San Francisco Bay Region, and as you may know, the MRP will be reissued by the Regional Board sometime in 2015. Since our permittees have not proceeded along the WMP/EWMP path in addressing ongoing stormwater permit compliance, it is critical that your final order continues to acknowledge the use of variations of alternative pathways to achieving compliance with receiving water limitations. These variations of alternative pathways should be sufficiently flexible to accommodate the needs of the MS4 discharges in the San Francisco Bay Region.

We thank the State Board for its consideration of these comments and urge the Board to take action on the final order as soon as possible so that the final order will be available in advance of the reissuance of the MRP.

cc **(via email)**
 Petitioners
 Los Angeles Water Board list
 State Water Board cc list
 ACCWP Permittees