



# City of Thousand Oaks

MAYOR JACQUI V. IRWIN

May 29, 2008

Xavier Swamikannu  
Chief, Stormwater Permitting  
Los Angeles Regional Water Quality Control Board  
320 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013-2343

**Re: Draft Tentative Ventura County Municipal Separate Storm Sewer System Permit (NPDES No. CAS004002) for the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein**

Dear Mr. Swamikannu:

The City of Thousand Oaks appreciates the opportunity to provide comments on the April 29, 2008 Draft Tentative Ventura County Municipal Separate Storm Sewer System Permit for the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities (the Co-Permittees).

Thousand Oaks has been an active and supportive member of the Ventura Countywide Stormwater Quality Management Program since its inception in 1992. In addition, for many years, and at significant cost, the City has worked cooperatively with the Regional Board and other stakeholders to develop the Calleguas Creek Watershed Management Plan, and to address water quality impairments through the development of Total Maximum Daily Loads (TMDLs). The City believes that the cooperative effort in the Calleguas Creek Watershed is unprecedented and will result in significant water quality improvements.

Given the above, the City remains greatly dismayed that the third version of this permit continues to be extremely prescriptive and ignores or requires duplication of much of the work that has been done to date. Many significant elements in the proposed permit are unfocused, counterproductive, and contrary to the progress and sincere efforts established in the watershed management and TMDL processes. Additionally, during the lengthy permit development process, Regional Board staff has failed to exhibit a responsive attitude towards constructive comments made in good faith by the co-permittees.

Some of the City's fundamental issues with the Draft Tentative Order are as follows:

- The Draft Permit is overly prescriptive and lacks flexibility
- The Permit lacks of a fully integrated and technically sound approach for water quality protection for new development
- Inappropriate calculation, development and application of Municipal Action Levels (MALs) for Ventura County Stormwater
- Misuse of MALs to determine compliance with "Maximum Extent Practicable" (MEP)

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- Unintended consequences of applying performance criteria for Treatment Control BMPs.
- Misapplication of monitoring to support program implementation.

The City submitted comments to the Regional Water Quality Control Board regarding prior administrative draft permits on March 5, 2007 (Attachment A) and October 15, 2007 (Attachment B). Whereas the City understands that RWQCB staff will not be responding to comments on this iteration of the Ventura County MS4 permit, the City reserves the right to provide additional comment when the Final Tentative Order, Fact Sheet, and other related documents are released for public review and comment.

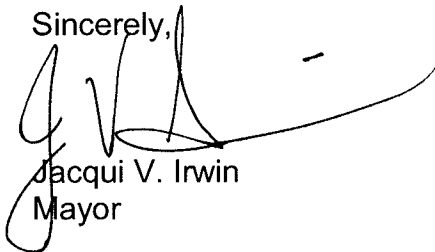
The City participated with other Ventura County co-permittees in developing the comments regarding the Draft Tentative Permit submitted to the Regional Board on May 27, 2008 by the Ventura County Watershed Protection District on behalf of the Permittees. The City supports and agrees with these comments.

As stewards of scarce and limited public funds, we must ensure that the actions and expenditures driven by regulatory requirements are consistent with each other, are cost-effective, and are capable of achieving the goals for which those expenditures are intended. The Draft Tentative stormwater quality permit is inconsistent with those goals. Although we fundamentally disagree with much of the proposed approach being used by the Regional Board, we are in agreement with the need to continue and enhance our award-winning stormwater management program, which will lead to water quality protection and improvement and provide for adequate accountability.

To that end, the City of Thousand Oaks requests that Regional Water Board staff meet with the Permittees prior to the Regional Board's July 10, 2008 workshop in order to understand the rationale and lack of responsiveness to our previous comments, especially in regards to MALs.

If you have any questions or need additional information, please feel free to contact Mark Watkins, Public Works Director, at (805) 449-2399, at your convenience.

Sincerely,



Jacquie V. Irwin  
Mayor

c: Tracy J. Egoscue, Executive Officer, RWQCB  
Scott Mitnick, City Manager  
Amy Albano, City Attorney  
Mark D. Watkins, Public Works Director  
JoAnne Kelly, Resource Division Manager  
Ventura County Stormwater Permittees