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RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

May 29, 2008

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

Dear Ms. Egoscue:

Re: Draft Tentative Order - MS4 NPDES
Permit for the Ventura Countywide
Stormwater Program

Thank you for this opportunity to comment on the April 29, 2008 Draft Tentative Order - MS4 NPDES Permit for the Ventura Countywide Stormwater Program (Draft Tentative Order). Please accept these comments regarding the Draft Tentative Order submitted by the Riverside County Flood Control and Water Conservation District (District).

The District serves as the Principal Permittee on three Municipal Separate Storm Sewer System (MS4) Permits issued by three Regional Water Quality Control Boards (Regional Boards). Two of the MS4 Permits issued to Riverside County cover semi-arid areas and are issued by the San Diego and Santa Ana Regional Boards. The Colorado Regional Board has issued an MS4 Permit for the Coachella Valley area, which is in the desert area of the County.

General Support for CASQA's Comments

The District and its Co-Permittees concur with the reasoning for and comments of the California Stormwater Quality Association (CASQA) regarding the Draft Tentative Order. Los Angeles Regional Board staff is proposing in the Ventura Draft Tentative Order, for the first time in any Phase I MS4 permit in California, permit design features (i.e., Municipal Action Levels (MALs), Effective Impervious Area (EIA), Best Management Practice (BMP) performance design criteria) that raise significant technical issues, questions or concerns, and that if adopted could be interpreted to be precedent setting.

Accordingly, we strongly encourage the Los Angeles Regional Board to accept CASQA's recommendations and to work with the Ventura Permittees, CASQA and stakeholders to develop a technically solid stormwater quality management permit that will, in turn, be more effective at helping to meet water quality goals.

Focus on LID may be at the Expense of other Sustainable Development Concepts

In addition to supporting CASQA's comments, the District would also like to further support those comments by referencing the Discussion Section of the recently adopted May 6, 2008 State Water Resource Control Board (State Board) Policy on Sustainable Development (Resolution 2008-0030):

"Regional Water Quality Control Boards (Regional Water Boards) have already begun to integrate LID and other sustainable water management strategies into compliance documents. Examples of Regional Water Board efforts include working with stormwater permittees to implement aggressive infiltration BMPs and requiring municipalities to consider LID for new developments and redevelopment projects in municipal separate storm sewer system permits. However, LID is only one element of the sustainability equation. It is critical that flexibility be allowed as the Regional Water Boards work to implement sustainable water management strategies such as LID. For example, certain LID concepts such as use of porous pavements and irrigated landscaping may not be suitable for arid and semi-arid regions, due to limited rainfall and high evapotranspiration rates.

Regional Water Board staff is aware of ongoing studies intended to develop metrics for semi-arid areas and as studies are completed, climate appropriate metrics will be phased into the permitting process. Flexibility is also needed in regions where infiltration is limited by poorly drained clay soil. In these cases, a modification may be needed to the design and implementation of the LID technique or other sustainable water management techniques can be used, such as xeriscaping. Certain sites, such as brownfields, may not be suitable for application of low impact development techniques. Flexibility will allow each Regional Water Board to include the appropriate sustainable water management strategy for a particular project, considering variations in climate, soil and other environmental factors."

The District believes this Policy further supports the comments made by CASQA.

Proliferation of MS4 Permit Requirements – Need for Statewide Policy

The ongoing proliferation of MS4 Permit requirements, as evidenced in this Draft Permit, is resulting in the imposition of *de facto* statewide mandates that have significant statewide policy implications and local budgetary consequences that should be subject to State Board or legislative determination and which should be subject to a statewide hearing process. The District and other MS4 Permittees recently expressed concerns to the Little Hoover Commission about the informal collaboration amongst United States Environmental Protection Agency (USEPA) and Regional Board staff to promote MS4 Permit "consistency". We firmly maintain that the establishment of statewide MS4 policy initiatives needs to occur in an open forum at the State Board level - not by an *ad hoc* group of Regional Board/USEPA staff meeting behind closed doors.

Given this situation, the issues raised in this Draft Permit regarding Municipal Action Levels, Effective Impervious Area and BMP Performance Design Criteria clearly need to be removed from this Permit.

Ms. Tracy Egoscue, Executive Officer
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Closing

The Riverside County MS4 Permittees remain committed to management of urban runoff to protect receiving water quality in a manner that balances that objective with the universe of complementary and competing needs and expectations of the citizens of California living within Riverside County.

If you have any questions regarding these comments, please contact me at 951.955.8411 or email me at mwills@rcflood.org. You can also contact Jason Uhley of the Regulatory Division at 951.955.1273 or email him at juhley@rcflood.org.

Very truly yours,



MARK H. WILLS
Chief of Regulatory Division

c: Riverside County MS4 Permittees
Attn: Robert Collacott, URS Corporation

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