

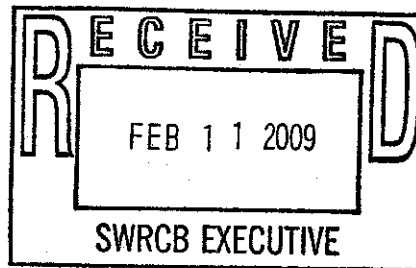
# COALITION FOR PRACTICAL REGULATION

"Cities Working on Practical Solutions"

February 10, 2009

Via Electronic Mail

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
commentletters@waterboards.ca.gov



**Subject: Comments on the Proposed Approval of the Proposition 84 Storm Water Grant Program (SWGP) Guidelines**

Dear Ms. Townsend:

I am writing on behalf of the Coalition for Practical Regulation (CPR), an *ad hoc* group of more than 40 small and medium-sized cities in Los Angeles County that have come together to address water quality issues. We thank the State Water Resources Control Board for the opportunity to provide these comments regarding the proposed approval of the Proposition 84 Storm Water Grant Program (SWGP) Guidelines.

CPR recommends that, before the Guidelines are finalized, the following items be addressed:

1. The timeline discussion in section VI, B.i (page 6) should be clarified. It currently says, "It is anticipated that funds will be appropriated over a three-year period (starting in fiscal year [FY] 2007-2008)." Were funds allocated in FY 2007-2008? What is the current anticipated appropriation timeline?
2. The project timeline presented in Table 2 (page 7) does not provide sufficient time for construction of complex projects since many local public agencies will not allow large expenditures on projects until grant agreements are executed. The current timeline specification is that grant agreements are to be executed by June 2011 for Round 1 and construction is to be complete by "March/September" 2012. A footnote to the table specifies that "construction must be completed early enough to perform a minimum of one dry and/or wet weather season of post-construction monitoring, as appropriate, to determine project effectiveness." CPR agrees that post-construction monitoring is important and believes that more time should be allowed to complete construction and monitoring. Ideally, permittees should be able to avoid major construction during the heart of the rainy season for water quality projects and should also be able to complete both dry weather and wet weather monitoring, as appropriate. The two-year construction timeline for Proposition 40 projects was too short, and this schedule is even shorter.

ARCADIA  
ARTESIA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
CARSON  
CERRITOS  
COMMERCE  
COVINA  
DIAMOND BAR  
DOWNEY  
GARDENA  
HAWAIIAN GARDENS  
INDUSTRY  
IRWINDALE  
LA CAÑADA FLINTRIDGE  
LA MIRADA  
LAKEWOOD  
LAWDALE  
MONTEREY PARK  
NORWALK  
PALOS VERDES ESTATES  
PARAMOUNT  
PICO RIVERA  
POMONA  
RANCHO PALOS VERDES  
ROSEMEAD  
SANTA FE SPRINGS  
SAN GABRIEL  
SIERRA MADRE  
SIGNAL HILL  
SOUTH EL MONTE  
SOUTH GATE  
SOUTH PASADENA  
VERNON  
WALNUT  
WEST COVINA  
WHITTIER

3. CPR requests that, if allowed by statute, the construction period (including monitoring) be extended to three years.
4. The definition of TMDLs in Section VI.C (page 8) appears to discriminate against USEPA established TMDLs. The language in the second bullet describing eligible project types says, in part, "For the purposes of California Law, an established TMDL is one that has been adopted by both the applicable Regional Water Board and the State Water Board, has been approved by the Office of Administrative Law and paid the appropriate fees to the Department of Fish and Game." This language is overly restrictive. TMDLs are required by the Federal Clean Water Act (CWA), and the CWA provides for both State establishment of TMDLs (with EPA approval) and EPA establishment of TMDLs.

EPA has and will continue to establish TMDLs in California pursuant to consent decrees resulting from litigation. EPA has historically worked with Regional Water Boards and the State Water Board to ensure that TMDLs are established in a timely manner to meet schedules in consent decrees. However, the State's current budget crisis has made it difficult for the State to adopt TMDLs in accordance with consent decree schedules. This is a particular problem in Region 4 where USEPA Region IX has taken over responsibility for establishing the TMDLs remaining to be established pursuant to a 1999 consent decree.

CPR requests that the description of eligible TMDL projects be revised to include TMDLs established by USEPA pursuant to consent decrees. This would allow local public agencies to apply for grants to assist in complying with TMDLs currently being established by EPA in Los Angeles and Ventura Counties.

5. The scoring criteria for concept proposals in Appendix D-2 (pages 33 and 36) and the full proposal evaluation criteria in Appendix E-2 (page 49) both refer to the Ahwahnee Principles. Since these guidelines are for water quality projects, CPR recommends that the guidelines refer to the Ahwahnee Water Principles that were developed by the Local Government Commission to create a blueprint for regional sustainability.

Thank you again for the opportunity to provide these comments.

Sincerely,



Larry Forester  
Council Member  
City of Signal Hill