

Storm Water Panel Report
 Deadline: 8/4/06 5pm

Executive Advisory Committee Stormwater Program – County of Los Angeles

July 21, 2006

State Water Resources Control Board
 1001 I Street
 Sacramento, CA 95812-0100
 Attention: Song Her, Clerk to the Board



Subject: Comments on the Storm Water Panel of Experts Numeric Feasibility Study

The Executive Advisory Committee (EAC) represents the municipal permittees regulated under NPDES Permit No. CAS 004001 issued by the California Regional Water Quality Control Board, Los Angeles Region. We support the State Water Resources Control Board in soliciting the input of seasoned science and engineering professionals to address the controversial policy question of whether it is technically feasible to establish numeric effluent limits in state storm water general permits. The continued use of sound scientific principles in analyzing the water policy issues faced by state and local agencies will result in favorable environmental outcomes that prioritize our shared challenges and result in improved water quality. Cities are amenable to working with the environmental community, State, and Regional Boards to implement water quality programs that are scientifically sound and fiscally responsible. We commend the Board for convening this expert panel, thank the panelists for their thoughtful deliberations, and are pleased to provide the following comments and suggestions in response to the recommendations contained in their report "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities."

We support the panel's consensus findings that "It is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges" (Page 8) and "Monitoring for the enforcement of numeric effluent limits would also be challenging. While spot checks could be made at some of the many outfalls in an areas, there is wide variation in stormwater quality from place to place, facility to facility, and storm to storm." (Page 6) Based on our experience with flow and flooding, we agree with the assertion that "Since the storm-to-storm variation at any outfall can be high, it may be unreasonable to expect all events to be below a numeric value. In a similar circumstance, there are a number of storms each year that are sufficiently large in volume and/or intensity, to exceed the design capacity volume or flow rates of most BMPs. (Page 6) The Panel acknowledged that several to more times each year, the runoff volume or flow rate from a storm will exceed the design volume or rate capacity of the BMP. Stormwater agencies should not be held accountable for pollutant removal from storms beyond the size for which a BMP is designed." (Page 10) Recent research (*Optimization of Stormwater Filtration at the Urban/Watershed Interface* by J. Hipp et al., Environ. Sci. Technol. Web Release date June 24, 2006) reiterates the panels finding that "It will take substantial research effort, including data gathering on well-designed BMPs, to develop design criteria for the removal of pollutants with confidence intervals that enable us to make reliable estimates of

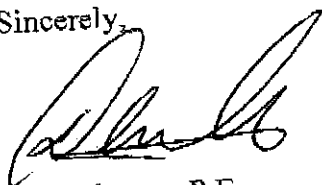
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the median and variance of the effluent concentrations to be expected from the various BMPs. Until this is done, it will be very difficult to assign legally enforceable numerical effluent limitations to any BMP." (Page 6)

Based on the findings of the State Storm Water Panel of Experts, the EAC recommends that the State Water Resources Control Board's most effective response or action plan would be to develop a statewide policy statement asserting that it is infeasible to adopt enforceable numeric effluent criteria into municipal storm water general permits at this time.

The EAC, and municipalities that it represents, would like to once again acknowledge our appreciation of the State Board in commissioning this Panel and we look forward to working with both the State and Regional Boards to implement the Panel's recommendations. If you wish to further discuss the issues raised in this comment letter, or seek greater input on how this might be accomplished, please feel free to contact me at 562-904-7102.

Sincerely,



Desi Alvarez, P.E.
Chair, Executive Advisory Committee

cc: LA County MS4 Permittees