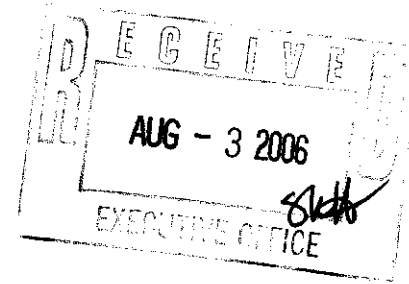




WATER

Workable Approach To Environmental Regulation

July 31, 2006



California
Business
Properties
Association

Tam Doduc, Chair
State Water Resources Control Board
Office of Chief Counsel
1001 "I" Street, 22nd Floor
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Coalition comments on implementation of the recommendations of the Science Panel Report on the Feasibility of Numeric Limits for Storm Water Discharges.



CALIFORNIA
CHAMBER of
COMMERCE

Dear Ms. Doduc:



WATER is a statewide, broad-based coalition of environmentally conscious public entities, business organizations, taxpayers, school districts, agricultural organizations and other entities that are actively involved in working with the State Water Resources Control Board (SWRCB) on statewide water quality policies and issues that impact all Californians. In particular, the WATER coalition is acutely concerned with the application of numeric limits to permits for storm water flows. The WATER coalition is pleased that the long awaited Science Panel report on the feasibility of numeric limits for storm water discharges is now available for public comment.



As you know, this panel report is the product of nearly a year of analysis and deliberation by panel members. It raises a broad range of technical, policy and resource management issues that must be carefully considered by the Board and storm water program stakeholders before further action can be taken toward adopting numeric effluent limits in storm water permits, whether in statewide general permits or regional, facility-specific permits. Moreover, this panel report may well serve as the policy foundation for other state water quality programs. Thus it is our expectation that the July workshops are simply the first step in a comprehensive public dialogue that will lead to a new statewide storm water management policy.



Bearing these process concerns in mind, the WATER coalition provides the following preliminary comments:



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- We want to note that the panelists were unanimous in their finding that the current storm water database cannot be used to develop numeric effluent limits. Existing monitoring programs must be revisited and adjusted to produce the data necessary to adequately evaluate the effectiveness of BMPs.



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- The costs for additional monitoring and data collection – both direct and indirect (such as additional agency staff and program resource needs) – will be substantial. This information must be presented to policymakers and disclosed to the public to ensure selection of the most cost-effective monitoring and storm water management strategies. Indeed, the panel report recommends actions that emphasize effectiveness, affordability, enforceability and flexibility for dischargers and cautions against actions that would be cost prohibitive or that would “unduly penalize California industries”.
- In the interest of making best use of available resources we recommend a monitoring program that will allow sampling and data collection by discharger categories or classes rather than requiring each and every facility to produce new data.
- Finally, the panel report recognizes that enforcement of numeric limits, even in more controlled industrial settings would be challenging due to the intermittent nature, timing, duration and intensity of storm events. Appropriate criteria must be developed to address BMP design, monitoring design and most importantly, to address circumstances where facilities can no longer handle excessive storm water. We applaud the panel report’s references to the concept of a “design storm”, which uses established storm intensity benchmarks (e.g., 10-year event, 50-year event, etc.) as a basis for BMP and monitoring program design.

The WATER coalition fully supports your efforts to develop a consistent, science-based statewide approach for storm water discharges. We look forward to further opportunities to provide input and work with state board staff and other storm water program stakeholders to develop a practical and cost-effective storm water program for California that actually leads to improved water quality.

Thank you very much for considering our comments.

Sincerely,

Mike Rogge
Legislative Director, Environmental Quality
California Manufacturers & Technology Association

Rex Hime
President and CEO
California Business Properties Association

Valerie Nera
Agriculture, Water, Resources
& Privacy Director
California Chamber of Commerce

Barbara LeVake
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Downey
Chamber of Commerce

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Cc: Art Bagget – SWRCB Member
Gerald Secundy – SWRCB Member
Charles Hoppin – SWRCB Member
Gary Wolff – SWRCB Member
Linda Adams – Cal-EPA Secretary

Wayne Nasti – USEPA Region IX Administrator
Fred Aguirre – Cabinet Secretary, Governor
Arnold Schwarzenegger
Elizabeth Miller Jennings, Esq. – SWRCB Counsel