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January 20, 2015

Ms. Jeanine Townsend
Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Via Email: commentletters@waterboards.ca.gov



Re: Comments to A-2236 (a)-(kk)

Dear Ms. Townsend:

The League of California Cities appreciates the State Water Resources Control Board's (Board) efforts to provide consistent statewide language on the receiving waters limitation (RWL) provisions for the stormwater MS4 permits. The League is committed to working with the Board to refine the RWL provisions in order to provide meaningful guidance to all of California's communities.

California's communities have made significant investments to improve the water quality in the state's many bays, estuaries, lakes and rivers. The state's water quality has significantly improved since the adoption of the Clean Water Act in 1972, due in large part to these substantial local investments. Our cities will continue to make significant investments to improve the state's waters in the coming decades to address the challenges of stormwater and urban runoff. The RWL provisions in the permit should be crafted to encourage the innovation necessary to deal with these serious challenges.

The League remains concerned that the draft Order on the LA NPDES Permit directs all regional water boards, when considering the Watershed Management Program (WMP)/ Enhanced Watershed Management Program (EWMP) approach, to reject good faith engagement in the iterative process as compliance with the receiving waters limitation provisions of Phase 1 MS4 permits. Additionally, cities that choose the WMP/EWMP approach will be subject to verifying final compliance with receiving water limitations, final WQBELs, and other TMDL specific limitations through monitoring, which would include numeric limits.

The League has strong concerns with the use of numeric limits in stormwater permits and has stated such on numerous occasions in the last decade. In fact, in 2006, when the Board convened a "Blue Ribbon Panel" of stormwater experts to examine the feasibility of applying numeric limits to stormwater discharges, the League conveyed concerns over the application of numeric limits to stormwater runoff. It should be noted that the panel concluded that "it is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges." We believe that it remains not feasible to use numeric limits in stormwater permits given the significant cost and difficulties of meeting such limits.

Thank you again for the opportunity to comment. We appreciate the State Board considering these comments as the final Order is developed.

Sincerely,

Jason Rhine
Legislative Representative