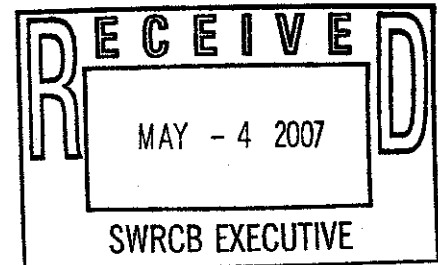


# Executive Advisory Committee

## Stormwater Program – County of Los Angeles

May 4, 2007

Mr. Greg Gearheart  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814



**Subject: Comments Letter-Draft Construction Permit**

Mr. Gearheart:

The Executive Advisory Committee (EAC) has represented the interests of the Los Angeles County Municipal Stormwater Permittees since adoption of the 1996 NPDES and City of Long Beach Municipal Permits. Our meetings focus on discussions of water quality issues and are typically attended by representatives from over half of the 87 municipal agencies identified in the 2001 Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit. We appreciate having had the opportunity to attend the local workshop in Rancho Cucamonga on April 17, 2007 and provide this comment letter for you considered review.

We are very concerned about the draft's overly strict standards which would apply to all one acre and larger construction sites a demarcation that often envelops many municipal construction projects, as well as the document's potential implications for the construction site inspection program that has been transferred, without final support, as burden for our municipal agencies. The following discussion points, highlight some of our concerns and suggest possible modifications or interim measures to reduce the potential impact of this permit on our agencies.

- ◆ The Rain Event Action Plan (REAP) proposal is simply another set of documents to track. The SWPPP is supposed to include pre, during and post storm inspections and action plans. It would be more efficient to reformat or accent the SWPPP sections that require attention, rather than introduce a new requirements for irresponsible construction sites to ignore. We support a clear assertion, through future permits, that the SWPPP, could be composed of a permanent or generic (bound) portions and a more responsive appendix or chapter that would include sections subject to frequent insertion of inspection reports or project updates and would be more appropriately contained in one or more loose leaf binders or notebooks.
- ◆ The 30% rain event trigger is too low based on our experience with readily available weather data. At that trigger level, a morning weather report would produce measurable rain well under half the time and would result in a "cry wolf" response on most construction sites. Furthermore, when the trigger is set that low, the seasonal BMPs should be able to contain the event. As a compromise, we would suggest a higher probability (50%) for an active (workers expected back within 16 hours) with the lower trigger applying for sites that will be inactive for longer durations. An additional margin of safety is appropriate over weekends.

- ◆ The 10% fines criteria leading to the use of Advanced Treatment Systems (ATS) is too low. We are reminded of the parable of a teacher filling a glass jar with rocks, then gravel, then sand, then talc, and after the addition of each material, asking the students if the jar was now full. We would encourage that this value be set at 30% by weight or based on a size fraction that is smaller than 0.02 mm. At this time we are hesitant to suggest what value might be appropriate, but a jar test based evaluation based on available candidate flocculants, would seem to be of interest of many representatives across the state.
- ◆ The ATS sizing criteria is both high and deceptively characterized. In our region, 150% of the 10-year, 24 hour storm, is approaching the 100 year event. In most cases, the Los Angeles County Hydrology Design manual anticipates conveyance structures set at the 25 year event, or 50-year for capital facilities like detention basins. At the proposed return interval, our region will be impacted by challenges far greater than those contemplated in this draft. Furthermore, the detention period (for ATS) may exacerbate flood risk potential or failure of the basin slopes with potentially catastrophic results. A more appropriate storm event sizing should probably be linked to the high, medium and low risk criteria, which we understand are also likely to be reconsidered during the Permit redrafting effort.
- ◆ A 90-day public review period for new permits (by this we assume the Board's interest is on the SWPPP) is excessive, burdensome, and probably irrelevant to water quality protection. The most well written SWPPP fails if it is inadequately implemented, while a poorly written SWPPP can be forgiven when erosion controls are commensurate with the anticipated event. There is nothing to suggest that a longer review will end up with better Construction Permit implementation or water quality. It is simply a costly developer (including public agencies) and business unfriendly delay that is likely to introduce unnecessary regulatory tension. We are unclear on the purpose and benefits of this review period, and how any comments would be effectively incorporated, especially if the review period were restarted by any changes.
- ◆ The hydromodification requirements seem excessive and potentially in conflict with those currently included with, or proposed for incorporation in, our future MS4 Permits. The State and Regional Boards should decide on one path (agency group) to address this challenge and avoid the likelihood for future conflicts between the 9 individual regional and state Boards.

The EAC would like to reiterate our shared appreciation with the State Board in improving water quality with cost-effective and implementable strategies and BMPs. We are concerned that this draft is overly restrictive, costly and difficult to enforce. We hope you will take our comments and suggestions under careful consideration. If you wish to further discuss these proposals, or seek greater input from the EAC, please feel free to contact me at 562-904-7102.

Sincerely,

**Original signed by:**

Gerald Greene, DEnv, PE, QEP  
Chair, Executive Advisory Committee

cc: EAC MS4 Permittee mailing list