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VIA ELECTRONIC MAIL [EMEL.WADHWANI@WATERBOARDS.CA.GOV]

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P.O. Box 100
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Re: SWRCB/OCC File A-2236(a)-(kk); Response to NRDC Petition

Dear Ms. Wadhwani:

This letter is submitted on behalf of the City of Chula Vista, the City of National City and the San Diego County Regional Airport Authority ("Interested Persons") in response to the State Water Resources Control Board's ("State Board") July 8, July 15, July 29 and September 18, 2013 letters soliciting comment on the above-referenced petitions involving the Los Angeles MS4 Permit. Interested Persons are permittees on the recently issued San Diego Regional MS4 Permit, and have filed petitions with the State Board challenging the San Diego Regional MS4 Permit. Because many of the issues presented in the petitions on the Los Angeles MS4 Permit relate to issues raised by Interested Persons in connection with the San Diego Regional MS4 Permit, Interested Persons welcome the opportunity to provide these comments.

Interested Persons each submitted comments on or about August 14, 2013 to the State Board on the receiving water limitations ("RWL") approach in the Los Angeles MS4 Permit. Interested Persons now submit these comments on the legal and factual allegations in the petition ("Petition") filed by the Natural Resources Defense Council, Inc., Heal the Bay and Los Angeles Water Keeper ("Petitioners"). Interested Persons concur with and join in the comments submitted by the California Stormwater Quality Association ("CASQA") in response to the Petition, but supplement those comments as set forth below.

I.

RESPONSE TO PETITION

The Petition is a direct attack on the ability of permit writers to work with municipal dischargers to develop a comprehensive, flexible and adaptable approach to addressing the extraordinarily complex challenges to managing discharges from municipal separate storm sewer

systems ("MS4s"). At its core, the Petition is a demand for "end-of-pipe" numeric effluent limitations and a claim that anything less violates the Clean Water Act ("Act"). The Petition is fundamentally at odds with and mischaracterizes the nature of MS4s, the legal framework for regulating the unique challenges presented by MS4s and modern scientific analysis of how best to tackle the significant water quality challenges associated with MS4 discharges. In contrast, the Los Angeles MS4 Permit and its multiple compliance options represents a positive step toward a realistic, comprehensive approach to management of MS4s which should not be set aside for any of the reasons set forth in the Petition.[1]

A. The Petition Reflects a Misunderstanding of The Nature Of MS4s And The Infeasibility Of "End-of-Pipe" Strict Compliance With Water Quality Standards

The Petition is framed as if MS4s are closed systems and as if all that is required to manage these systems is more stringent "end-of-pipe" regulation to force municipalities into strict compliance with water quality standards. This approach is based on a fundamental misunderstanding of the nature of MS4s, and the infeasibility[2] of "end-of-pipe" solutions to a significantly more complex problem.

Congress, the Environmental Protection Agency ("EPA"), the State Board, federal and state courts and scientists have long recognized that MS4s are very different than other point sources regulated under the Act. In enacting the Water Quality Act of 1987, which set up a new and unique system for regulating storm water discharges from MS4s, Congress acknowledged that the inherent nature of MS4s demanded a different regulatory approach. Congress made it clear that MS4 permits "will not necessarily be like industrial discharge permits. Often, an end of the pipe treatment technology is not appropriate for this type of discharge." (Vol. 132 Cong. Rec. S16425 (Oct. 16, 1986).) Congress reached this conclusion because it understood that MS4 systems were not closed systems like industry but were open systems often involving hundreds of inlets, miles of pipes and a multitude of inputs from the urban landscape.

EPA has long-acknowledged that Congress developed a unique regulatory system for MS4s and developed its implementing regulations with this in mind. In its Phase I Stormwater Rule, EPA, in its discussion of the maximum extent practicable provision of the 1987 amendments to the Act, noted that "[w]hen enacting this provision, Congress was aware of the difficulties in regulating discharges from municipal separate storm sewers solely through traditional end-of-pipe treatment and intended EPA and NPDES States to develop permit

[1] This letter focuses solely on the Petition, and Interested Persons do not address or take a position on whether the Los Angeles MS4 Permit is legally deficient on the grounds asserted in other petitions filed in this matter.

[2] Courts have acknowledged that Congress did not intend to mandate the impossible through the Clean Water Act. (Hughley v. JMS Development Corporation (1996) 78 F.3d 1523, 1530-1531.)

requirements that were much broader in nature than requirements which are traditionally found in NPDES permits for industrial process discharges or POTWs." (55 Fed.Reg. 47990, 48038 (Nov. 16, 1990).) EPA explained that the approach taken by Congress was appropriate for a number of reasons. First, EPA found that "discharges from municipal storm sewers are highly intermittent, and are usually characterized by very high flows occurring over relatively short time intervals." (Id.) Second, EPA noted that pollutants in MS4 discharges depend on a wide-variety of activities by third-parties on lands that drain into the system. (Id.) Because of the nature of MS4s and Congress's approach to regulating discharges from such systems, EPA's Phase I Rule creates a flexible[3] and comprehensive MS4 management program rather than an "end-of-pipe" approach. (Id.)

EPA has reiterated this approach on a number of occasions. For example, in 1996, EPA found, in part, that "due to the nature of storm water discharges" use of best management practices ("BMPs") was the appropriate way in most cases to provide for the attainment of water quality standards. (Interim Permitting Approach for Water Quality-Based Effluent Limitations in State Water Permits (61 Fed.Reg. 43761 (Aug. 26, 1996)).) Similarly, in its Phase II Stormwater Rule, EPA determined "that pollutants from wet weather discharges are most appropriately controlled through management measures rather than end-of-pipe numeric effluent limitations." (64 Fed.Reg. 68722, 68753 (Dec. 8, 1999).) This approach was in part necessary because discharges from MS4s were very different than continuous or periodic batch discharges from most other types of dischargers. (Id.)

The State Board has similarly acknowledged that MS4 systems are unique and pose special regulatory challenges. In 2001, the State Board held that applying the iterative approach to MS4s was appropriate "because of the difficulties of achieving full compliance through BMPs that must be enforced throughout large and medium municipal storm sewer systems." (State Board Order WQ 2001-15.) In 2006, the State Board received a report from a scientific panel that it had convened which concluded that because of both the nature of MS4s and the variability of stormwater "it is not feasible at this time to set enforceable numeric effluent criteria for municipal BMP, and in particular urban discharges." (The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated With Municipal, Industrial and Construction Activities (June 19, 2006).)

[3] This flexibility is provided while also maintaining a nationally consistent structure that makes clear that all municipalities face essentially the same responsibilities. As EPA explains in the Phase I Rule, "EPA believes that these final regulations build in substantial flexibility in designing programs that meet particular needs, without abandoning a nationally consistent structure designed to create storm water control programs." (55 Fed.Reg. at 48038.)

Courts have also recognized the unique nature of MS4 systems. For example, courts have acknowledged (without at times understanding the implications of this fact) that MS4s are large, interconnected systems that receive drainage from a wide variety of sources. (Natural Resources Defense Council v. County of Los Angeles (9th Cir. 2011) 673 F.3d 880, 884, rev'd on other grounds by 133 S.Ct. 710 (2013).) Courts have further acknowledged that Congress was aware of the practical realities of MS4 regulation and was reacting to the physical differences between municipal storm water runoff and other pollutant discharges when it developed the statutory scheme applicable to MS4 systems. (Building Industry Association of San Diego County v. State Water Resources Control Board (2004) 124 Cal.App.4th 866, 884.) Courts have found that these physical differences have driven a regulatory system based on BMPs rather than numeric limitations. (Diver's Environmental Conservation Organization v. State Water Resources Control Board (2006) 145 Cal.App.4th 246, 256.) Based on Congress's unique regulatory approach to this unique system, courts have held that Congress did not require MS4 discharges to comply strictly with water quality standards. (Defenders of Wildlife v. Browner (9th Cir. 1999) 191 F.3d 1159, 1164.)

The unique nature of MS4s and their discharges is firmly supported by scientific analysis. For example, the National Research Council ("NRC") in 2009 conducted a comprehensive analysis of EPA's storm water management program, which focused extensively on the unique attributes of MS4s. (Urban Stormwater Management in the United States (2009).) NRC found that urban storm water had the following three basic attributes that made regulating it difficult: (1) it is produced from literally everywhere in a developed landscape; (2) its production and delivery are episodic, and these fluctuations are difficult to attenuate; and (3) it accumulates and transports much of the collective waste of the urban environment. (Id. at 28.) NRC indicated that because of the "wide-ranging effects of stormwater, programs to abate stormwater impacts on aquatic systems must deal with a broad range of impairments far beyond any single altered feature, whether traditional water chemistry parameters or flow rates and volumes." (Id. at 30.)

Consistent with the more comprehensive management based approaches taken by Congress, EPA and the State Board, NRC found that "symptomatic solutions, applied only at the end of a stormwater collection pipe, are not likely to prove fully effective because they are not functioning at the scale of the original disturbance." (Id. at 30.) In the end, as NRC acknowledges, managing storm water is a complex issue involving social choices and, in certain urban areas "aquatic conditions in local streams will be irreversibly changed and the Urban Stream Syndrome may be unavoidable to some extent." (Id. at 34-35.)

MS4 permits play a vital role in improving water quality and addressing the types of impacts identified in the Petition. However, the existence of water quality problems does not change the reality of MS4s or make "end-of-pipe" solutions feasible as the answer to the problem. The continued existence of urban water quality problems makes it tempting to look to

short-term, "symptomatic solutions," as urged in the Petition, that fail to address the broader problem on the appropriate scale. The unique nature of MS4s demands a more comprehensive, flexible and adaptive approach than can feasibly be applied to a closed system with fixed and controllable inputs. The Petition ignores this reality, but the Los Angeles MS4 permit properly reflects the nature of MS4 systems and seeks to craft Permit strategies to deal with the broader problem. The approach taken in the Los Angeles MS4 Permit properly links the program to compliance in a meaningful way.

B. The Petition Mischaracterizes The Legal Framework That Applies To MS4 Systems

The Petition does not fairly present the legal framework applicable to MS4s. Petitioners contend that, like other NPDES permits, "MS4 permits must ensure that discharges from storm sewers do not cause or contribute to a violation of water quality standards." (Petitioner's Memorandum of Points and Authorities, p . 7, lines 16-17.) This statement may have been true prior to 1987, but it is demonstrably false today.

Congress enacted what is now known as the Clean Water Act in 1972. (33 U.S.C. §§ 1251 et seq.) Initially, the Act did not establish a separate regulatory scheme for MS4 discharges. (Natural Resources Defense Council, Inc. v. Costle (DC Cir. 1977) 568 F.2d 1369, 1377.) However, through the Water Quality Act of 1987, Congress "set up a new scheme for regulation of storm water runoff." (Natural Resources Defense Council, Inc. v. United States Environmental Protection Agency (9th Cir. 1992) 966 F.2d 1292, 1296.) The new scheme Congress established for discharges from MS4s was unique. "In the 1987 amendments, Congress retained the existing, stricter controls for industrial storm water discharges but prescribed new controls for municipal storm water discharges." (Id. at 1308.) The new scheme for MS4 discharges was "a lesser standard" than that applicable to other discharges under the Act. (Defenders of Wildlife v. Browner, supra, 191 F.3d at 1165.) Most notably, and directly contrary to the claims of Petitioners, this lesser standard does not require strict compliance with water quality standards. (Id. at 1164.)

The new scheme Congress created in the Water Quality Act of 1987 does not absolve MS4s from responsibility for improving water quality. However, as Petitioners fail to recognize, the new scheme recognizes the limitations that the nature of MS4 systems create to achieving water quality standards at all times and in all places. The Los Angeles MS4 permit reflects a sensitivity to these limitations that is firmly rooted in the Act.

C. The Petition Mischaracterizes The Nature Of The Regional Board's Compliance Approach

The Petition repeatedly asserts that the Los Angeles MS4 Permit somehow gives municipalities a free pass or otherwise excuses compliance. (See Petitioner's Memorandum of Points and Authorities, pp. 13, 15 and 25.) Rather than providing a free pass, the Los Angeles MS4 Permit establishes different voluntary and rigorous ways in which municipalities may tailor their programs to comprehensively address the complex water quality issues associated with their MS4 discharges and comply with their obligations under the Act. Such an approach is specifically contemplated by the Act and EPA's implementing regulations.

A fundamental aspect of the Act is that compliance with the terms of an NPDES permit is "deemed" compliance with the requirements of the Act. 33 U.S.C. section 1342(k) provides that "[c]ompliance with a permit issued pursuant to this section shall be deemed compliance, for purposes of section 1319 and 1365 of this title, with section 1311, 1312, 1316, 1317, and 1343 of this title, except any standard imposed under section 1317 of this title for a toxic pollutant injurious to human health." As one court has aptly phrased it, the arguments over "safe harbor provisions" is "much ado about nothing because Section 1342(k) already establishes a 'deemed compliance' approach through compliance with permit terms. (City of Rancho Cucamonga v. Regional Water Quality Control Board-Santa Ana Region (2006) 135 Cal.App.4th 1377, 1388.) Rather than being some type of deviation from the Act, the concept of a compliance path is imbedded in the Act itself.

EPA has acknowledged that establishing the means of compliance in an NPDES permit is one of the advantages of the NPDES program. For example, in the Phase II Rule, EPA noted that one of the advantages of an NPDES permit is that the "NPDES permit informs the permittee about the scope of what it is expected [to] do to be in compliance with the Clean Water Act." EPA has also not objected to the concept of a compliance option in either the Los Angeles MS4 Permit process or the San Diego Regional MS4 Permit process, although it has expressed some concerns about the technical details of specific compliance paths. Thus, the Petition's broad scale attack on and rejection of the concept of a compliance path simply finds no support in the Act or the implementing regulations. Rather than being a "bad word" as Petitioners imply, a compliance path based on a well-written permit is inherent in the Act and one of the advantages of the NPDES program.

Consistent with Section 1342(k), the Los Angeles MS4 Permit sets forth different ways in which permittees may comply with the Permit and therefore with the Act. The Permit maintains baseline requirements and permittees may elect to be measured by those baseline requirements. However, the Permit also contains voluntary programs that must comprehensively address water quality impacts resulting from MS4 discharges and develop specific measurable approaches to

addressing those impacts on a comprehensive basis. Failure to implement the measures would result in a Permit violation, while implementation of the measures would establish compliance with specific Permit requirements. Such an approach is entirely consistent with Section 1342(k) of the Act and EPA's regulations.

At the State Board's recent workshop on the RWL language issue, Petitioners proposed a compliance approach that would depend on time schedule orders, cease and desist orders or other enforcement orders rather than through the permit. This proposed approach is deficient for several reasons. First, consistent with Section 1342(k), the Act contemplates that the permit is the way in which compliance with the Act should be measured. This approach has the important value of directly linking the programmatic requirements of a permit with compliance. Separating the permit requirements and compliance through an enforcement mechanism will undermine the permit process itself and will shift control from the regulatory permit to a parallel enforcement process. Second, as was properly noted by the Chief Counsel during the workshop, enforcement orders do not always provide the same type of "deemed compliance" protections as found in Section 1342(k). (See Knee Deep Cattle Co. v. Bindana Investment Co. (9th Cir. 1996) 94. F.3d 514, 516.) The better approach, as embodied in the Los Angeles MS4 Permit, is to specify compliance in the permit, and supplement that approach as necessary through enforcement orders if, and only if, warranted.

D. The Regional Board's Compliance Approach Is Consistent With Applicable Law

In addition to its wholesale attack on the concept of a compliance approach, the Petition also makes more detailed, and legally technical arguments about the specific approaches in the Los Angeles MS4 Permit. Each of these technical legal arguments is addressed below.

1. Anti-Backsliding

Petitioners contend that the compliance options contained in the Los Angeles MS4 Permit violate the anti-backsliding provisions of the Act and EPA's regulations. 33 U.S.C. section 1342(o) provides that for specific effluent limitations established on the basis of specific section of the Act, a permit may not be renewed or reissued that contains effluent limitations which are less stringent than the comparable effluent limitations in the previous permit. 40 CFR section 122.44(l) contains similar provisions regarding interim effluent limitations, standards or conditions.

Interested Persons have already addressed the anti-backsliding issue in their letters of August 14, 2013. In deference to the State Board's request not to duplicate arguments, Interested Persons will not repeat those arguments here, but incorporate them by this reference. To summarize the technical position of Interested Persons, receiving water limitations are not

effluent limitations, standards or conditions to which the anti-backsliding provisions of the Act apply. Rather, receiving water limitations are a unique provision of California storm water permits designed to achieve water quality standards over time through an iterative process. In addition, as pointed out by the Los Angeles Board staff at the recent workshop, the Los Angeles MS4 Permit also fits within the anti-backsliding exception based on new information.

A few additional points are important to address here. First, as the Los Angeles Regional Board has stressed, it must be acknowledged that the Los Angeles MS4 Permit maintains verbatim the RWL language of the previous permit. The only different in the new Permit is that the permit writer has been more specific about the different ways compliance with this requirement will be measured. While the prior permit was silent on the specific ways compliance will be measured, the new Permit provides very detailed and enforceable ways to measure compliance. Rather than moving backward, the new Permit moves forward by making an ambiguous requirement concrete, rigorous and more directly enforceable. It merely links, in a meaningful way, the programmatic requirements of the Permit with the RWL requirements.

Second, it must be acknowledged that EPA has not objected to the concept of the more detailed compliance language in the Los Angeles MS4 Permit or the compliance approach considered, but rejected, as part of the San Diego Regional MS4 Permit. In connection with the San Diego Regional MS4 Permit, EPA representatives specifically rejected the idea that a compliance approach is per se backsliding. While not dispositive of the issue, EPA's approach is at least tacit support for a compliance approach is persuasive evidence that such an approach and is consistent with applicable requirements.

Third, Petitioners' reliance on one EPA letter from a separate EPA Region to support their anti-backsliding arguments is unavailing. This letter does not support the Petitioners' claims for several reasons. As noted above, EPA Region 9, the Region in which California is located, has not objected to the Los Angeles MS4 Permit or the compliance path concept. This issue was specifically addressed to EPA Region 9 representatives during the hearings on the San Diego Regional MS4 Permit and EPA representatives rejected the assertion that the compliance approach being considered by the San Diego Regional Board violated the anti-backsliding provisions. If the State Board intends to defer to EPA's opinions on this question, it is more appropriate to follow the opinions of Region 9 rather than the out-of-context opinions of Region 3.

Moreover, a letter from an EPA Region is not the law and cannot change the Act or adopted regulations. (Iowa League of Cities v. EPA (8th Cir. 2013) 711 F.3d 844).) Therefore, reference to one letter from Region 3 does not change the law on anti-backsliding.

For all the reasons expressed in Interested Persons' August 14, 2013 letters and here, the Los Angeles MS4 Permit's compliance approach does not violate anti-backsliding.

2. Anti-Degradation

Petitioners contend that the compliance options in the Los Angeles MS4 Permit violate federal and state anti-degradation requirements. Again, Interested Persons addressed these points in their letters of August 14, 2013 and will not repeat them here. To summarize, under both state and federal law, anti-degradation requirements do not apply when existing water quality will not be reduced due to the proposed action. The Los Angeles MS4 Permit maintains the current RWL language and makes the manner of complying with the requirement more concrete and enforceable. Rather than degrading existing water quality, such an approach will provide a more measureable and enforceable way in which to improve water quality. This approach is backed by rigorous monitoring requirements that will demonstrate progress toward improved water quality.

3. Incorporation of Waste-Load Allocations

Petitioners assert that the Los Angeles MS4 Permit is unlawful because it fails to incorporate waste-load allocations from adopted TMDLs as numeric WQBELs. (Petitioner's Memorandum of Points and Authorities, pp. 24-28.) Petitioners' assertions are not consistent with the law or the facts.

As the Browner decision establishes, MS4 permits do not need to include water quality based effluent limitations designed to achieve strict compliance with water quality standards. The consistency requirement in 40 CFR section 12244(d)(1)(vii)(B) upon which Petitioners rely only applies when a permitting authority is developing water quality based effluent limitations, as expressly stated in 40 CFR section 122.44(d)(2)(vii). Since MS4 permits do not have to include WQBELs, the consistency requirement of 40 CFR section 122.44(d)(1)(vii)(B) is not automatically applicable to MS4 permits.

Even when consistency applies, EPA has recognized in its regulations that best management practices rather than strict numeric requirements may be used in MS4 permits. In 40 CFR section 122.44(k)(2), EPA recognizes the appropriateness of using best management practices when authorized under Section 402(p) of the Act for the control of storm water discharges. Consistent with Section 402(p)(3)(B)(iii), MS4 discharges may include best management practices to reduce the discharge of pollutants to the maximum extent practicable. (33 U.S.C. § 1342(p)(3)(B)(iii).) Thus, Petitioners' assertion that the Permit must incorporate all waste load allocations from TMDLs as numeric effluent limitations is inconsistent with the law.

As explained in the CASQA response, there are strong legal and factual reasons why a best management practices approach works best for MS4 discharges in all cases. At a minimum, however, the approach taken in the Los Angeles MS4 Permit that is being challenged by Petitioners is legally valid and the Petition should be rejected on this point.

4. Findings

Petitioners assert that the Los Angeles MS4 Permit's compliance approach is not supported by findings supported by evidence in the record. (Petitioners Memorandum of Points and Authorities, pp. 28-31.) Petitioners' assertion is not supported by the facts or the law.

The Fact Sheet for the Los Angeles MS4 Permit contains a detailed discussion of the compliance approach taken in the Permit. (Permit, Attachment F, pp. F-35 to 39.) As explained in the Fact Sheet, the Permit maintains the existing RWL language. However, due to the large number of TMDLs that are included in the Permit, and due to the more robust core Permit requirements, the Regional Board used its discretion to include specific compliance mechanisms in the Permit. (Id. at F-38.) These compliance mechanisms "provide an incentive and robust framework for Permittees to craft comprehensive pathways to achieve compliance with receiving water limitations-both those addressed by TMDLs and those not addressed by TMDLs." (Id.) This discussion in the Fact Sheet is alone sufficient to support the compliance approach.

In addition, Regional Board staff and dischargers explained the need for and purpose of the compliance options during many public hearings before the Regional Board. The Regional Board is authorized to rely upon the opinion of its staff in reaching decisions, and the opinion of staff has been recognized as constituting substantial evidence. (City of Rancho Cucamonga v. Regional Water Quality Control Board-Santa Ana Region, supra, 135 Cal.App.4th at 1387.) In staff's opinion, as reflected in the Fact Sheet, the compliance mechanisms in the Permit were a proper approach to take. These opinions of staff provide substantial evidence to support the compliance approach.

Moreover, the recently lodged Administrative Record contains a wealth of documents that support the compliance approach found in the Los Angeles MS4 Permit. These documents include, without limitation, the following:

- Community Conservancy International. The Green Solution Project: Identification and Quantification of Urban Runoff Water Quality Improvement Projects in Los Angeles County. Technical Report, Analysis and Mapping by Geosyntec Consultants and GreenInfo Network, March 2008. RB-AR29180.

- The Council for Watershed Health, Geosyntec Consultants, and Santa Monica Bay Restoration Commission. Stormwater Recharge Feasibility and Pilot Project Development Study: Final Report. Prepared for the Water Replenishment District of Southern California, August 20, 2012. RB-AR29263

- Design Storm. Presentation to SCCWRP Commission Technical Advisory Group.17 pp. [undated]. RB-AR29312

- Dreher, Jim Sullivan and Scott Taylor, Presentation from California Department of Transportation, Design Storm for Water Quality. Design Storm Meeting, March 20, 2006. RB-AR29329

- National Research Council. Urban Stormwater Management in the United States. Prepublication Copy. Oct. 15, 2008. RB-AR29507

- SCCWRP, Evaluation of Exceedance Frequencies and Load Reductions as a Function of BMP Size. Presentation to Project Steering Committee, June 12, 2007. RB-AR30036

- SCCWRP, Exceedance Frequency and Load Reduction Simulation: Evaluation of Three BMP Types as a Function of BMP Size and Cost. Presentation to Project Steering Committee, July 18, 2007. RB-AR30065

- SCCWRP Technical Report 520, Concept Development: Design Storm for Water Quality in the Los Angeles Region, October 2007. RB-AR30096

- Schueler, Tom. Center for Watershed Protection, Urban Subwatershed Restoration Manual No. 3 Urban Stormwater Retrofit Practices, Version 1.0, July 2007. RB-AR30142

- Schueler, Tom Center for Watershed Protection, Urban Subwatershed Restoration Manual No. 3 Urban Stormwater Retrofit Practices Appendices, August 2007. RB-AR30404

- Sim, Youn Dr. P.E., Los Angeles County Department of Public Works, Presentation: Watershed Management Modeling System: An Integrated Watershed-based Approach for Urban runoff and Stormwater Quality, Regional Board Meeting, May 6, 2010. RB-AR30548

- Strecker, Eric P.E., GeoSyntec Consultants. Design Standards and Addressing Pollutants/Parameters of Concern. Design Storm Meeting, March 20, 2006. RB-AR30570

- Tetra Tech, Inc. submitted to the County of Los Angeles Department of Public Works Los Angeles County Watershed Model Configuration and Calibration – Part I: Hydrology, including Appendices A - F., August 6, 2010. RB-AR30695

- Tetra Tech, Inc. submitted to the County of Los Angeles Department of Public Works Los Angeles County Watershed Model Configuration and Calibration – Part I: Hydrology, including Appendices G - H., August 6, 2010. RB-AR30918

- Tetra Tech submitted to County of Los Angeles Department of Public Works, Los Angeles County Watershed Model Configuration and Calibration – Part II: Water Quality, August 6, 2010. RB-AR31014

- Tetra Tech submitted to County of Los Angeles Department of Public Works, Los Angeles County Watershed Model Configuration and Calibration – Part II: Water Quality, including Appendices A – E, August 6, 2010. RB-AR31122

- Tetra Tech submitted to the County of Los Angeles Department of Public Works, Evaluation of Water Quality Design Storms, June 20, 2011. RB-AR31992

- Tetra Tech submitted to the County of Los Angeles Department of Public Works, Phase II Report: Development of the Framework for Watershed-Scale Optimization Modeling, June 30, 2011. RB-AR32075

- USEPA, Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance. EPA 833-B-03-004, December 2003. RB-AR32211

- USEPA-Washington, D.C. Achieving Water Quality Through Integrated Municipal Stormwater and Wastewater Plans, October 27, 2011. RB-AR32304.

- City of Los Angeles, Watershed Protection Division, Sanitation Department of Public Works and Stormwater Program: Comments on the Working Proposals for Minimum Control Measures and Non-Stormwater Discharges. RB-AR1508

- Presentation on behalf of the Cities of Azusa, Baldwin Park, Carson, Claremont, Compton, Duarte, El Monte, Gardena, Irwindale, Lawndale, Lomita, Pico Rivera,

San Fernando, San Dimas, San Gabriel, South El Monte, and West Covina: Non-Stormwater Discharges. RB-AR1513

- Joint Presentation by Association of California Water Agencies, California-Nevada Section of the American Water Works Association, and California Water Association: Community Water System Discharges & The Los Angeles County MS4 Permit. RB-AR1535
- City of Downey: Numeric Standard for Real World? RB-AR1556
- Comment Letter from BIASC and CICWQ. RB-AR5930
- Comment Letter from Building Industry Legal Defense (BILD) Foundation. RB-AR5968
- Comment Letter from Leighton Group. RB-AR5992
- Comment Letter from California Stormwater Quality Association. RB-AR5995
- October 4, 2012 LA Permit Group Presentation: Comments on the Development of the Greater LA County MS4 NPDES Permit NPDES No. CAS004001. RB-AR18002

II.

CONCLUSION

For all the reasons expressed in this letter, Interested Persons request that the State Board dismiss the Petition.

Sincerely,

Shawn Hagerty
of BEST BEST & KRIEGER LLP

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