



January 14, 2016

VIA E-MAIL

Mr. Ryan Mallory-Jones, Graduate Legal Assistant
Office of Chief Counsel
State Water Resources Control Board
ryan.mallory-jones@waterboards.ca.gov

RE: SWRCB/OCC File A-2386; Comments by the City of Rancho Palos Verdes, Lead Permittee in the Palos Verdes Peninsula EWMP Group

Mr. Mallory-Jones:

The City of Rancho Palos Verdes (the “City”) submits these comments for SWRCB/OCC File A-2386 in response to the Petition filed by the Natural Resources Defense Counsel, Inc., Los Angeles Waterkeeper, and Heal the Bay (collectively, “Petitioners”) on May 28, 2015, challenging the approval of nine Watershed Management Programs (WMPs) pursuant to Order No. R4-2012-0175, NPDES Permit No. CAS004001 (“LA MS4 Permit”).

The City serves as Lead Permittee in the Palos Verdes Peninsula Watershed Management Group, which is developing an Enhanced Watershed Management Program (“EWMP”) to comply with the terms of the LA MS4 Permit. The LA MS4 Permit provides a voluntary compliance path to Permittees through the preparation and implementation of WMPs and EWMPs. These novel and innovative watershed-based approaches allow Permittees to combine resources in order to create an efficient program that focuses on water quality priorities within a watershed. The Programs are supported by comprehensive quantitative analyses that provide reasonable assurance to achieve compliance milestones, as well as processes to adaptively manage the Programs that are guided by the monitoring data collected through Coordinated Integrated Monitoring Programs.

The WMPs at issue in this proceeding underwent a rigorous technical development process, extensive public review and comment, and analysis and critique by Los Angeles Regional Water Quality Control Board (“LA Regional Board”) staff. The Permittees developing these WMPs spent hundreds of thousands of dollars creating and refining these Programs. The WMPs were ultimately approved by the Executive Officer of the LA Regional Board, and the Permittees then began implementing the WMPs and the projects comprising the plans.

Petitioners then brought this challenge, first asking the LA Regional Board to overturn the Executive Officer’s approval of the WMPs. After receiving substantial written and oral comments on the Petition and the WMPs, the LA Regional Board upheld the Executive Officer’s decision and approved the WMPs. Petitioners now ask this Board to overturn the decision of the LA Regional Board.

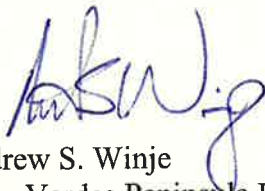
The City respectfully requests this Board deny the Petition and uphold the decision of the LA Regional Board. The Regional Boards are delegated authority over water quality matters in California. Here, both LA Regional Board staff and the Board reviewed the WMPs and the terms of the LA MS4 Permit, and deemed the WMPs compliant with the Permit terms. The Permittees have thoroughly demonstrated that the WMPs comply with the standards of the Clean Water Act and regulatory requirements.

If this Board were to deem the WMPs invalid, it would completely derail the WMP-development process. Much like the Permittees developing the WMPs, the Palos Verdes Peninsula Watershed Management Group has spent hundreds of thousands of dollars and countless staff hours developing its EWMP. It would be an incredible waste if Permittees were not allowed the opportunity to implement these state-of-the-art plans that represent a paradigm shift in how California views and approaches stormwater as a resource.

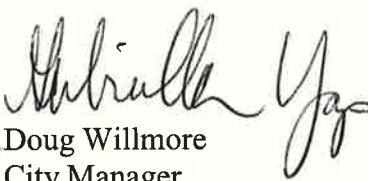
Finally, the Petitioners filed an Addendum to their Petition on October 30, 2015. The City requests that this Board reject the Petition Addendum as untimely. Water Code Section 13320(a) and Section 2050(b) of Title 23 of the California Code of Regulations require petitions to be filed within 30 days of the challenged action of the Regional Board. Here, the Petition Addendum was not filed with the original Petition *and* it was not filed within 30 days following the LA Regional Board's September 10, 2015 hearing and decision to uphold the Executive Officer's approval of the WMPs. Therefore, the Petition Addendum is untimely, it should be rejected, and the arguments therein should be deemed waived.

The City appreciates the opportunity to Comment on the Petition. The City urges this Board to deny the Petition and allow the WMP Permittees to continue on this compliance path. The Permittees have invested a great deal of time and effort and the WMPs have undergone a rigorous review by the LA Regional Board.

Respectfully Submitted,



Andrew S. Winje
Palos Verdes Peninsula EWMP Chair



For Doug Willmore
City Manager