

City of Arcadia

Office of the City Manager

William R. Kelly
City Manager

Storm Water Panel Report
Deadline: 9/1/06 5pm

July 25, 2006

State Water Resources Control Board
1001 I Street
Sacramento, CA 95812-0100
Attention: Song Her, Clerk to the Board



Subject: Findings of the Storm Water Panel of Experts

The City of Arcadia is pleased to provide the following comments on the Storm Water Panel recommendations on *"The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities."* We support the efforts of the State Water Resources Control Board to rely on sound science when considering the major water policy issues facing the Water Boards, as well as State agencies and local governments.

In particular, we want to thank the State Water Board for convening the expert panel to consider the question of whether it is technically feasible to establish numeric limits for inclusion in storm water permits. We support the panel's overall finding for municipal storm water permits, that *"It is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges"* (Page 8, Panel Report).

The panel has found further that:

- *"Monitoring for the enforcement of numeric effluent limits would also be challenging. While spot checks could be made at some of the many outfalls in an area, there is wide variation in stormwater quality from place to place, facility to facility, and storm to storm."* (Page 6)
- *"Since the storm-to-storm variation at any outfall can be high, it may be unreasonable to expect all events to be below a numeric value. In a similar circumstance, there are a number of storms each year that are sufficiently large in volume and/or intensity, to exceed the design capacity volume or flow rates of most BMPs."* (Page 6) *"The Panel acknowledged that several to more times each year, the runoff volume or flow rate from a storm will exceed the design volume or rate capacity of the BMP. Stormwater agencies should not be held accountable for pollutant removal from storms beyond the size for which a BMP is designed."* (Page 10)

240 West Huntington Drive
Post Office Box 60021
Arcadia, CA 91066 - 6021
(626) 574 - 5402
(626) 446 - 5729 Fax

- *"It will take substantial research effort, including data gathering on well-designed BMPs, to develop design criteria for the removal of pollutants with confidence intervals that enable us to make reliable estimates of the median and variance of the effluent concentrations to be expected from the various BMPs. Until this is done, it will be very difficult to assign legally enforceable numerical effluent limitations to any particular BMP." (Page 6)*

We provide the following suggestions on how the State Board could use the Panel's findings to improve the NPDES storm water program in California.

1. The State Board should adopt a policy providing direction to staff and Regional Water Boards that numeric effluent criteria are not to be established for urban discharges, nor for municipal BMPs, until additional monitoring and research has been completed and the State Board has adopted an additional policy on the application of numeric effluent criteria to urban discharges and municipal BMPs.
2. The State and Regional Water Boards should pursue the development of Action Levels as an alternative quantitative approach for the storm water program. This would assist local government in focusing priority attention on "bad actor" catchments.
3. The State Water Board should establish a program to evaluate and certify Best Management Practices (BMPs) that target specific combinations of water quality impairments.
4. The State and Regional Board should recognize that "built-out" urban areas will need more assistance in addressing impairments, than will newly developed (or developing) watersheds. Newer areas are able to better incorporate SUSMP planning and limited hydro-modifications, since in many cases they are planning on vacant land.
5. The State Board should adopt a policy that atmospheric deposition, including indirect dry deposition, should receive load allocations in TMDLs and that Air Pollution Control Districts, Air Quality Management Districts and the California Air Resources Control Board should be assigned load reduction requirements in TMDLs.

State Water Resources Control Board

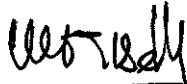
July 25, 2006

Page 3

Our City is committed to improving water quality and working with the State Board, our Regional Water Board and the environmental community to implement programs that are scientifically sound and practicable - and look forward to working with you to do so.

Should you need additional information or have any questions, please contact Tom Tait, Deputy Public Works Director at (626) 305-1386.

Sincerely,



William R. Kelly
City Manager

WRK:PM:dw