

Storm Water Panel Report  
Deadline: 8/4/06 5pm

July 19, 2006

Tam Doduc, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Dear Ms. Doduc:

The California League of Food Processors (CLFP) is a member of WATER, a statewide, broad-based coalition of environmentally conscious public entities, business organizations, taxpayers, school districts, agricultural groups and other entities that are actively involved in working with the State Water Resources Control Board (SWRCB) on statewide water quality policies and issues that impact all Californians. In particular, the WATER coalition is acutely concerned with the application of numeric limits to permits for storm water flows. The WATER coalition is pleased that the long awaited Science Panel report on the feasibility of numeric limits for storm water discharges is now available for public comment.

As you know, this report is the product of nearly a year of analysis and deliberation by panel members. It raises a broad range of technical, policy and resource management issues that must be carefully considered by the Board and storm water program stakeholders before further action can be taken toward adopting numeric effluent limits in storm water permits, whether in statewide general permits or regional, facility-specific permits. Moreover, this report may well serve as the policy foundation for other state water quality programs. Thus it is our expectation that the July workshops are simply the first step in a comprehensive public dialogue that will lead to a new statewide storm water management policy.

Bearing these process concerns in mind, the WATER coalition provides the following preliminary comments:

- We want to note that the panelists were unanimous in their finding that the current storm water database cannot be used to develop numeric effluent limits. Existing monitoring programs must be revisited and adjusted to produce the data necessary to adequately evaluate the effectiveness of BMPs.
- The costs for additional monitoring and data collection -- both direct and indirect (such as additional agency staff and program resource needs) -- will be substantial. This information must be presented to policymakers and disclosed to the public to ensure selection of the most cost-effective monitoring and storm water management strategies. Indeed, the report recommends actions that

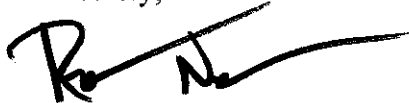
emphasize effectiveness, affordability, enforceability and flexibility for dischargers and cautions against actions that would be cost prohibitive or that would "unduly penalize California industries".

- In the interest of making best use of available resources we recommend a monitoring program that will allow sampling and data collection by discharger categories or classes rather than requiring each and every facility to produce new data.
- Finally, the Report recognizes that enforcement of numeric limits, even in more controlled industrial settings would be challenging due to the intermittent nature, timing, duration and intensity of storm events. Appropriate criteria must be developed to address BMP design, monitoring design and most importantly, to address circumstances where facilities can no longer handle excessive storm water. We applaud the Report's references to the concept of a "design storm", which uses established storm intensity benchmarks (e.g., 10-year event, 50-year event, etc.) as a basis for BMP and monitoring program design.

The WATER coalition and CLFP fully support your efforts to develop a consistent, science-based statewide approach for stormwater discharges. We look forward to further opportunities to provide input and work with state board staff and other storm water program stakeholders to develop a practical and cost-effective storm water program for California that actually leads to improved water quality.

Thank you very much for considering our comments.

Sincerely,



Rob Neenan  
Director of Regulatory Affairs

Cc: Art Baggett – SWRCB Member  
Gerald Secundy – SWRCB Member  
Charles Hoppin – SWRCB Member  
Gary Wolff – SWRCB Member