

ATTACHMENT C
SPECIFIC TECHNICAL COMMENTS
October 12, 2007 VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)
FOR THE
VENTURA COUNTY WATERSHED PROTECTION DISTRICT, COUNTY OF VENTURA,
AND THE INCOPRORATED CITIES

No.	Page and section	Comment
1	General	Please provide a list of acronyms and definitions.
2	Page 1, section 1	Change all references of "San Buenaventura" to "Ventura".
4	Sections in document relating to BMPs	The document indicates that BMPs shall be implemented. The BMPs referenced in the document were developed as guidelines for managing potential discharges. The RWQCB should clarify if the BMPs are requirements or suggested protocols. Additionally, the RWQCB/NPDES permit should specify if all measures listed in the specific BMPs are mandatory. If the BMPs are mandatory, further evaluation of the BMPs is necessary to determine if the BMPs are feasible. In some instances, changes to local ordinances would be required to implement the BMP.
5	Page 3, Finding 9.	The finding regarding salts is inaccurate and inconsistent with the effective chloride TMDLs and the work being done to develop a salts TMDL in the Calleguas Creek Watershed. Salts impact agricultural and groundwater recharge beneficial uses and are only a concern for aquatic life at levels much higher than those required to protect agriculture. Additionally, swimming pools, though a potential salt source, have not yet been identified as a significant salt source to the waterbodies in any of the TMDL analyses developed to date. Finally, the effective chloride TMDLs do not include allocations for MS4 discharges. Therefore, this finding should be removed.
6	Page 3, B. 9 (Findings)	"Rising groundwater and swimming pool water...control the discharges from these activities in order to directly or indirectly reduce or eliminate discharges of salt to fresh water..." These requirements must match the Basin Plan for the TMDL salt implementation time (15 yrs). Please provide the reference for this Finding in the staff report and rectify the compliance timeline.
7	Page 6, section 18	While working on trash TMDL for the Ventura River Estuary and Calleguas Creek tributaries, staff observed that agriculture is a significant source of litter to watersheds. It is imperative that litter be included in the Waste Discharge Requirements for Discharges from Irrigated Lands. Additionally, litter should be added to the list of pollutants generated from irrigated agricultural facilities contained on page 7, section 15 of the draft MS4 Permit.
8	Page 7, B. 19. Page 8 B. 19. (Findings)	The statement relies on research from Los Angeles County to find that "similar patterns of aerial deposition likely occur in Ventura County." (emphasis added.) Please provide supporting documentation for this assumption.
9	Page 8 B. 18 (Findings)	The Draft Order states "Nitrite and nitrate (NH3) are biostimulatory substances that can cause or contribute..." Excessive nitrogen can lead to aquatic impairment, but is usually found in all natural systems. Ammonia, especially in its un-ionized form (NH3), is toxic to many aquatic organisms. Please rectify how a naturally occurring compound contributes to water quality exceedences and the biostimulatory characteristics of un-ionized NH3.
10	Page 3, B. 10. (Findings)	The information referenced in this finding comes from two highly urbanized counties that significantly differ from Ventura County. The trash TMDLs currently being developed in Ventura County are in the process of identifying the sources of the trash and initial indicators suggest that the MS4s may not be the most significant source of trash. Additionally, the amount of trash present in the waterbodies is significantly lower than the amount found in Los Angeles County. Although trash is

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		a potential problem in Ventura County, the problem is not of the same magnitude as that in other Southern California Counties and the finding should acknowledge the differences.
11	Page 3, B. 7. (Findings)	"Pesticide categories include: Organochlorine, Organophosphorus, Organophosphate, and Pyrethroid." In Ventura County, the two most used pesticides (DPR Pesticide Use Report) are petroleum hydrocarbons and copper, their use is predominantly agriculture. Please provide a source for your finding.
12	Page 7, C. 4 (Findings)	The Permittees were not made aware that the ROWD submitted to the Regional Board was considered "...partially complete" after the supplemental information requested was sent to the Regional Board. Did the Regional Board inform the Permittees that the ROWD is still considered partially complete? If it is please explain in detail what is missing.
13	Page 10 E. 4 (Fed. State & Reg)	"The Porter-Cologne Water Quality Control Act ... authorizes the State Water Resources Control Board (State Water Board), through the Regional Water Boards, to regulate and control the discharge of pollutants into waters of the State and tributaries thereto." Not only is the tributary rule not defined (August 10, 2004, letter regarding the <i>2004 Triennial Review</i> ; March 30, 2005 comment letter on the <i>Draft Tentative Conditional Waiver for Discharges from Irrigated Land</i>), but the definition of Waters of the State would be all-encompassing anyway. Waters of the State covers all surface and groundwater within the State, and does not exclude treatment devices (grassy swale, constructed wetlands, etc.) disconnected surface MS4 features (e.g., curb and gutter). Please rectify this discrepancy.
14	P. 16 – 18. (a) (findings) P. 19 - F.1 (Implementation)	This section is specifically directed to LA's SUSMP and not the board approved SQUIMP document for VC. Please rewrite to include specific adoption of SQUIMP. The permittees disagree with the finding that "ministerial projects" were included in SQUIMP. Additionally, the referenced resolution was adopted without solicitation of input from or notice given to Ventura County stormwater permittees. Please provide justification for this applying to Ventura County.
15	Page 17, 20.(b)	Please explain how the Construction General Permit affects or modifies the local MS4 permit regarding construction activities.
16	Page 17 E. 19 (Fed. State & Reg)	"The Regional Water Board supports Watershed Management to address water quality protection in the region...It emphasizes cooperative relationships between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with available resources." In Ventura County the Regional Board has been a partner in TMDL development, however participation in the Countywide Stormwater Management Meetings ended over a year ago and there has been no stakeholder involvement in the development of the draft tentative permit. Please describe what the Regional Board views as a cooperative relationship.
17	Page 19, F. 2	The term "receiving waters" is not defined. Please add to Definitions section.
18	Page 19 – F 1	This language suggests that co-permittees should revise current ordinance conditions to modify ministerial projects to be become discretionary, thus becoming subject to storm water mitigation requirements. It is unreasonable to require all ministerial projects to become discretionary because most, if not all, ministerial projects have no impact on water quality whatever. Including ministerial projects for inclusion under SQUIMP or a similar stormwater mitigation program is unnecessary. Currently, permittees receive several tens of thousands permit applications for ministerial projects each year. Requiring each of these projects would prove to be extremely onerous on their resources. All projects identified in the applicability section would be discretionary rendering this an unnecessary burden that conflicts with permit streamlining.
19	Page 19, F. 2	The Draft Order requires implementation of BMPs to reduce discharge of pollutants "to the maximum extent practicable

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	& Pg 20 F.5 (Implementation)	(MEP)", but Finding F.4 requires "all necessary control measures". This is not defined and may be different than MEP. Additionally "Successful efforts to reverse the wet weather impairments..." is not possible until critical regulatory tools are developed, including wet weather water quality objectives and "design storm" standards. Please rectify this discrepancy.
20	Page 20 F3	States "The implementation of measures set forth in this Order are reasonably expected... What is the term "reasonably expected" based on?
21	Page 20, F.4 (Imp.)	This item states, "This Order translates MS4 TMDL WLAs adopted by the Regional Water Board into forms "consistent with the assumptions and requirements of the TMDL", by use of alternate temporal increments, concentrations, presumptive BMPs, prohibitions, and other express limitations." This language is unclear as to exactly how TMDLs will be handled in the Permit. Please use the exact language in the TMDLs and their associated implementation plans or reference them.
22	Page 21, F.9	We greatly appreciate the intention to provide "flexibility" within this section. However, the flexibility requires documentation regarding alternative BMP effectiveness which was not provided for the "established" BMPs. The result is that there can be no meaningful comparative analysis. This applies to Section D.3(a) on Page 48 as well. Please provide a method for accurate comparisons or an alternate method for selecting alternate BMPs.
23	Page 22, F. 12 (Imp)	"Permittees shall implement a timely, comprehensive..." "Shall" language turns the Finding into a Requirement – it should be deleted.
24	Page 23 F. 15 (Imp)	"This Order contemplates that Permittees will ensure that implemented Treatment Control BMPs will not pose a safety or health hazard to the Public..." An example of where there are problems with this Finding is the requirement to install trash excluders on all catch basin inlets. Not only does this requirement increase the flooding potential for most areas to which it would be applied, but a substitute BMP would need to be approved under F.8, that does not have a probable health hazard due to flooding or vectors. Please provide detail on the findings that there will be no safety or health hazard to the Public.
26	Page 25, Part 1 A.1. and A.2.	Both discharge prohibitions should include language regarding "discharge from an MS4 that have not been reduced to the Maximum Extent Practicable"... Please make this change.
27	Page 25, Part 1 A.3	The Draft Order states "Discharges to the MS4 not covered by a NPDES individual or general permit are prohibited." Permittees own and/or operate portions of the MS4 that receive agricultural runoff, which is exempt from NPDES permitting. We would not be able to meet this requirement. Please rectify this discrepancy.
28	Page 25, Part 1, B (Prohibitions)	The Draft Order requires Permittees to "effectively" prohibit non-storm discharges but does not define nor explain what is meant by "effectively" prohibit. Please add to the definitions section.
29	Page 25, Part 1, B. 1. (b) (Footnote 2)	The Draft Order states "Releases may only occur with the implementation of appropriate BMPs..." Please revise this sentence to read "Planned releases shall only occur with the implementation of appropriate BMPs....".
30	Page 26, Part 1, B.-Table 1 (Footnote 1) Potable drinking water	The Draft Order allows Potable Water Discharges; however, Footnote 1 states, "The term applies to low volume, incidental and infrequent releases that are innocuous from a water quality perspective. It does not cover scheduled discharges by potable water purveyors for the (i) dewatering or hydro-testing or flushing of water supply and distribution mains, or (ii) dewatering or draining of reservoirs or water storage facilities. Releases may occur for discharges from potable water sources only with the implementation of appropriate BMPs, dechlorination prior to discharge (see section G for specific

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	supply and distribution system releases	<p>BMPs). Discharges from utility vaults shall be conducted under coverage of a separate NPDES permit specific to that activity. Discharges from well heads and hydrostatic pipe testing shall be subject to a separate NPDES general permit coverage (CAG674001).”</p> <p>Please recognize that the other NPDES permits that affect potable water discharges. This footnote should be changed to read as follows: “The term applies to low volume, incidental and infrequent releases that are innocuous from a water quality perspective. Those releases for dewatering or hydro-testing or flushing of water supply and distribution mains and incidental and infrequent releases from well heads <u>shall be allowed</u> with the implementation of appropriate BMPs (see section G for specific BMPs) <u>until such time as a new General Permit is adopted</u> that addresses those type of releases. Discharges from hydrostatic pipe testing shall be subject to a separate NPDES general permit coverage (CAG674001) and discharges from utility vaults shall be conducted under coverage of a separate NPDES permit specific to that activity.”</p>
31	Page 26, Part 1, B.2 (7) & (9) Drains for foundation, footing & crawl space)	This item lists fourteen categories of allowable “non-stormwater discharges” when conditions in Table 1 are met. However, in Table 1, drains for foundation, footing and crawl drains (item number 7) and water from crawl space pumps (item number 9) are required to have a separate NPDES permit for de-watering. There appears to be a duplicative permit condition. Only one NPDES permit should be necessary for discharge. By categorizing foundation, footing and crawl space dewatering discharge as an allowable “non-stormwater discharge” under the MS4 permit, additional NPDES permits should not be necessary. Please remove the requirement for a separate de-watering permit as indicated in Table 1.
32	Page 27, Part 1, B, Table 1	The Draft Order states “Water that is hyper-chlorinated shall not be Discharged...even after dechlorination.” Hyper-chlorinated is not defined in the permit, please add a definition. There is no justification given for this requirement. If the dechlorinated water meets Basin Plan objectives, discharge to the storm drain system should be allowed. Please justify the prohibition.
33	Page 26, Table 1	“Flows from riparian habitats or wetlands” Is the word ‘diverted’ missing? Please clarify.
34	Page 32, footnote 1	This provision requires the Permittee to prohibit discharges or require implementation of appropriate or additional BMPs, however, it does not address situations where the Permittee has no jurisdiction or permit authority over the entity conducting the discharge (e.g. federal facilities, NPDES permitted discharges). Please explain the procedure to enable a Permittee to monitor and impose conditions.
35	Page 29, Part 3.1	“Discharges from the MS4 that cause or contribute to a violation of water quality standards are prohibited.” Please add the MEP qualifier.
36	Page 29, Part 3, 3	The Draft Order requires “timely implementation” of control measures, but does not define “timely implementation”. Please provide a definition.
37	Page 30, Part 3 A (d)	This provision requires that BMPs identified in a Receiving Water Limitations Compliance Report must be implemented within 30 days following approval by the Regional Board. As written, this provision eliminates the opportunity to choose structural BMPs that are a multi-year process to design, fund, obtain environmental permits, and construct. Please delete the last word in the sentence (“implemented”), and replace with “initiated”. If structural BMPs are necessitated, implementation will be a multi-year process, not within 30 days, as stated.
39	Page 31, Part	Prohibition of swimming pool discharges: This section lists specific discharge limits for specific constituents in swimming

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	4, B.1 (b) (5)	pool discharges. There is no justification for regulating swimming pool discharges (de minimus volumes) to this extent, and there is no need for chloride limit for all waterbodies in Ventura County, including the ocean.
40	Page 32 Part 4, B.2 (b) Page 32 2 (b) (Findings)	“The permittees shall possess adequate legal authority to:…Require persons within their jurisdiction to comply with conditions in the Permittees’ ordinances, permits, contracts, model programs, or orders (i.e. hold dischargers to its MS4 accountable for their contributions of pollutants and flows).” “Discharges to the MS4 not covered by an NPDES individual or general permit are prohibited.” The City owns and/or operates portions of the MS4 that receive agricultural runoff, which is exempt from NPDES permitting. We would not be able to meet this requirement (March 30, 2005, comment letter on the Draft Tentative Conditional Waiver – Waste Discharge Requirements for Discharges fro Irrigated Land). There are other sources of discharge over which the Permittees have no authority such as State and Federal buildings. Please explain how the Permittees are to obtain the necessary legal authority.
41	Page 32, Part 4, B. 3 and 4	Six months One year is insufficient time to complete major revisions to the Municipal Code. In order for the BMPs to have the force and effect expected by the Regional Board, they cannot simply be incorporated into ordinances by reference, as was done in the permit. At least two years will be required to prepare and adopt operating ordinances and codes. Requiring its legal counsel to declare that the Permittee has “obtained and possesses all necessary legal authority to comply with this Order” is infeasible, especially given the fact that it is unclear how Permittees will have legal jurisdiction to enforce some of the provisions of this Order (see above responses).
42	Page 33, Part 4. C. 1. (a)	In actual practice, tracking time charges will be costly and lack accuracy. Admirably, stormwater efforts have become an ingrained and inseparable portion of many tasks, performed by numerous staff across a wide range of agency programs, and cannot be accurately identified. Some stormwater quality expenses are clearly and readily identifiable, but many are imbedded in myriad activities and cannot be measured. Additionally, Permittees do not typically track inter-program, and interdepartmental actual expenses on this level, and would require extensive staff time to implement a system to record, monitor and report these expenses. Implementation of this provision would not improve water quality, but it would require extensive staff time to implement and report that could otherwise have been spent on water quality improvements. Please eliminate this provision.
43	P. 33 Part 4 – C (Budget)	Street sweeping is an effective BMP for removing pollutants such as trash from curb/gutters and costs for all street sweeping should be accounted for in the stormwater program budget. If trash excluders are required on all catch basins (including residential areas), street sweeping will be a necessary component for removing the debris that collects in the street and curb area in front of the catch basin excluder; therefore, it should be accounted for in the stormwater program budget. Please allow for its inclusion into the budget.
44	Page 33, Part 4 (B)	“Program Required Activities Implementation (storm water related activities only). Provide figures breakdown of expenditures for the categories below:” Please explain what “figures breakdown” means?
45	Page 34, Part 4, D. 1	Ninety days is insufficient time to complete revisions to “programs, protocols, practices and municipal code”. We suggest that the permittees be allowed two years to complete this requirement. Also, this requirement conflicts with Part 3, B. 4 which provides for six months to complete revisions.
46	Page 34, Part 4, E.1	“The Ventura County Watershed Protection District is hereby designated as the Principal Permittee.” Please cite in Finding or Staff Report the authority used to make this designation.
47	Page 34,	Placing mandates on which staff attends certain meetings may create costly and inefficient duplication of efforts. For

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	section 1 and Page 35 Part 5 B.1	instance, if a co-permittee is already participating on the County Environmental Crimes Task Force, and is willing to represent the Countywide Stormwater Program at the Task Force, and to report on these issues at the Countywide stormwater meetings, why should the Principal Permittee also attend? Please allow flexibility here so that Permittees can pick the most economical way to comply. Also, Section E should be retitled to "Designation and Collective Responsibilities of the Permittees", to allow permit compliance in the most efficient manner.
48	Page 35 Part 5	Part 4 is titled SPECIAL PROVISIONS (BASELINE) Please explain what Baseline means/ implies?
49	Page 35 Part 5 A. 2	The BMPs referenced in the document were developed as guidelines and do not have specific measurable values, no baseline for the standard and no established criteria for evaluation. Please describe how substitute BMPs are to be evaluated and how they compare with the original BMPs.
50	Page 36 C	"To measurably change the waste disposal and storm water pollution . . ." Please explain what kind of measurement is acceptable and what baseline should be used?
51	Page 36, Part 5 - C. 1. (c) (1)	The consultation, input and assistance of the Permittees will create more effective and better targeted outreach programs. Please change to: Collaboratively the Permittees, shall implement the following activities:
52	Page 37, Part 5, C. 1. (c) (1) (E)	There are already watershed based groups in the major watersheds of Ventura County such as Friends of the Santa Clara River, Calleguas Creek Watershed Management Plan and Malibu Creek Watershed Advisory Council. Working within the existing group structures will be more effective than starting a new group or committee. The sentence should be revised to read: "Work with existing local watershed groups or organize Citizen Advisory Groups/Committees . . ."
53	Page 37, Part 5- C 1. (c) (6)	<p>We are in agreement that educational outreach to children is an important way to affect a change in behavior. However, requiring that this be done in schools presents difficulties. None of the Permittees has the authority to put any material into a classroom. It will be up to the discretion of the educational system to use anything provided to them, including resources from AB1721. Targeting all grades from K-12 compounds the obstacles because not all those grades have in their curriculum subjects that are open to the stormwater pollution message. For example, the stormwater message may be perceived as acceptable to include in earth and life sciences which are taught in grades 6 and 7, but not for physical science which is taught in grade 8. In grades 9-12 science is presented as discipline-specific courses - which are not required to be taken by all students.</p> <p>The Environmental Education Account is an option, however, there is no guarantee that money given to the account will be spent in Ventura County or on stormwater pollution, or that it will even be used in the classroom. According to the Cal/ Environment and Education Initiative website, spending money in the account requires both Legislative appropriation and consultation with the California Integrated Waste Management Board, but no consultation with the State Water Resources Control Board. There is a concern that these funds will be used exclusively for litter and recycling programs, and that the Permittees will still be responsible for measurable improvements.</p> <p>All available resources for children outreach would be spent to meet this prescriptive requirement. That prevents creative alternative approaches that would use other known effective outreach methods such as television, radio and the internet. Reaching a target audience is various ways is considered a more effective method to affect a behavior change.</p> <p>We would suggest a focused requirement to provide educational outreach to the same number of school-aged children. This would allow the Permittees the flexibility to develop a program that will have a better chance of success and maximize the benefit of their resources.</p>

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

54	Page 38, Part 5, C. 1. (c) (8)	Measuring the effectiveness of outreach to children is an appropriate part of the program. However, we believe a more effective program would be one that is outside the classroom. Any measurement in classrooms will require cooperation from schools to administer the surveys or tests and then share the data. The Permittees have no authority to do this. Also, 180 days to formulate and implement (does implement mean adopt a strategy, begin implementation, or conduct the educational program and measure its effectiveness?) a measurement strategy is insufficient time. Please change to one year.
55	Page 38, Part 5, C.1(d) and Attachment B	"The Principal Permittee, in cooperation with Permittees, shall coordinate to develop outreach programs that focus on the watershed-specific pollutants identified in Attachment "B" (Pollutants of Concern) no later than..." There are a couple of steps missing in this requirement. Attachment "B" POCs are not watershed-specific, and these POCs, based on receiving water monitoring, have not been compared to land use monitoring, which would give an idea of which POCs are contributed to by urban runoff. Please rectify this requirement or delete.
56	Page 38, Part 5, C.1(C)(9) (Footnote 1)	"Matching funds shall be equivalent to \$10 per targeted student per year." Please justify how the \$10 per student figure was derived? AB 1721 does not legislate a "dollar per student" equivalent figure. \$10 per student is extremely high. We suggest that the equivalent dollar amount be reduced to \$1 per student, if donation to the Environmental Education Account remains an option. Additionally, does "indexed" refer to the consumer price index? If so, which index? Please state which index it is to avoid time wasting and costly confusion at a later date.
57	Part 5, Section D, item 1 (3) (B), page 40 of 115	Hazardous waste treatment, disposal, and recovery facilities is an outdated term. The CA Health and Safety Code now refers to these facilities as Hazardous Waste Facilities for the treatment, storage and disposal of hazardous waste. (H&S Code, Chap. 6.5, section 25117.1) The text should be changed to reflect the current definition.
58	Page 39, section 1.A.	Please define "corporate management" and "confer". Also, provide details for handling a corporation that is headquartered in another part of the United States or another country.
59	Page 39, Part 5- C 2. (a) (2)	Notwithstanding the objections to this requirement, the Corporate Outreach section, Part 1 C 2. (a) (1), defined the minimum number of corporate franchisees to target. Clarification is needed in this section to refer to the targeted franchisees. Please change to: Corporate Outreach to all targeted RGOs . . .
60	Page 39, Part 5, C. 2. (b) (1) Page 39, section B	On-site technical assistance or consultation presents a serious liability problem for the Permittees. The section should be revised to read: "On-site technical assistance, or consultation via telephone or e-mail to provide recommendations or guidelines to identify and implement storm water pollution prevention methods and best management practices."
61	Page 41 Part 4, D.1(a)	The Draft Order states "Each Permittee shall maintain a watershed-based inventory or database of all facilities within its jurisdiction that are critical sources of storm water pollution." The term "critical source" is not defined; however, Attachment D lists "Critical Sources Categories". Also, there doesn't seem to be a Ventura County specific finding on the need for this program. Please add the definition to the permit, and include the rationale for these specific sources in the staff report for the permit. A re-direction of resources for problems that don't exist in Ventura County watersheds is potentially damaging to our program.
62	Page 40, section 1 a. 3. A.	It is wasteful and inefficient for the co-permittees to perform this function already performed by the Regional Board, and pulls resources away from activities that will improve water quality. Please delete municipal landfills from the MS4 permit, as the landfills have their own permits from the Regional Board.

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

63	<p>Page 41, Part 5, D. 2. (a)</p> <p>Page 46 D. 2. (b)(1)(B)</p>	<p>The Draft Order states “Permittees shall require implementation of additional treatment control BMPs where storm water flows from the MS4 discharge to an ESA or a CWA 303(d) listed waterbody”</p> <p>The requirement for the installation of treatment controls BMPs at all critical sources that discharge to a storm drain system which discharges to an ESA or a 303(d) listed waterbody is much too inclusive of facilities and pollutants. Furthermore, the suspected pollutants of concern that would come from a critical source must be matched to the impairment in the 303(d) list for the required treatment controls to be effective. Finally, the legal authority of the Permittees to require a critical source who is not requesting improvement permits to implement additional treatment control BMPs is questionable.</p> <p>In most communities, every critical source would be required to install treatment control BMPs, since most Permittees' storm drain systems drains to 303(d) listed waterbodies. The Permittees have worked cooperatively with the Regional Board to develop TMDLs to address the 303(d) listed waterbodies. The requirement for treatment control BMPs at every critical source is unwarranted and we strongly suggest that the requirement be removed from the permit.</p>
64	<p>Page 43-45, Part 5 - D. 2. (a) (1), (2), (3) and (4)</p>	<p>Tables 2 through 4 list the mandatory BMPs that shall be implemented by the critical sources. These BMPs came from the 2003 California Stormwater BMP Handbook which expressly states that “it is not the intent of this handbook to dictate the actual selection of BMPs, . . . but rather to provide a framework for an informed selection of BMPs”. Making these BMPs mandatory is contrary to this statement. Furthermore, each BMP section listed has multiple and redundant BMPs which no single location could feasibly implement. Please change sections to read: “BMPs in from the following Table (X) shall be implemented to effectively control polluted runoff, unless the pollutant generating activity does not occur.”</p>
65	<p>P. 47, Part 5- D (Critical Sources inspection)</p>	<p>The Draft Order states “Those BMPs that are not adequate to achieve MALs and/or water quality objectives, Permittee may require additional site-specific controls, such as treatment control BMPs.”</p> <p>We do not have a baseline to measure effectiveness of treatment control BMPs. Please provide sources to determine baseline effectiveness.</p>
66	<p>Page 47, D. 3. (a)</p>	<p>Proving that a BMP “will achieve the equivalent reduction of pollutants” would require a database of baseline data on all the BMPs. Please provide this information or change language to read “will achieve the equivalent similar reduction of pollutants”.</p>
67	<p>Page 47, 3(c)(3)</p>	<p>Permittees found to have enforced local municipal codes in good faith should be exempt from any and all penalties the Regional Board could impose for the violation, i.e. Only the offending party would be penalized, not the Permittee. Please add a definition of Good Faith and include an exemption from penalties to the Permittees.</p>
68	<p>Page 47, Part 5, D. 3. (a) and (b)</p>	<p>The requirement for the installation of additional BMPs at critical sources that discharge to a storm drain system which discharges to an ESA or a 303(d) listed waterbody is much too inclusive of facilities and pollutants. Additionally, determining if a facility is “causing or contributing to exceedences of MALs and/or water quality objectives” requires the Permittees to sample each critical source. This requirement is unwarranted and we suggest that the requirement be removed from the permit.</p>
69	<p>P. 49, Part 5 - E 1 (Planning & Land Dev.)</p>	<p>The Draft Order states “The permittees shall implement a development-planning program that will require all new development and redevelopment projects...” This provision should only apply to projects that disturb soil area of 1 acre or more that are subject to SQUIMP, single family residences and redevelopments under 5,000 SF should remain exempt.</p>
70	<p>Page 49</p>	<p>The permit requires the selection of an “integrated approach” to mitigate stormwater pollution, but does not define or</p>

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	Part 5 - E. 1	reference 3 of the 4 available options, including “Integrated Water Resource Management Strategies”, “Multi-benefit Natural Feature BMPs”, or “Prefabricated/Proprietary Treatment Control BMPs”. These options should be defined and referenced.
71	Page 49 Part 5 - E. 1	This section is also redundant and vague. Subsections d and f, for example, reference Low Impact Development strategies, however, this already appears to be a proposed requirement under the following section E.I.1 labeled “Low Impact Development”.
72	Page 49, E.1 (b) Footnote 1	The footnote references the use of “Native Vegetation” and “using approved dispersion techniques” for vegetated swales. This requirement conflicts with the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures for “filter swales” which requires the use of fescue grasses mowed to a height of 4 to 6 inches. Please restate the footnote to read...”Impervious surfaces may be rendered “ineffective” if the storm water runoff is dispersed through properly designed vegetated swales as specified in the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures”.
73	Page 49, section E.	<p>The Permittees are committed to being national leaders in Smart Growth, using low impact development principles whenever possible. However in the coastal watersheds the hydromodification requirement needs to be clarified. Many of the Downtown storm drains discharge directly into the surf zone, with no hydromodification impacts to natural areas. Please provide an exemption to projects in these direct ocean or large river discharge watersheds that do not increase runoff beyond existing 100% developed conditions.</p> <p>To streamline Permittees processing of obvious cases, a list of exemptions for each hydrologic controls category needs to be developed. This list needs to be developed for interim and final hydrologic controls. Here are some examples of projects that could be exempt from Hydromodification criteria:</p> <ul style="list-style-type: none"> * Projects that do not increase the effective impervious area compared to the pre-project conditions * Projects that discharge to a sump, a lake or area under tidal influence. * Projects that discharge into hardened channels on three sides that discharges into a lake, or tidal zone or to enclosed pipelines. * Projects that discharge to aggrading channels, where there is accumulation of sediments over decades with no indication of erosion. * Projects for which it can be shown that there is not a potential for significant Hydromodification impact downstream with planned hydrologic control measures that may include on-site, regional, or in-stream runoff control measures, or a combination thereof. * Projects which discharge into a waterway with an erosion potential of 1. * Projects that flow to a MS4 that for the build out condition of the MS4 has a Q-100 flow that is less than 5% of the downstream natural waterway's Q-100.
74	Page 52, Section E. III. 3.	Please add a definition for pre-development as “native vegetations soils or conditions prior to proposed development”, because we don’t always have native soils and or native vegetation.
75	Page 49 - E.I 1(e)	Order of preferences should match the used order later pg(51) 3.1 with Integrated water resources management strategies first

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

76	Page 49 – II 1 (a)	Land area that is disturbed during construction but not built upon (e.g. stockpiling) should not be considered in post construction BMP calculations. All reference to surface area should be clarified as impervious area.
77	Page 50 – II 1 (a) 7	Applying these conditions to projects on existing infrastructure (e.g. street widening for a bike lane) creates a cost benefit imbalance / hardship. Please allow for a linear capitol improvement project exclusion.
78	Page 50 – II 1(a) (11)	The Draft Order requires each permittee shall require that during construction of a single-family hillside home, measures be taken to...Provide storm drain system stenciling and signage... Marking inlets at SFRs is not practical, they will likely be removed by the owners and there will be no realistic way to enforce this condition after occupancy as these may be backyard patio and pool deck drains. This will create much work with little improvement in water quality. Please delete.
79	Page 50 – 2 (a) (1) & (a) (3) (b)	To avoid confusion with maintenance activities redevelopment projects subject to conditions should be defined as creation, addition or replacement <u>reconstruction</u> . . . This also needs to be reflected in the definitions sections.
80	Page 51 – 3	Received tentative tract map or the “beginning of grading” are not legal milestones that disallow for changes in the design of a project. This requirement will be unenforceable. If a project has been deemed complete or given approval by the conditioning authority, changes to the design cannot be required. We suggest deleting sections (a) and (b), and the effective date be when a project application receives <u>conditioned approval</u> by the governing body.
81	Page 51 - III 1. (a)	High groundwater and differing soil types make a one-size-fits-all numeric standard for all projects in all subwatersheds inappropriate. Also, significant areas of the county are underlain by perched aquifers containing water that is of poor quality (not suitable for drinking or ag), so increases in the groundwater table could encourage baseflow into our streams and affect water quality. Reducing the effective impervious area to what is consistent with the WMP and/or IRWMP for each specific watershed is recommended until the SMC hydromod study is completed and the permittees have completed the HCP. Please explain the rationale for using 5% if it is to be used as a standard.
82	Page 52 - III 2 (b)	Please correct the reference to the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures.
83	Page 52 - III 2 (b)	Time to develop an LID section to the Technical Guidance Manual needs to be two years.
84	Page 51 - III 1. (a)	The Permittees are committed to being national leaders in Smart Growth, using low impact development principles whenever possible. However in the coastal watersheds the hydromodification requirement needs to be clarified. Many of the Downtown storm drains discharge directly into the surf zone, with no hydromodification impacts to natural areas. Please provide an exemption to projects in these direct ocean or large river discharge watersheds that do not increase runoff beyond existing 100% developed conditions.
85	Page 52 – II (c)	The permittees cannot be responsible for the LID training for the entire development community. Please change the requirement to provide assistance and directions to resources for key industries.
86	Page 52 – 3.	Please avoid untested interim criteria until the Southern California Stormwater Monitoring Coalition (SMC) study is complete. We recommend using the Technical guidance manual which includes LID principles, water quality treatment measures and hydrologic controls.
87	Page 54 – (3)	The development and implementation of Watershed Hydromodification Control Plans will be a lengthy, complex process. As written, Permittees must identify tributary classifications, flow rate and duration control methods, sub-watershed mitigation strategies, and any in-stream control, which will maintain the stream and tributary Erosion Potential at “1”,

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		unless an alterative value can be show to be protective of the natural drainage systems from erosion, incision, and sedimentation that can occur a result of flow increases from impervious surfaces. Six months is not enough time to secure consultant services, develop and implement the Plans. The time requirement for this provision should be changed from six months to at least one year.
89	Page 57 – 2. (a) (1)	BMPs used during construction are temporary and removed after construction is completed. Please delete construction BMPs from the “Tracking, Inspection, and Enforcement of Post-Construction BMPs” section.
90	Page 57 – 2. (a) (1) (E)	GPS logging of all treatment devices is excessive, please delete the parenthetical requirement for coordinates to used to define location.
91	Page 57 – 2. (a) (1) (G)	Operation and Maintenance Plans are not certified, please change date of O&M Certification to date of Plan or Maintenance Agreement.
92	(B)	Please delete the need to track WDID numbers, it is unnecessary and not applicable for projects in post construction.
93	Page 56 1 (a)	Please add LID measures to maintenance agreement as they will also require future inspection to ensure proper function.
94	Page 58 - 4	Requiring Alternative Post Construction BMPs to be completed in four years doesn't allow for regional multi-agency groups to create agreements and find funding sources. Also, it competes with timelines in TMDL implementation schedules. Please allow for Alternative Post Construction BMPs over a longer timeline.
95	Page 59 – 4 (d)	RPAMPs should not be necessary if flexibility to the one size-fits-all requirements of LID and hydromodification are provided.
96	Page 59 -5	Please explain how mitigation funding for regional solutions will impact specific project requirements.
97	60 – 6 (a)(2)	To avoid having to continually update the Guidance Manual please change the language to “ <u>incorporate by reference</u> expected BMP pollutant removal performance . . .”
98	Page 60 - 6 (a)(6)	This request is too broad and is beyond the scope and purpose is the Guidance Manual, please delete.
99	Page 60 – V. 1. (a)	Please match the timeline for updating CEQA process to match the timeline for updating ordinances.
100	Page 61 - V. 1. (1) (E) & (F)	The information to update the CEQA documents to include information on impacts of significant changes in flow volume will not be available until after the Hydromodification Control Plan is written. Please make this a requirement only when appropriate information is available.
101	Page 61 – (2) (a)	To allow needed minor amendments to a General Plan to proceed quickly please change language to “ . . elements are <u>significantly</u> updated . . .”
102		Requiring these conditions on small home improvement projects is unwarranted and does not provide relief for the hardship of rebuilding a home after a fire or other catastrophe. Please provide a single family residence exclusion or redefine development project to exclude single family residences.
103	Page 50-52, Part 5, E. III. 1. & 3	“All new development and redevelopment projects shall integrate Low Impact Development (LID) principals into project design.” These LID principles must be explicitly defined, with references to related research, source documents, and successful regional case studies, in order to understand proposed requirements. Section E. I. 2. requires the permittees to develop a LID Technical Guidance Document within 18 months from the Order’s adoption date. These materials need to be developed for local and regional conditions before developers can be expected to meet the criteria. Additionally, local pilot studies and case studies have not been performed. Thus 18 months is an insufficient period of time. Part 4, E I. 1. must specify an effective compliance date for “All new development and redevelopment...” and must exempt

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		projects that have received their entitlements and/or have been deemed complete for processing; development projects that have received their entitlements or have been deemed complete for processing (but have yet to begin construction) may no longer be subjected to new requirements (per State law). A phased approach of research, guidance development, pilot studies, training and implementation would be preferred and would be more effective.
104	Page 51 Part 5, E. III. 2. (a)	The "predevelopment (hydrologic functions)" statement is inappropriate. Redevelopment sites do not have what is termed in the "Definitions" section as "native vegetation and soils," thus such conservation measures cannot be summarily prescribed for all new development and <u>redevelopment</u> . Such constraints on redevelopment encourage sprawl and discourage smart growth. Please remove this requirement from redevelopment.
105	P. 51 Part 5 – E. 2 (a) (Low Impact Dev)	"The permittees shall implement a development-planning program that will require all new development and redevelopment projects..." Should only apply to projects that disturb soil area of 1 acre or more that are subject to SQUIMP, single family residences and redevelopments under 5,000 SF should remain exempt.
106	Page 51-52, Part 5 - E. III. 2. (a) & (b)	It will be difficult for "all new development and redevelopment projects" to integrate Low Impact Development (LID) principles into the project design when the LID Technical Guidance Document may not be available to the developers for 18 months after the Order's adoption date. This specific provision requires the completion of a new product, for the new and rapidly changing field of low impact development. A quickly produced document will satisfy the provision, but may not be useful. Please change this deadline from 18 months to three years.
108	Page 52, Part 5, E. III. 3. (a)	The Drat Order states "This shall be achieved by maintaining the project's pre-development storm water runoff flow rates and durations." The preferred means to maintain runoff at a pre-development rate has been through metered-flow out of a detention facility (tank, open basin, buried pipes, etc). The pre-developed flow rate can be simulated by design, but the duration of that flow must necessarily be longer due to a larger yield-volume being produced by the impervious surfaces of the developed site. If this requirement is included in the final permit language, development must necessarily stop in all watersheds tributary to natural drainage systems, including the Ventura River, Santa Clara River, Calleguas Creek and miscellaneous Ventura coastal watersheds. Please provide alternatives that will allow for continued development and housing.
109	Page 52 III. 3. (a)	"Numeric Hydromodification Mitigation Criteria" – There seems to be a disconnect between the various sub-section of this section. Sub-section (a) is mandating "maintaining the project's pre-development storm water runoff flow rates and durations" which appears to be put on hold by sub-section (e) which provides interim requirements. Sub-section (d) and (f) discuss a study by the Southern California Storm Water Monitoring Coalition (SMC) to determine how to best mitigate downstream erosion. Section (g) then requires the permittees to prepare and implement Watershed Hydromodification Control Plans (HCP) based on the SMC study. These HCPs would include setting standards for hydromodification management. If the HCP is intended to determine the most appropriate implementation of hydromodification management, why does section (a) dictate "maintaining the project's pre-development storm water runoff flow rates and durations" when the SMC study and HCP are future products with unknown results? Please rectify these contradictions and inconsistencies.
110	Page 52, Part 5, E.1.III. 3	Local Agencies cannot condition a building permit that would require downstream hydrologic control measures without a clear nexus. These requirements could only be attached through a discretionary permit process or a ministerial grading permit if applicable. Recommend the wording be revised as "Where appropriate and when a direct nexus occurs, the local agency may require new development and re-development to..."

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

111	Page 52, Part 5, E.1.III. 3.(a) (I) (A)	Upon review of the equations involving Erosion Potential, E_p (in Attachment E), the prolonged flow-duration time resulting from the proposed detention solution discussed above will cause an increase in the delta-time. Similarly, it can be expected that applied shear stress (τ) will increase since the flow will be without sediment. Thus, the post-development value of Work (W_{post}) will be higher than the pre-developed (W_{pre}). The ratio value of E_p would therefore always be higher (i.e., exceed the value of 1.0) in the post-development era. If this requirement is included in the final permit language, development must necessarily stop in any watershed tributary to natural drainage systems. Please provide alternatives that will allow for continued development and housing.
112	Page 53, Part 5, E.1.III.1. (D) and (F)	Pursuant to a January 24, 2007 conversation with Dr. Eric Stein of the SMC, their study is just getting underway with site-selection in the Spring 2007, with anticipated completion in March 2010. The Ventura Countywide Stormwater Quality Management Program Planning and Land Development Subcommittee intend to join the effort and provide a list of target study sites and tributaries. Given the timeframe of the SMC study, 180 days from the adoption of the proposed permit is insufficient time and should be extended to 18 months.
113	Page 52, III. 3. (D)(II)(E)(i) (ii)	A phased approach of research, guidance development, pilot studies, training and implementation is requested. Please consider this option.
115	Page 54 III. (2)(A)(i)	Please provide background that any unintended consequences on beach nourishment impacts downstream have been considered.
116	P. 52-53 Part 5 – E, III 3. (a) (Numeric Hydro Mitigation Criteria) II. 1 (e) (1) “Interim Hydro. Criteria –	More scientific study is needed before requiring even “interim” hydrologic controls. It is questionable whether matching the 2 yr. post dev. peak flow, and volume with the pre-development peak flow is even possible. We suggest that we wait until outcome of SMC HCS is completed; and if necessary, the Permittees be allowed to develop an interim hydrologic criteria within 18 months of permit adoption.
117	Page 53, Part 5, E. III. 3. (F)	Interim hydromodification criteria: As described in the comments above, the proposed requirement to maintain pre-development peak flow, volume and duration is infeasible, particularly on tight soils (i.e., soil types 1, 2 and 3). Please provide relief for these situations.
118	Page 53 II.1 (e)(2)	“Numeric Hydromodification Mitigation Criteria” – This sub-section does not specify which storm event(s) (recurrence interval) must be evaluated to be in compliance with the permit. Please clarify.
119	Page 54 III. 3 (2)(A)(ii)	“Numeric Hydromodification Mitigation Criteria” – The interim Hydromodification criterion should only be applicable to projects that connect to unlined drainage systems. Hardened downstream conveyance systems have no potential for downstream erosion. Please exempt projects that drain to hardened downstream conveyance systems.
120	53-55 / Part 5 III .1. (F) (3) (A) (B)	One of the difficulties in this NPDES section is determining the 2-year storm event. In the County of Ventura, rainfall intensity charts are based on 10-year, 25-year, 50-year, and 100-year storm events. Most design engineers and the public at large rely on the Watershed Protection District’s rainfall intensity charts, which are provided for in the Hydrology Manual. The County of Ventura strongly recommends that the NPDES Permit storm events be based on available rainfall

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		data that is provided by Watershed Protection District and secondly that the appropriate rainfall storm intensity charts contained in its Hydrology Manual. Secondly, generating storm hydrographs for isolated watersheds less than 50 acres is not common land development engineering practice. Most designers will compare the Q10-year undeveloped flows with the Q10-year developed flows and design that the excess or difference in the flows be contained onsite and either percolated into the ground or allowed to discharge at the Q-10 undeveloped flow rates. County of Ventura highly recommends that a practical and common sense methodology is used that is more in line with what land development engineers provide local agencies for hydrologic and hydraulic review.
122	Page 54, section E. III.2 (a)	The development of and implementation of Watershed Hydromodification Control Plans will be a lengthy, complex process. As written, Permittees must identify tributary classifications, flow rate and duration control methods, sub-watershed mitigation strategies, and any in-stream control, which will maintain the stream and tributary Erosion Potential at "1", unless an alterative value can be show to be protective of the natural drainage systems from erosion, incision, and sedimentation that can occur a result of flow increases from impervious surfaces. Six months is not enough time to secure consultant services, develop and implement the Plans. The time requirement for this provision should be changed from six months to at least one year.
124	p. 54, Part 5 E II 1 (a) (11) (iii)	The Draft Order requires each permittee shall require that during construction of a single-family hillside home, measures be taken to...Provide storm drain system stenciling and signage... Marking inlets at SFRs is not practical, they will likely be removed by the owners and there will be no realistic way to enforce this condition on patio pool deck drains after occupancy. This will create much work with little improvement in water quality. Please delete 1(a)(11) (iii).
125	54-55 / Part III 3 (2) (A)	On projects under 50 acres, this approach seems extremely difficult since the rainfall data is not readily available for the methodology proposed by the NPDES Permit. As previously noted, generating storm hydrographs for isolated watersheds less than 50 acres is not common land development engineering practice. Most designers will compare the Q10-year undeveloped flows with the Q10-year developed flows and design that the excess or difference in the flows be contained onsite and either percolated into the ground or allowed to discharge at the Q-10 undeveloped flow rates. The Q10-storm data is readily available in Ventura County by the Watershed Protection District Hydrology Manual, which is based on rainfall data in the County of Ventura. Please justify 50 acres as the limitation between small and large projects.
126	Page 55, III. 3 (a)(3)(B)	Please provide definition or resources for "Goodness of fit criteria".
127	Page 49, Part II, 1 (a)	Reduction from 100,000 sq. ft. (current permit) to 5,000 sq. ft. (draft permit) is extreme and overly burdensome in that it will result in the conditioning of essentially every industrial and commercial development project for the design and implementation of treatment control BMPs. Please change the requirement to 43,560 SF or one acre for commercial and industrial developments. In addition, these conditions should apply to stand alone projects where the developer has control over the site to implement the treatment control BMPs.
128	Page 49, II.1 (1)(a)	Please identify the types of facilities by SIC and NAICS Codes as proposed, including SIC Code 5511, which is the only difference in SIC category between "automotive repair shops" as regulated under the current permit, and the proposed "automotive service facilities" in this draft permit. Please cross-reference definitions of automotive service facilities and automotive repair shop.
130	Page 49, II.1(a),(2), (3)	This condition should apply to stand alone projects where the developer has control over the site to implement the treatment controls.

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	(4) & (5)	
131	Page 52, III 3. (a). 1. (A)	Erosion Potential maintained at 1 unless an alternative value is shown to be protective. This document provides a very general description of how to calculate Ep. Issues that need to be clarified for practical use is- if the project impacts a reach of the stream, how many points along the reach need to be evaluated? How many soil samples need to be obtained to characterize the average soil type? How far downstream do you need to evaluate? Streams with rip-rap channel protection would appear to be more stable than unprotected streams because the sideslope decreases the critical shear stress. Without specific studies on Ventura County streams showing how this would have affected our projects, this should not be implemented as an interim measure.
132	Page 54 Section E III 3 (a)(2)(A)ii	What is definition of 2-yr 24-hr storm? Is this related to a flow frequency analysis following Bulletin 17 b or does it refer to rainfall based on a rain gage analysis? To meet the requirements of the draft permit, the District may have to revise their methodology for developing design hydrographs. The current approach of using a modified rational method hydrograph with yield adjustment may not be suitable for sediment transport and hydromodification studies. The design hydrographs should be developed in conjunction with NPDES design volume requirements so that the methodologies are consistent with each other, is this the desired intent of this permit language?
133	Page 55, III.1.(c)(4)	SIC code 5812 used in the provision is outdated and no longer applicable. Please use the current NAIC codes.
135	Page 50, (c) (8)	Please use the current NAICS numbers instead of SIC.
136	Page 53, 3(A)1(D)II	Development of a deterministic or predictive relationship between changes in watershed impervious cover and stream-bed/ stream bank enlargement: It will be very difficult to achieve this objective because the factors associated with stream bed scour are so complex. Models are required to evaluate this
137	Page 54, Part 5 - III. 2 (b) (1)	Hydrodynamic models can be continuously developed and improved and the selection should not be limited to public domain models. Please allow for other models to be used.
138	Page 54, Part 5, III. 2 (A) (ii)	The requirement for developers with projects over 50ac to use HSPF or SWMM to evaluate their water quality impacts appears to be driven by water quality issues. HSPF is a continuous model that cannot be used to evaluate design storm runoff due to development without extensive work to develop a methodology for this. The use of these models requires complex modeling and data gathering efforts. There are only a few consultants in the County that currently have this modeling capability. The Watershed Protection District does not currently have enough expertise to do a thorough review of these models and would need ample time to develop it. Please explain exactly what goals are to be achieved through the use of these models and provide alternatives or the flexibility for them to be developed if there are less cumbersome ways to achieve them.
140	Page 56, IV	This section penalizes high-density, low impact urban redevelopment projects. Smart growth, in itself, is a best management practice. The desired goal should be to reward increased density, and discourage sprawl. This is not consistent with other sections of the permit that encourage low impact development. Please rectify this inconsistency.
141	Page 59, III.4.(c)	Asphalt and roadway surfaces have a limited service life and maintenance is a continuous, routine and ongoing effort to rehabilitate the surface as it weathers and ages. Rehabilitation projects overlay an existing road footprint and do not disturb additional area or natural earth. Further these projects are considered Categorically Exempt under CEQA and Categorically Excluded under NEPA. To require a higher standard for projects in the County of Ventura is an additional and unfunded requirement not anticipated by Congress when they approved the Clean Water Act or related amendments.

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		Performing this ongoing maintenance does not present the opportunity to redirect flows to treatment with out changing line and grade. Please clarify the requirements on road replacement.
142	Page 51, II. 2. (c)	Are structures built as accessory to single family dwelling also exempt from redevelopment requirements? Those would include agricultural structures, detached garages and workshops, pool houses, etc. It should read as (d) "Existing single-family dwellings and accessory structures thereto are exempt from the Redevelopment Requirements."
143	Page 56, Part IV, 1. (a)	Water quality control BMPs must be adequately maintained if they are to provide long-term water quality protection. Projects need to develop and implement a long-term operation and maintenance plan for water quality protection BMPs. Please change to: "...provide an operation and maintenance plan and verification of ongoing maintenance provisions for Structural and Treatment Control BMPs..."
144	Page 56, IV. 1. (a)	Operation and Maintenance plans for post construction BMPs should be required. Please create a "(b)" section stating: Each Permittee shall require all development projects subject to post-construction BMP requirements to provide a plan for the operation and maintenance of all structural and treatment controls. The Operation and Maintenance plan shall follow the Technical Guidance Manual Appendix D "Maintenance Plan Guidance" (or subsequent guidance manual) for each BMP component. The plan shall be submitted for examination of relevance to keeping the BMPs in proper working order. Where BMPs are transferred to permittee for ownership and maintenance, the plan shall also include all relevant costs for upkeep of BMPs in the transfer. Operation and Maintenance plans for private BMPs shall be kept on site for periodic review by permittee inspectors.
145	Page 56, IV. 1. (a) (1) (A)	Please clarify who the signed statement is submitted to and when it is submitted.
146	P. 58, Part 5 E IV. 3.(a)(1) (Inadequate or Ineffective Post-Construction BMPs)	"If the permitting authorities' inspection does not readily identify the implementation of post construction BMPs ineffective at the site, progressive enforcement action will be initiated against the Permittee and/or project owner/developer." Please clarify that this means the State General Construction Permit "Permittee" and not the MS4 Permittee. Also, please clarify what is the baseline or standards and what expertise will be used to determine adequate and effective BMPs.
147	Page 58, Part 5, E. IV. 3. (A)	The Draft Order states "The Regional Water Board, State Water Board, or U.S. EPA may include the following actions for coordination of the Permittees' program with the postconstruction BMP provisions of the statewide construction activity storm water general permit or individual construction activity storm water permits..." The intent of this section seems to be to make the developer and/or municipality responsible for the lack of direction and oversight by the State at development sites. The Regional Board has the ability to comment on CEQA documents, as do the municipalities, and the Regional Board receives much of the same documentation from the developers as the process unfolds and are able to comment on the appropriateness of post-construction BMPs, as do the municipalities. The time to make comments about the adequacy of these devices is early in the process. Please justify the need for this statement.
148	Page 58, IV 6.(b)(2) 3. (C)	Please provide a list or reference of approved devices.
149	Page 58,	To be "fiscally sustainable" means that sufficient funding must be collected in advance of construction to ensure that

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	section IV. 4	maintenance expenses will be funded from the interest of unspent funds in the mitigation bank. Please provide a provision that mandates the source of sufficient funding to support perpetual maintenance needs.
151	Page 59, Part 5 - E. IV. 5. (a)	Please provide additional information regarding this entire section, particularly the discussion of funding and waivers. It is unclear if the RWQCB would allow the use of mitigation funding to explore larger scale water quality projects without delaying development projects until mitigation site was effective. Many watershed and non-profit groups are already conducting planning for water quality projects. Please describe how the RWQCB envisions coordination with these groups. Also, the "waiver for impracticability" must be defined and guidelines must be developed for its implementation.
153	Page 57, IV. 2. (c)	This provision should apply only for City-owned BMPs. Private entities are required to have operation and maintenance plans and report annually on them. Please change the language to reflect this.
154	Page 57-61 Part 5 - IV 2. (a) (1) (B)	Please provide rationale on why are we tracking and reporting State WDID numbers in the required electronic tracking system, it is unnecessary and not applicable for projects in post construction.
155	Page 60, Part 5 - E.1. V. 6 (a) (1) Developer Technical Guidance Info.	The nature of the County's hydrology method is to assume saturation and consequent runoff varies over the course of a significant rain event. The first-day runoff is 10% of the 4 th day runoff. This begs the question, under <u>which day of the storm</u> are we to consider the hydromodification effects? Please provide clarification and rationale for this criteria.
156	Page 61, IV. 6. (a) (2)	Please change to: (International BMP database, technical reports, and scientific literature, appropriate for Southern California geography and climate.)
157	Page 60, IV. 7. (a)(1)	Please provide resources of local data required for pollutant removal effectiveness.
158	Page 60, Part 5 - E. IV. 7. (a)(2)	An MOU is an unnecessary and inappropriate mechanism to delineate authority within a municipal organization. Please delete this requirement.
160	Page 60, Part 5, E. IV. 1 (a)	Imposition of these thresholds as environmental issues results in inconsistencies between CEQA and this Draft Order. The result will be the elimination of Categorical Exemptions under CEQA. Furthermore, these thresholds do not distinguish between ministerial versus discretionary projects. Please rectify these inconsistencies.
161	Page 60, Part 5, E. V. 1 (a)	This requirement is in direct conflict with many classes of categorical exemptions as provided for in the California Environmental Quality Act (CEQA), as it would require consideration and mitigation of "potential" storm water quality impacts for small projects that do not currently require such mitigation because they are not considered to have a significant effect on the environment. As proposed, this requirement would significantly extend the time necessary for permit processing, add to the applicant's costs to obtain a permit and inspection, and increase all such project's exposure to CEQA legal challenges. This section should therefore be revised to reflect existing CEQA legislation.
162	Page 61, Part 5, E. V 2.	State law governs General Plan amendments and the obligations imposed on cities. If this is to be imposed, it should be done through legislative adoption. Please provide the legal justification for this requirement.
163	Page 61, Part 5, E. V. 2. (a)	State Planning Law already requires that Conservation Elements address the conservation of natural resources, including "water and its hydraulic force", and that Open Space Elements identify strategies to preserve open space land, with corresponding benefits to water quality and quantity. Each general plan element must also carry equal weight and be

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		internally consistent. It is therefore redundant to require storm water quality and quantity management considerations in Housing and Land Use Elements. Please rectify these requirements with existing State Planning Law.
164	Page 61, Part 5, E. V. 2. (b)	General Plan updates are already provided to the State Clearinghouse for distribution to related agencies such as the Regional Board, therefore it appears redundant to send additional copies directly to the Regional Board. Please delete this requirement.
165	Page 61, Part 5 - F.	Recommend the following revision to the opening paragraph for the Development Construction Program: "Sediment losses due to erosion may occur on construction projects that are unpermitted or on permitted projects that have minimal erosion protection. Sedimentation and siltation discharges from these sites may impact the beneficial uses of downstream watercourses and may detrimentally impact biological systems and water quality. The use and implementation of proper BMPs and the issuance of a building permit and/or grading permit from the local agency with proper inspection has been found to be the most effective at minimizing sedimentation and siltation discharges that may adversely impact downstream watercourses. For these reasons the following recommendations are proposed for a local agency to incorporate with active land development construction projects."
166	Page 61, Part 5 - F. 1. (a)	Active sites with properly designed and constructed detention basins will effectively have no discharge and should be exempted from this requirement. Please exempt sites with properly designed and constructed detention basins.
167	Page 63, Part 5 - F.2. (a)	The Draft Order states "Where the Erosivity Factor (R) for the construction project is 50 or greater, erosion controls (erosion avoidance) will be the preferred BMP. This requirement is a burden on small projects that are less than one acre. This is not a common calculation and it is not used historically on any grading permit projects in the unincorporated County areas. Please allow an exemption for projects under one acre.
168	Page 63, Part 5, F. 2(a), 3 (a), 4(a)	These sections require the implementation of the BMPs in Tables 6 through 8, however those table list duplicative BMPs designed to solve the same problems (e.g. six erosion control measures in Table 7). It is not intended that all these BMPs be used concurrently. Please change each section to read: "Each Permittee shall require the implementation of an effective combination of the following BMPS . . ."
169	Page 61, F 1(a)	Please modify the sentence to read, "...construction activity at all construction sites requiring a grading permit within its jurisdiction."
170	Page 63, F. 2(a)	Please include the erosivity factor "R" method of calculation as an attachment to the permit document.
171	Page 63, Part 4 - F. 3. (a)	Recommend revising the wording to read: "Depending on the project type and area, the applicant shall implement the appropriate Erosion and Sediment BMPs listed in Tables 6 and 7."
172	Page 63, Table 6	Many BMP's list suggestions and/or recommendations as part of the BMP, but do not make them mandatory. Please clarify if the suggestions and recommendations in the BMP are to be considered mandatory for compliance with the permit.
173	Page 65, Part 5 - F. 4. (a)	Recommend revising the wording to read: "Depending on the project type and area, the applicant shall implement the appropriate Erosion and Sediment BMPs listed in Tables 6, 7, and 8."
174	Page 67, section 6. (a).	This provision restricts paving and repaving activity to exclude periods of rainfall or predicted rainfall. Please define the percent likelihood criteria of predicted rainfall, e.g., "a 60% chance of rain".

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	(1)	
175	Page 66, Part 5 - F. 5. (a) (2) (B)	Recommend deletion of (i), (ii), and (iii). All that is needed is "(B) The Local SWPPP or SWPPP shall be signed by the property owner or owner's representative/designee. If the Local SWPPP or SWPPP is being prepared by the Local Agency then the appropriate authority for the Local Agency shall sign the document."
176	Page 67, Part 5 - F. 6. (a) (8)	Please clarify with the following revision: "Cover the stockpiled "cold-mix" asphalt..."
177	Page 67, Part 5 - F. 7.	Many local agencies may have a non-electronic permit tracking system that is just as effective as an electronic one. The data contained in such systems may have confidential information in it and privacy laws may apply limiting or excluding public access. Please explain the intent of requiring such a system on the local agency or delete the requirement for an Electronic Site Tracking System.
178	Page 68, Part 5 - F. 8. (d)	During the building process, post construction BMPs may be exposed to some of the worst runoff they will encounter. No post construction BMP will be accepted as constructed in compliance with specifications unless it is cleaned and operational. This initial inspection must include an operation and maintenance inspection. Please strike the last sentence from this section.
179	Page 69, Part 5 - F. 9. (a) (1)	To avoid delays in the construction process while waiting for the State to respond to an NOI, permittees would prefer if proof of application for the CASGP for construction activities was required instead of coverage. Any projects that have not filed for under the CASGP would be subject to Part 4 F. 10. (b) and therefore be referred to the Regional Board. Please change to: "Proof of application for coverage under a State NPDES permit . . ."
180	P. 71, Part 5 – G. 1. (c)	"Each Permittee shall implement and comply with the Development Planning Program requirements in part 4. E. and Development Construction Program requirements in part 4.F..." Only public improvement projects that individually disturb 1 acre or more of land and that change line, grade, or capacity of the facility should be subject to the hydromodification, LID, and post construction treatment requirements and requirements for coverage under the CAGSP. Please reword this section as such.
181	Page 71, Part 5, G. 1.	The Draft Order also requires Permittees to "implement and comply with the Planning and Land Development Program requirements in Part 5.E of this Order at all Permittee owned or operated public construction projects." The permittees understand that large projects meeting the criteria for the Land Development Planning requirements should be designed appropriately (e.g. a new library or public parking structure). However, applying this requirement to all Permittee owned or operated public construction projects does not take into consideration the realities of how small are most public construction projects. Post construction BMPs and limiting effective imperviousness on a new traffic signal or a wheelchair access curb ramp is highly impracticable and of little benefit to water quality since these improvements do not generate additional pollutants. These projects take place on existing streets in existing neighborhoods that provide little area for post construction BMPs. Drinking water or sewer line upgrades where soil and pavement are being disturbed to perform the activity have little practicable opportunity in the middle of a street to retrofit infiltration devices and post-construction BMPs. This example also demonstrates a lack of parity because this requirement is only for Permittee owned facilities and does not apply to private water companies or other wastewater districts. The Draft Order should require the Permittees to meet the same permit requirements as those imposed on other (non-

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		permitted) public agencies and private companies. Please revise the draft permit language so that only public projects that are identified as meeting the criteria listed in the Planning and Land Development Program requirements in Part 5.E are required to comply with that section.
182	Page 73, Part 5 - G. 2. (b)	Requirement for coverage under CASGP for construction activities “does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.” Long-term maintenance activities are not required by the SWRCB to get coverage under the CASGP for construction activities and that should not be required under this permit. Furthermore, Permits are issued for specific projects at specific locations, and can’t be issued if “.1 or more acres of land are disturbed.... cumulatively as part of several projects involving a soil disturbance”. “Several projects” could include many locations over an extended period of time. The language from the SWRCB is clear and this requirement should be removed from the permit.
183	Page 94, (Definitions) Construction	Definition needs to be clarified. Clearing weeds for fire abatement or in channels to maintain hydraulic capacity is not considered a construction activity under the CASGP which excludes projects that are performed to maintain or restore original line, grade or capacity. Please keep this definition in line with the state definition of what is required to obtain a CASGP.
184	Page 71, Part 5 - G. 2	Permittees would prefer to maintain flexibility in BMP selection from other sources than the Caltrans Stormwater Quality Handbook. Please allow for other sources of BMPs, and please title the BMP Tables.
185	Page 74, Part 5 - G. 4. (a) (5)	It is beyond the scope of the Permittees’ authority to require any public agencies not named in this permit to comply with any section of this permit. This requirement should be removed from the permit.
186	Page 75, Part 5 - G. 5. (a)(1)	This provision is in conflict with the provision on page 78, section (e) (1) to install catch basin excluders on all storm drain inlets. If five-millimeter trash excluders are placed over all inlets, trash and debris will not enter, and the inlets will not need cleaning on an increased basis. Requiring additional catch basin cleaning under these circumstances would divert financial resources away from other BMPs that could have a more positive impact on water quality. Delete the provision for prioritization of catch basin cleaning. Notwithstanding, any catch basin cleaning requirement should be to inspect and clean if necessary.
187	Page 75, Part 5 - G. 5. (a)(3)	Please revise as follows: “...Permittees shall ensure that any catch basin that is found to be 25% full of trash and debris shall be cleaned out.”
188	Page 76, section (b) (1) (D)	The five-millimeter trash excluders will stop all litter from entering the storm drain. Please rectify the cleaning of catch basins after public events with the trash excluders requirement.
189	Page 76, Part 5 - G. 5 (c)	Trash receptacles at all transit stops and schools: Six months is insufficient time to accomplish this requirement. Locations must be determined, specifications must be developed, the project must be bid, etc. We request one year to implement this requirement.
190	p. 76, Part 5 - G. 5. (c) Public Agency Activities – Trash	Trash receptacles for schools should be the school’s responsibility and included in their NPDES permits. Also, as noted, a trash TMDL is being written for the 303 (d) listed waterbodies in Ventura County with expected adoption by the end of 2007. This requirement should be placed on hold pending the outcome and solutions required in the trash TMDL. Other stakeholders, such as school districts, will be listed in the Trash TMDL.

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	Receptacles	
191	Page 76, Part 5 - G. 5 (e)	<p>A trash TMDL is being written for all the waterbodies impaired for trash in Ventura County (Beardsley Wash and Revolon Slough reaches of Calleguas Creek, and the Ventura River Estuary) with expected adoption by the end of 2007. Any requirement for trash excluders should be placed on hold pending the outcome and solutions required in the trash TMDL. Current TMDL work is being conducted, including monitoring of these areas to come up with the best solution to solve the problem. Only the watersheds that have been listed as impaired for trash on the 303(d) list of impaired waterbodies should have specific trash requirements. Those requirements should be made through the TMDL process and the method of compliance determined in the implementation plan.</p> <p>Regional Board staff, through the trash TMDL process, has defined the size of “trash” as five-millimeters to Ventura County Permittees. Existing catch basin inlets have been engineered to accommodate the projected flows within a defined drainage area. If five-millimeter excluders are placed in front of the inlets they will reduce stormwater flows into the inlets, causing extensive localized property damage and unsafe conditions on public streets. To protect public safety and private property from flooding, and the Regional Board from liability this requirement should be removed.</p> <p>Installation costs have ranged from approximately \$1,000 to \$3,000 per inlet. Countywide, Ventura County Co-Permittees have 10,000 to 15,000 storm drain inlets. Capital costs to implement this provision could range in the tens of millions for the Ventura County Co-permittees. These costs do not include annual maintenance, cleaning, replacement costs of damaged excluders, and emergency responses during storm events. Permittees’ limited funding should be better focused on Ventura County’s pollutants of concern, of which trash is not one.</p> <p>The language in the permit “commercial areas, industrial areas, and near educational institutions (i.e. areas subject to high trash generation)” assumes all commercial and industrial zoned areas have high trash generation. That is not true. The language board staff used to describe this section at the Board workshop: “areas subject to high trash generation (commercial areas, industrial areas, and near educational institutions)”. would allow permittees to prioritize areas appropriately. Notwithstanding, it will be likely impossible to financially and physically meet this requirement in 365 days. Please allow the TMDL process underway to address the impaired waterbodies.</p>
192	Page 76, Part 5 - G. 5. (f)(1) (D)	<p>This provision requires the quantification of the amount of materials removed during open channel maintenance using “standard measures”. The term standard measures may imply that each truck load of sediment, tumbleweeds, or other debris will be weighed. Most jurisdictions do not have weigh scales for trucks, nor would it be a cost-efficient or a beneficial action to improve water quality. Current practice has been to use “best estimates” based on what a typical hauling vehicle carries, visually determining the proportion of the vehicle filled, and the number of truck trips. Delete “...standard measures” and replace with “best estimate”.</p>
193	Page 77, Part 5 - G. 5. (h)(3)	<p>“Any residual water within a treatment control BMP when being maintained shall be...” Some treatment control devices or BMPs are meant to keep a certain level of residual water to function properly. Additionally, some areas, especially those with high water tables, may have a constant, albeit low, flow entering the device. It would not be possible to constantly remove the incoming water. Please delete this requirement or rewrite addressing the design and inputs to the BMP.</p>
194	Page 77,	<p>Please cite the source of these numeric limitations and the rationale for applying them.</p>

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	Part 5 - G. 5. (h) Table 10	
195	Page 78, Part 5 - G. 7. (a)	Coverage under the CASGP for construction activities should not be required for projects that are performed to maintain or restore original line, grade or capacity. Please justify how roadside maintenance "vegetation removal" would be covered under the CASGP for construction activities. This requirement needs to be removed or revised.
196	Page 79, section 9	This section does not take into account the variety of common water system leaks associated with aging infrastructure. Emergency leaks occur on aging water service pipes and distribution system pipelines and are common to all water systems. The enormous quantity of these types of repairs throughout California will generate immense self-waiver reporting submittals beyond the Regional Board's ability to keep track of the files. Please delete this provision.
197	page 82, Part 5 - G. 9.	In the wake of an emergency a large effort will be put forth to return life to normal. Please allow for a longer time period to document water quality impacts in the aftermath of an emergency, 30 calendar days would be preferred.
198	Page 79, section 10	This provision requires the training of employees and contractors within six months of the permit adoption. Current practice is to train employees once each fiscal year. Requiring training within six months, and then annually thereafter, will reset the training year six months away from the permit year. This will complicate reporting and lead to confusion. Please delete "6 months from permit adoption" and replace with "12 months of permit adoption."
199	Page 80, section H.1.(b)	This provision requires the Permittees to "...map at a scale...incidents illicit connections and discharges on their baseline maps. Please clarify the time period of illicit discharges and connections to be mapped.
200	Page 80, Part 5, H. 3. (a) (1) (A)	Permittees can only be responsible for infrastructure under their control. Please change to: "A GIS layer showing the location and length of Permittee-owned underground storm drain pipes...." This provision also requires the Permittees to submit a GIS layer of the Co-permittees' storm drain system. It is highly unlikely that different GIS systems will speak to each other. Each jurisdiction has a separate, stand alone system. To be effective, the GIS storm drain system must reside within the local jurisdictions GIS system, not the Principal Permittee's. Please rewrite this to: "...A hardcopy of the co-permittees GIS layer..."
201	Page 83, 3. (a) (1) (A)	This requires that a GIS database be created showing every drainpipe in Ventura County over 18". It also requires showing all of our channels within the county on a GIS database. There are over 500 miles of channels (roadside ditches) in Ventura County, some of these are partially owned and maintained by the adjacent property owner. There are also numerous drainage pipes and channels in the unincorporated area that were not accepted by the Board of Supervisors when offered by the developer, and therefore not owned and operated by a Permittee. There are public drainage easements for them, but they are not the responsibility of a Permittee to maintain or repair. This action was consistent with the California Subdivision Map Act, and the authority of the Board to accept or to reject public improvements. It is not clear whether these pipes would be counted or not, or who would be assigned the responsibility for NPDES compliance in these areas. Please provide clarification that is to apply to drainage systems wholly owned by the permittees.
202	Page 80, 3.(a)(1)(B)	This provision requires Permittees to notify the Principal Permittee of the status of suspected, confirmed, and terminated illicit connections. This action does not improve water quality. The Principal Permittee is not an enforcement arm of the Regional Board, please justify the need for this reporting requirement or delete.
203	Page 80, Part 5 - H. 3. (a) (2)	Field screening was performed by Permittees during the term of the first permit and was determined to be an inefficient use of resources considering the time spent and the limited number of illicit connection discovered. This requirement

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		should be removed from the permit. Please provide the justification for requiring an even more rigorous field screening program during the third permit cycle.
204	Page 81, Part 5 - H, 4. (a)	The Draft Order states illicit discharge investigation: "...shall take formal enforcement action to eliminate the illegal discharge." Enforcement actions may only be taken when we know, without a doubt, who the responsible party is. This isn't known in many cases. Furthermore, formal enforcement actions aren't necessary to resolve most illicit discharge incidents. Permittees should be allowed some discretion in code enforcement situations. This requirement should be deleted.
205	Page 82 Section I.1	Clarification requested: Is form due 6 months from date of permit adoption?
206	Page 82, Part 5 - H, 4. (b)	In many cases of illicit discharges, even with immediate response, the action and discharge have ceased by the time inspectors arrive on scene. Often the discharge has entered into the MS4 making containment and cleanup an extraordinary effort only necessary in the cases of hazardous materials. Please change to: ". . .with action to abate, contain, and or clean up all illegal discharges, including hazardous waste."
207	Page 83, Part 6 –	All TMDL language in the Ventura MS4 permit should reference or quote the language in the adopted TMDLs and related adopted Monitoring Plans. The TMDLs that have been developed in Ventura County underwent significant technical analysis, stakeholder input, and public review to develop wasteload allocations and implementation actions that will result in compliance with water quality objectives for the listed pollutants. The TMDLs also lay out direction for how to implement the TMDL provisions into NPDES permits. Rather than following the direction of the TMDL and including identified implementation actions, the Draft Order includes numerous additional requirements and does not appropriately capture the intent of the TMDL. The Draft Order needs to be consistent with the TMDLs to allow for effective implementation of TMDL requirements and to prevent confusion and additional costs for programs that have not been evaluated as part of the TMDL process and may not be effective for implementing the program.
208	TMDL Page 83, Part 6 - Issue	There are additional requirements under the TMDL provisions that go beyond approved implementation plans developed by responsible parties. This process is not prescribed in the TMDL nor a part of the implementation plans. Additionally, requiring addition monitoring for the TMDLs undermines the collaborative watershed process. Other responsible parties will be disinclined to participate or contribute if the monitoring responsibility is required of another party. Please remove all prescriptive TMDL language and allow the stakeholders as a group to guide the process.
211	Page 80, H I. 3. (a) (i)	The Draft Order states "All portions of the storm drain system consisting of storm drain pipes and open channels/ drains 12 inches in diameter or greater within 5 years after the adoption of this Order." Please define what size open channel. Additionally, field screening procedures in the reference document apply to waters of the U.S.; please clarify if this is the State's interpretation.
212	Page 92, (Definitions) Areas subject to storm water mitigation	Areas Subject to Storm Water Mitigation Requirements: This definition is in conflict with the stated requirements. California Resources Agency was asked to participate in identifying areas subject to ESA and gave no response. Regardless, this term is not used elsewhere in the permit, please remove.
214	Page 95, Part 8 – (Definitions)	"Development – means any construction rehab. redevelopment or reconstruction of any public or private residential projects (whether single-family, multi-unit or planned unit dev.); industrial, commercial, retail and any other non-residential projects, including public agency projects; or mass grading for future construction."

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		Requiring these conditions on small home improvement projects is excessive and does not provide relief for the hardship of rebuilding a home after a fire or other catastrophe. Please provide a single family exclusion or redefine development project to exclude single family residences.
215	Page 94, (Definitions)	Dechlorinated/Debrominated Swimming Pool Discharge: "The term does not includeswimming pool water containing bacteria." Does this mean any type of bacteria, at any concentration? This definition needs substantial revision.
216	Page 95, (Definitions)	Discharge of a Pollutant. Please define the meaning of "conveyance" in the context of this permit.
217	Page 95, (Definitions)	Disturbed Area: "..ect..." does not belong in a definition. Please clarify.
218	Page 96, Definitions	Environmentally Sensitive Areas: Need to limit the RARE areas to "unimproved drainage systems" or "Natural Drainage Systems" (as defined in the permit) so that we don't have concrete channels designated as an ESA.
219	Page 97, Part 8 (Definitions)	"Horse Stable" – Please exclude single-family residences from this definition.
220	Page 101, (Definitions)	The Definition of "Open Channel" is not clear: "Open Channel means a storm drain channel that is not a natural water course." This definition would include underground box (enclosed) channels. Please revise this definition.
221	Page 101, Part 8 – (Definitions)	"Permittee" – line three should be corrected to read "...include the Ventura County Watershed Protection District..."
222	Page 101, (Definitions)	Point Zero: Please clarify " ...the point at which water from the storm drain or creek initially mixes with water."
223	Page 117, (Definitions)	"Watercourse" Please remove references to VCFCD and change to VCWPD.
224	Page 108, section B, 1 (a)	Some items may necessitate review and/or approval by a local governing body to authorize a petition. This local action may consume more than 30 days, not counting time spent for staff and legal review. Please change to 60 days for petition.
225	Page 109 F.1	Please explain who are the "authorized representatives".
226	Page 114, Part 9 - T	"MS4 Annual Reporting Program" Including this language in the Standard Provisions will lead to confusion and potential conflict with the requirements of the monitoring and reporting program – Please reword or delete.
227	Page A-4	Delete <u>Promenade Park Beach</u> and <u>San Buenaventura Beach</u> from the Water Bodies column. They are not 303(d) listed.
229	Page F-1, section A.1.(a)	After several attempts to overcome the obstacles we have determined there are no suitable sites to measure flow and safely sample the Santa Clara River below Freeman diversion. The option of additional sites capturing Ventura and Oxnard is possible, but please reduce to 30% or multiple sites will be required for Ventura effectively tripling the costs to the program with providing little more information.
230	Page F-2 , A.6 Issue:	Sampling only first three hours of an event does not accurately measure mass emissions. This deviates from past sampling protocols, in which flow-weighted composites were collected for the duration of the storm. If the purpose of past sampling was to establish baseline conditions, this new protocol will obscure deviations from that baseline. (Some constituents do not peak in concentration until later in storms.) Furthermore, it is unclear how the Program will mix time

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

		and flow requirements. Given the way runoff is generated in many watersheds in Ventura County, automatic samplers will be sampling almost non-stop for the first three hours of the storm, especially if QA/QC and flow-weighted toxicity samples are required. Please review this language and confirm that only the first three hours of a storm should be sampled.
231	Page F-4, B. 2. (a)	Using marine species to test toxicity of fresh water presents the opportunity for bias. The Ventura County Watershed Protection District has raised its concerns with the selection of marine test species for the chronic toxicity test organism in several annual report response letters, and during permit negotiations. Our concern in using a marine species in a fresh water sample is the samples requires the addition of salts and aeration to sustain the marine test organisms. This practice may bias the test and introduce a possible source of toxicity. The test species <i>Menidia beryllina</i> (silverside minnow) has been historically used in our NPDES Stormwater toxicity monitoring program. Unlike the <i>Strongylocentrotus purpuratus</i> (sea urchin), minnows are abundant and available to the testing laboratories. We have had several aborted toxicity tests due the analyzing laboratory not being able to obtain the urchin test organism or they failed to spawn.
232	Page F-4, B. 3. Issue:	The language used to describe need for TIE is confusing. In the past, toxicity units (TUa or TUc) above 1 triggered a TIE. It is unclear what is meant by "showing 90 percent or more toxicity." Does this mean when the survival rate drops below 90 percent? Or does it mean 100 percent minus the LC50? Please explain further what will trigger a TIE.
233	Page F-6, section C	The Principal Permittee is not required to perform TMDL monitoring under the adopted TMDLs. Clarify that the monitoring is to be performed by the responsible parties for the respective TMDLs. Furthermore, requiring only one of the parties named in the TMDL to do specific monitoring, or that one party do additional monitoring could upset the collaborative process that has been exemplarily in Ventura County.
235	MRP Page F 13 of 20 D.1.	Special Study D.1. The Principal Permittee and Permittees shall implement a trash and debris study for the following areas: (a) Channel Island Waterfront. (b) Ormond Wetland/ Lagoon/ Beach We need clarification on what is meant by Channel Island Waterfront, as well as the spatial extent of Ormond wetland / lagoon / beach. Additionally, there are jurisdictional issues with studying trash in wetland areas not owned by the City of Oxnard, and there are limitations on when and how trash is collected in areas of endangered species. We suggest changing the language to study trash from the Oxnard Industrial Drain. Please also clarify what is meant by debris. While used interchangeably with trash in the monitoring and reporting program, it also means: EPA: Any solid material exceeding a 60 mm particle size that is intended for disposal and that is a manufactured object, or plant or animal matter, or natural geologic material NOAA: Solid objects or masses carried by or floating on the surface of moving water Others: Scattered, old remains of plants and animals. Underwater, debris found on the bottom may include leaf and stem parts, old mussel shells, sticks, etc.
236	Page F-13, D. 1 (b)	"Ormond Wetland/ Lagoon" – needs to be defined (February 1, 2003, Comments on the Draft Strategy for Developing TMDLs and Attaining Water Quality Standards in the Los Angeles Region; December 24, 2003, Ormond Wetlands meeting summary; August 10, 2004, 2004 Triennial Review comments; February 9, 2005, 2004 Triennial Review comments follow-up).
237	Page F-14,	Please avoid redundant monitoring programs. Where monitoring activities required by the order overlap with TMDL

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	E. 1.	requirements, the two programs should be allowed to coordinate. Specifically, the special study required under the Calleguas Creek Toxicity TMDL to investigate the pesticides that will be used to replace diazinon and chlorpyrifos could be used to meet the requirements of the pyrethroid special study.
238	Page F-14, E.1	Notwithstanding our objection to the Pyrethroid monitoring, its methods need clarification. Please review this sampling protocol or provide references on how to determine appropriate time to sample sediment after a rain event?
239	Page F-18, Section J 6. (b)	An additional certification requirement on commercial laboratories above and beyond the California Laboratory Accreditation Program seems beyond the scope of the permit. The California Laboratory Accreditation Program certifies analytical laboratories for environmental analysis, and limiting the number of competing labs to those in the "intercalibration study" is creating a new accreditation program. It is also currently impossible to do for some constituents because the intercalibration study has not been developed for all the analysis required in this draft. At a minimum, a six month window should be available for laboratories currently used to participate in the study.
240	General Monitoring	Most analytical laboratories typically observe the three major holidays; Thanksgiving Day, Christmas Eve and Day, and New Years Eve and Day. During the holiday season, sample delivery as well as available staff have been and are problematic. Missed holding times due to lab closure compromise data completeness and will be considered circumstance beyond our control. To avoid this we are requesting the addition of three black-out dates for monitoring: November 22, 2007, December 24-25, 2007, and Dec 31, 2007 –January 1, 2008.
241	Deadline for annual report (Part 8 T) and (Attachment H) Page H-1	Two deadlines for the annual report are given, one the anniversary date of issuance (Part 8 T) and the other December 15th (Attachment H). No matter which date is correct, adequate time to compile the requisite information after the end of the permit year will be needed. We request a deadline six months after the end of the permit year.
242	Part 8 T	The reporting section is in a poorly designed format. This will increase staff time, for both the RWQCB and permittees, with little or no improvement in water quality. We would prefer to keep more to the current reporting format. Please change or provide an explanation for this new unique reporting format.
243		The reporting section does not reflect all the changes made in the body of the permit from the first draft, please amend.
244	Page H-4 Part 2 (a) (b)	"prohibited all non-storm discharges" –Instead of just asking whether all non-storm discharges were prohibited, it should include language about non-storm discharges for which Permittees have authority to prohibit. Also, does prohibit. Please clarify if this means we implement ordinances prohibiting it or does it mean actually only storm water is allowed to enter the system. If it means the latter, the question is inappropriate since we know everyone will have to respond with a no.
245	Page H-5 Section A	"General Requirements" there is no information provided under this section.
246	Page H-6, Part 2 (i)	"swimming pool discharges? If yes" – the sentence ends here and it looks like a portion is missing.
247	Page H-18 3(a)	Sentence is written poorly (parenthesis not closed) . Please re-write.
248	Page H-18, 3. the 2nd (c)	"An adjustment factor for within hour rainfall variability" Please explain what this is asking for.
249	H-19-20	Some of these are questions where they look like they should be something else. Please clarify if whether we are to have

ATTACHMENT C
PERMITTEES' COMBINED TECHNICAL COMMENTS
SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002)

	7. (a-h)	these on file or are these supposed to be attached.
--	----------	---

General Errors, Typos, and Omissions

Reference	Correction
P.19 (Findings – Implementation)	Typo on 12 th line – weather should be whether
Page 20 F5	Add period at end of the last sentence.
Page 17 #22	Missing quotation mark at end of sentence ..."Statement of Policy with Respect to Maintaining High Quality Waters in California"
Page 25 Part 1, A.1	Lower case "In" (as defined in Cal. Water Code...)
Page 29 Part 3, 2&3	There needs to be a space between numbers 2 and 3.
Page 34 Part 4, F.1	Delete plural "Each Permittee shall:"
Page 36 Part 5, C.(l).1 b & c	Space between b (Public Reporting) and c (Outreach and Education).
Page 100 Definitions	Space needed between "New Development" and "Non-Storm Water Discharge"
Page 101 Definitions	Period needed at end of "Open Channel". Question: Is there more to this sentence?
Page 109 D.1 & D.2	There should be a space between D.1 and D.2
Page B-1 thru B-3	Multiple tables labeled B1
	"Cooper" should be "Copper"
Page i in the Reporting section H	The Table of Contents is incomplete or pages are missing.
Page H-1	Top sentence, replace "2007" with "2008"
Page H-4 Part 2 (i)	Sentence seems incomplete and is written poorly.
Page H-5 Part 3	Missing "Part 3" designation before "Storm Water Quality Management Program Implementation"

**ATTACHMENT C
 PERMITTEES' COMBINED TECHNICAL COMMENTS
 SECOND DRAFT VENTURA COUNTY MUNICIPAL SPARATE STORM SEWER
 SYSTEM PERMIT (NPDES NO. CAS004002)**

Page H-5 Part 3 B. 3	"By what date certain" Remove the word "certain"
Page H-18 E 3. (a)	"Ho" should read "How"
Page H-20 E 7. (e) and (g)	#7 (e) and (g) are the same, delete (g)
Page H-20 E 10. (b)	"Does include the following" insert "it" "the electronic tracking system" between "Does" and "include"
Page H-8 Outreach & Education	There should be a space between last bullet point of (1) and (2) There should be a space between (4) and (5)
Page H-9 Outreach 8 Education	Number (7) is missing. There should be a space between (8) and (9)
Page H-9 C.1(a)	Missing a closed parenthesis.
Page H-19 5.a(2)	Numbering is off.
Page H-20 8(b)	Please complete the sentence.
Page H-21 Section 12	Insert "-" between "Inter-Department"
Page H-24 5(b)	Insert "?" at end of the sentence.
Page H-24 F.1(d) and (e)	Remove space between (d) and (e).
Page H-25 3(a)	Remove space between 3 and 3(a).