

ATTACHMENT E
PERMITTEES' PRESENTATIONS FROM
SEPTEMBER 20, 2007 RWQCB WORKSHOP ON
VENTURA COUNTY MUNICIPAL SEPARATE STORM SEWER
SYSTEM PERMIT (NPDES NO. CAS004002) FOR THE
VENTURA COUNTY WATERSHED PROTECTION DISTRICT, COUNTY OF
VENTURA, AND THE INCOPRORATED CITIES

Ventura Countywide Program Policy Overview Presentation
City of Ventura MAL Presentation
City of Oxnard TMDL Presentation
City of Simi Valley LID Presentation
City of Ojai Hydromodification Presentation
Watershed Protection District Principal Stormwater Monitoring Presentation
City of Thousand Oaks Public Agency Activity Presentation
City of Camarillo Critical Sources BMP Control Presentation
City of Port Hueneme Public Outreach Presentation
City of Moorpark Trash Excluders Presentation
County of Ventura Jurisdictional Areas Presentation
City of Fillmore Small Community Presentation



Presentation to the
RWQCB-LA

Ventura Countywide
Program Municipal
Stormwater Program and
2nd Draft RWQCB Permit



September 20, 2007

Recap of April 5th Workshop and Board Direction

- Balance, Flexibility, Consistency and Funding
- Permit Alignment and Inconsistency with TMDLs
- LID and Infiltration
- Effective Communication/Misunderstandings of Provisions
- MALs, MEP Definition Use of Numeric Limits
- Timeframes

What has the Ventura County Stormwater Program done since the April Workshop

- Attended Four Meetings with RWQCB staff.
- Proactively Presented Alternative Approaches to Major Permit Provisions;
- Provided Specific Recommendations for Language Changes.

Permittees Desired Outcome - Reasonable and Protective Permit

We acknowledge several Positive Changes to Permit:

- Limited trash excluders to commercial, industrial and educational areas.
- Deferred 100,000 gallon flushing limitation for potable water discharges to a separate permit.
- Focused Special Studies to Areas of Concern.
- Modified Time Schedule Extensions.

Permittees Desired Outcome - Reasonable and Protective Permit (cont)

Major Areas of Concern Remain:

- MALs to define MEP & MMP liability;
- Inconsistency between Permit and Approved TMDLs;
- Disconnect between goals of Proposed Monitoring Program and Countywide Stormwater Management Program;
- Cumbersome variance and substitute BMP programs;
- Over prescribing a SW Program without flexibility, and nexus to environmental benefit.

Permittees Intended Outcome - Reasonable and Protective Permit

- Board provide Staff with needed direction on major policy decisions;
- Board direct staff to continue to work with Permittees to effectuate revisions for a reasonable permit;
- Board direct Staff to enter into a Facilitated Collaborative Process with the goal of making meaningful and earnest revisions to the draft permit.



Municipal Action Levels

Yoshi Muroga, City of Ventura
Ventura Local MNA Permit Workshop
September 26, 2007

Use of Municipal Action Levels

- Numeric Effluent Limits = MEP
- Enforceable Compliance Endpoints
- Over 200 Compliance Points
- Mandatory Minimum Penalty Fines

A BIG Leap for Stormwater Programs.

Ventura County

- 800,000 Total Population
- 6 of 10 - Phase Two Populations
- History of Water Quality Success
- National Model TMDL
- Best Beach Report Cards in So. California
- Watersheds Largely Undeveloped

Ventura County Watersheds

	Ventura River	Santa Clara River	Calleguas Creek
Urban	3%	5%	25%
Ag	10%	18%	25%
Open Space	87%	78%	50%

We Support Performance Measures!

- CASQA Approach
INCLUDING
- Numeric Action Levels that
 - ◆ Identify Problems and Serve as a Call to Action
 - ◆ Are Technically Sound and Relevant
 - ◆ Support the TMDL Programs

Numeric Action Levels
Should
Be Consistent with Policy and State
of Knowledge

Municipal Stormwater Compliance Standard

- Municipal stormwater program is required to reduce pollutants in its discharges to the maximum extent practicable (MEP).

Clean Water Act, Section 402(p)

EPA Policy

"In regulating stormwater permits the EPA has repeatedly expressed a preference for doing so by way of BMPs, rather than by way of imposing technology based or water quality based numerical limitations."

(Divers v. SWRCB (2006) 145 Cal.App.4th 246, 256.)

Court Definition of MEP

Broadly defined to be a highly flexible concept that balances numerous factors including

- Technical feasibility
- Cost
- Public Acceptance
- Regulatory Compliance
- Effectiveness

(BIA of San Diego County v. SWRCB (2004) 124 Cal.App.4th 854, 869.)

MALs Contrary to Blue Ribbon Panel

"It is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges....."

For catchments not treated by a structural or treatment BMP, setting a numeric effluent limit is basically not possible."

Action Levels
Should Be
Technically Sound
and Relevant

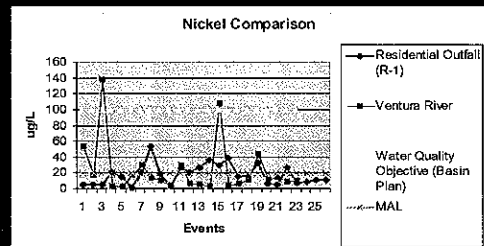
MAL Example - Nickel

Nickel Compliance

Water body/discharge	Percentage > MAL
Calleguas Creek	59
Santa Clara River	70
Ventura River	26
Residential outfall	41
Industrial outfall	58

Compliance is based on whether >20% of samples exceed MAL of 19.2 ug/L

Nickel – MALs vs. Reality



How do we comply and is it relevant?

- Source controls
 - ◆ Soils
 - ◆ Alloys (industrial)
- Treatment controls
 - ◆ ASCE database
 - ◆ Unknown performance for Ni removal

Our Action Levels
Should
Support TMDLs

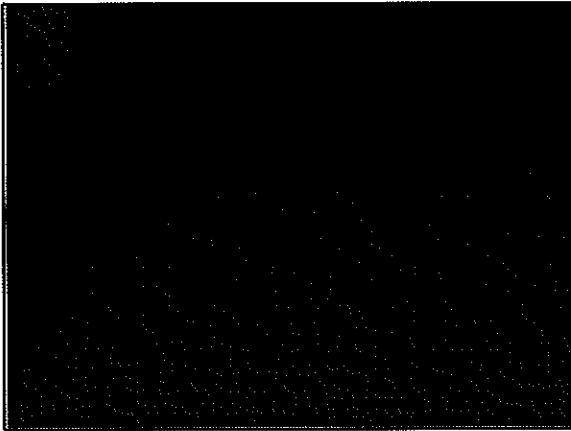
MALs vs. TMDLs

MALs / Effluent Limits	TMDL
Arbitrary approach	Focused approach
5 ton/river outfall focus	Watershed focus - all sources
Artificially mandated	Stakeholder driven
3 year compliance/ unknown implementation plan	Realistic time schedule/ feasible implementation plan

Recommendations

Direct Staff to:

- Include MALs in Permit as an Assessment Tool/Action not as EOP Effluent Limits
- Base MALs on Technically Sound Local Data
- Focus on Relevant Pollutants
- Coordinate MALs with TMDL programs

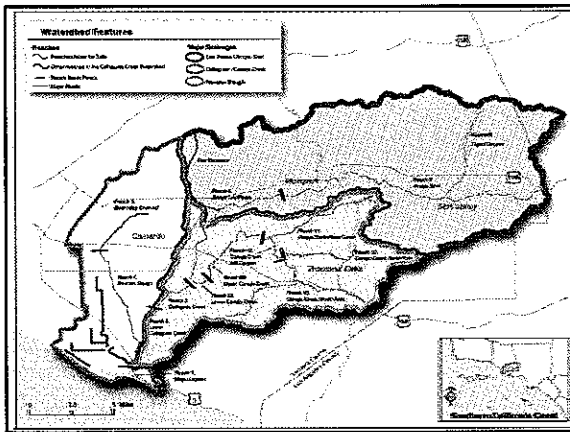
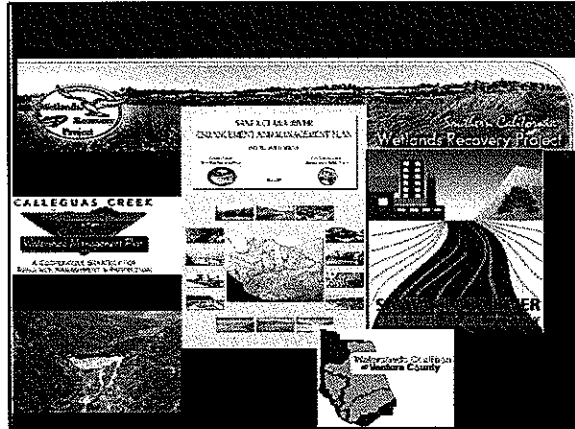


Points to Consider

- Ventura understands the importance of and supports the development of a model clean water program
- Draft permit provides some good and some counterproductive approaches
- Cost implications are staggering, particularly with the limitations of Proposition 218

TMDL Program Consistency

Mark Pumford – City of Oxnard



CCWS Management Plan

- Collaborative effort since 1996
- Stakeholders include POTWs, MS4s, CalTrans, Navy, Agriculture
- Developed 4 EPA-approved TMDLs
- Monitoring Program and QAPP
- MOA developed to share costs

TMDLs in NPDES Permits

- We agree with permit findings that NPDES permits must be consistent with TMDLs
- The disagreement is whether the provisions of the draft permit are consistent with Ventura County TMDLs

Calleguas Toxicity TMDL

- "Stormwater WLAs will be incorporated into NPDES permits as receiving water limits measured in-stream at the base of each subwatershed
- and will be achieved through the implementation of BMPs ..."

Santa Clara Nitrogen TMDL

- "Ammonia, nitrite, and nitrate reductions will be regulated through effluent limits prescribed in POTW ...NPDES permits, Best Management Practices required in NPDES MS4 Permits, and SWRCB Management Measures for non point source discharges."
- Draft permit regulates reductions through end-of-pipe numeric effluent limits

Draft NPDES Permit

- Applies TMDL WLAs for MS4 at End-of-Pipe
- Applies these numeric effluent limits to each major stormwater outfall
- Imposes a TMDL compliance monitoring program

Calleguas OC/PCB TMDL

Parameter	TMDL Interim Limit (ng/g sediment)	Draft Permit Threshold Value (ng/L water)
Chlordane	17	1.2
4,4-DDD	66	6.0
4,4-DDE	470	1.2
4,4-DDT	110	10.0
Dieldrin	3	10.0
PCBs	3800	31.0
Toxaphene	260	500

TMDL Monitoring Inconsistency

- TMDL requires a monitoring program
- Calleguas Creek TMDL
 - End-of-pipe
 - In-stream monitoring
 - Will cost stakeholders \$1M per year.
- Draft permit
 - Monitoring at each major outfall and drainage basin, and will
 - Add at least \$1.5 million per year to cost.

Requirement for Consistency

- EPA Regulations require that effluent limits in NPDES permits be "...consistent with the assumptions and requirements of any available waste load allocation ... prepared by the state and approved by EPA." 40 CFR 122.44(d)(1)(vii)B

Conclusion

- The Draft Permit is inconsistent with the approved TMDLs and WLAs
- Federal regulations and guidance do not mandate numeric effluent limits

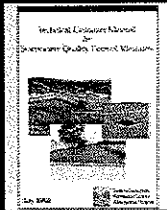
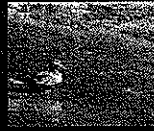
Recommendation

- **Modify the Draft Permit to be consistent with WLAs in approved TMDLs**
- **Delete requirement for TMDL monitoring where submitted monitoring program exists**

LOW IMPACT DEVELOPMENT (LID)

City of Simi Valley
Kevin Gleschen
September 20, 2007

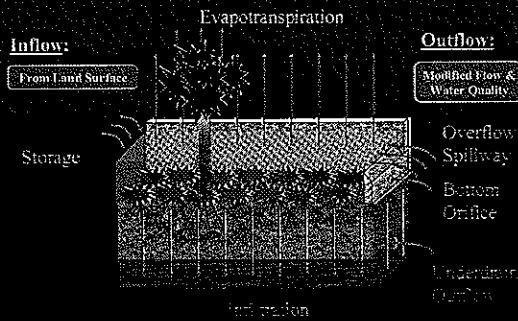
LOW IMPACT DEVELOPMENT



Ventura County
Strongly Promotes
Beneficial LID!

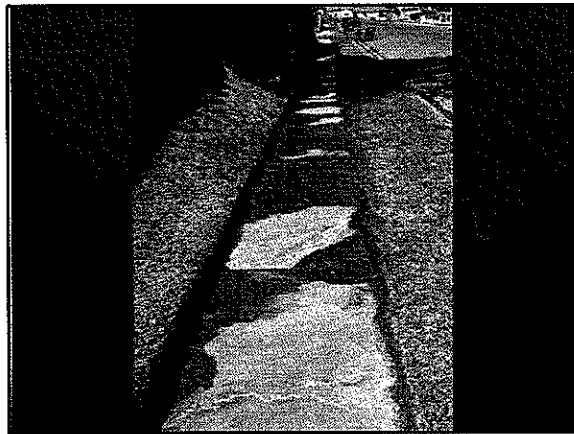


LID BMP Storage/Detention



Concerns

- Clay Soils and Ground Water Issues (Exacerbate high ground water problems in middle and West side of Simi Valley)
- Water Conservation Issues (low number of days of rain fall, so increase water consumption for vegetated LID BMP's maintenance)





Recommendations

- Help us to increase our use of LID as a tool, not a forced "one size fits all."
- Require increased integration of LID into our existing "Technical Guidance Manual for Stormwater Quality Control Measures"
- Allow us to continue to participate with the Local Government Commission on the current Model Low Impact Development Project.

Planning and Land Development

Section 5.E. of 2nd Draft Permit

Hydrologic Control Issues



Bill O'Brian, PE

Intertie of Hydrologic Controls

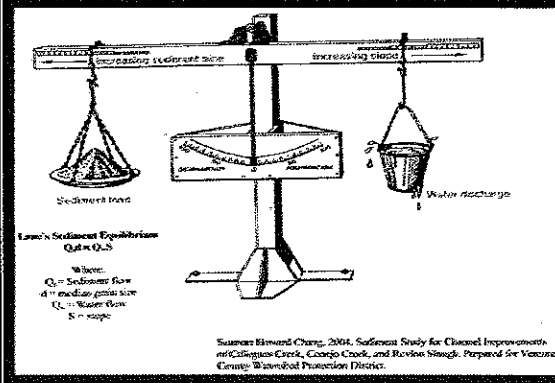
- > NPDES Permit – first “flush”
 - LID Controls
 - WQ Treatment controls
 - Hydromodification controls
- > Local Agency Permits – for larger floods
 - Flood Control Measures affect runoff, sediment, and water quality.
- > Use of any - affects the others

Hydro? or Erosion? modification

- > Hydro (water) modification already being addressed by detention strategy
- > Now looking at erosion modification, geomorphology, sediment balance
 - A more difficult science than just water
 - SCCWRP has 3-5 year study, Ventura County member of TAC



Sediment Balance



Mud Creek Near Santa Paula – Undeveloped Watershed



Technical Guidance Manual for Stormwater Quality Control Measures

- > Include BMPs for stormwater quality treatment
- > Includes LID principles
- > Includes Hydromodification effects – more stringent than Interim Criteria of Draft Permit

Current Needs for Hydrologic Controls

- > County policy for agriculture and open space means watershed level or IRWMP solutions will be needed, and include non-urban runoff.
- > Redevelopment runoff not same as new development. Behavior of runoff from infill more related to nearby land use.
- > Develop controls that allow sediment transport and provide WQ treatment

Recommendations

Request the Regional Board to:

1. Incorporate the interrelationship of hydrologic controls to avoid duplication of regulations.
2. Add amendments for LID and Redevelopment, then use County Stormwater Quality Manual for Interim Hydrologic Controls until SCCWRP Study is completed.

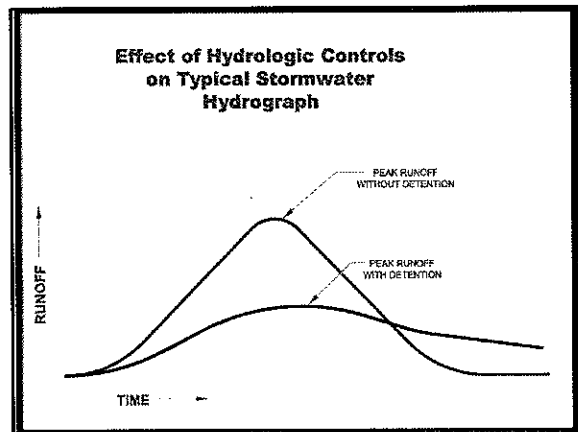
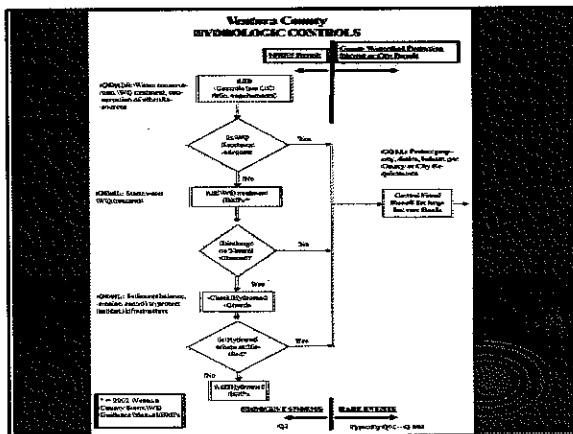


Southern California Coastal
Water Research Project

Possible Handouts

Erosion-Modification

- > Sediment Hungry Water
 - Current WQ treatment and LID controls create this
 - Causes beach and habitat degradation
 - Shows need to recognize sediment feeding projects (e.g. take debris basin sediment to beach, remove Matilija Dam)
- > An SMC Study issue is how to allow sediment transport and provide WQ treatment



Stormwater Quality Monitoring

Arne Anselm
Ventura County
Watershed Protection District

Stormwater Monitoring

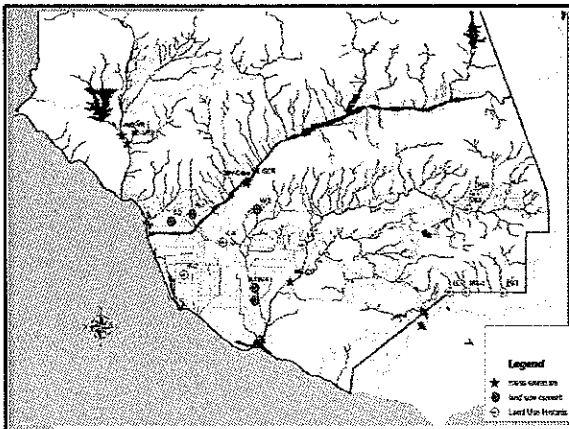
- Current Monitoring Program
- Future Opportunities
- Changes with Draft Permit
- Model Stormwater Monitoring Plan

Current Program Monitoring

- Began 1993 as part of comprehensive program,
- Revised in 2001 with new permit.
- Dedicated staff and equipment.
- Mass emissions at three major watersheds
 - Four wet events
 - Two dry
- Receiving water monitoring to establish water quality baseline.

Current Program Monitoring

- Land Use Monitoring
 - Urban runoff discharge characterization.
 - Catchments selected as representative of different land uses in Ventura County
- Sophisticated Database
- Completion of Trend Analysis for Pollutants of Concern



Future Program Opportunities

- Build upon and complement past monitoring.
- Integrate with TMDL and other regional monitoring efforts - Avoid Redundancy
- Use computer modeling and statistics to increase knowledge and conserve resources.

Ventura's Monitoring Goal

- To assess impacts and trends of urban runoff to provide feedback on stormwater program performance and improve water quality.

Changes in Draft Permit

- Many requirements amended
- Integrated Bioassessment with SCCWRP
- TMDL monitoring at major outfalls
 - Resource intensive
 - Limited value

Draft Permit Monitoring Requirements Don't Support Stormwater Program

Draft Permit	Proposed Plan
Focus is on TMDL	Assess Program Effectiveness
Static	Progressive
Sample Everywhere	Systematic Refinement

Model Monitoring Program for MS4s in Southern California

- Design Framework for MS4 Monitoring Plan
- Written by Southern California Stormwater Monitoring Coalition, 2004
- Partially funded by SWRCB
- Developed for Southern California region.

Model Monitoring Program's Goal

- To ensure that each stormwater program has the ability to assess and manage its overall performance.

Model Monitoring Program for MS4s in Southern California

- Adaptive Triggers
 - Revise monitoring plan based on results
 - Starting and stopping triggers needed
- Resource Protective
 - Calculated sample sizes
 - Computer modeling in place of sampling
- Regional Consistency

Requested Action

- **Integrate with other monitoring efforts**
 - TMDLs, SWAMP, SCCWRP. current program
- **Use SMC's Model Monitoring Guidance**
 - Focus resources to provide useful information to assess and improve stormwater quality program.

Public Construction Activities and Long Term Maintenance Programs

Regional Water Quality Control Board Workshop
Draft Ventura County Stormwater Permit
September 20, 2007

Jay Spurgin
City of Thousand Oaks

Public Construction Activities Management Draft Permit §5.G.1.1

"(a) Each Permittee shall 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."

- Why?
- Example: Traffic signal construction project – minimal disturbed area

"(b) Each Permittee shall implement and comply with the Development Construction Program requirements in Part 5.F. of this Order at all Permittee owned or operated construction project

- Example: Minor water line replacement – minimal disturbed area; line, grade, capacity and original use of facility unchanged by construction activity

"(c) Each Permittee shall obtain coverage under the CASGP for construction activities and projects that are:
(1) Covered under one (or more) Capital Improvement Projects (including but not limited to street repaving, new streets, channel clearing) or contract, and that individually or cumulatively disturb 1 acre or more of land."

- Projects that "cumulatively disturb 1 acre or more"?
- Public Capital Improvement Plans are not like a "common plan of development" in the private sector.

Long Term Maintenance Programs Draft Permit §5.G.1.2(b)

"(b) Each Permittee shall obtain coverage under the CASGP no later than (7 days after Order adoption date) for long-term maintenance programs including maintenance of flood control channels (such as vegetation removal), maintenance or replacement of streets, sidewalks, roads, and any other project the Permittee undertakes including all Capital Improvement Projects (CIP) if either 1 or more acres of land are disturbed by grading, clearing or excavation activities for an individual project or cumulatively as a part of several projects involving a soil disturbance."

Recommendations

- The Ventura County Stormwater Permit should require the Permittees to meet the same permit requirements as those imposed on other (non-permitted) public agencies and private companies.
- Revise the draft permit language so that it is consistent with the definition of "construction".

+ Additional Treatment Control BMP Installation at All Critical Source Facilities

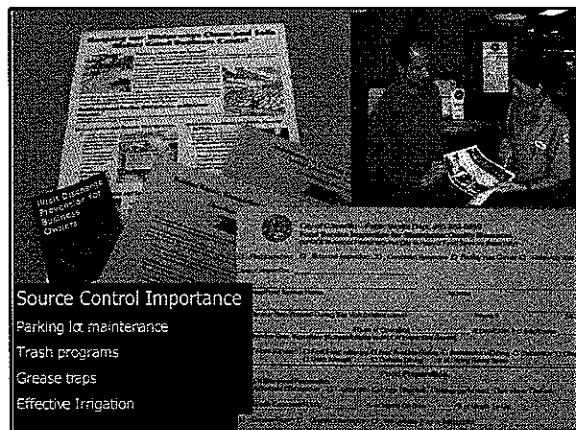
Anita Kurlman, City of Camarillo
September 20, 2007

P. 41 of 2nd Draft Permit Inspect Critical Sources

- + The Permittees shall require implementation of additional treatment control BMPs where storm water flows from the **MS4 discharge** to an ESA or a 303(d) listed waterbody. Likewise for those BMPs that are not adequate to achieve **MALs** and/or water quality objectives, Permittees may require additional site-specific controls such as treatment control BMPs.

+ What does this mean to Ventura County?

- + Food Facilities – 1,929
- + Automotive Facilities – 1,413
- + General Industrial – 538
- + Nurseries – approx. 40 (New Permit requirement)



+ RECOMMENDATION

- + Permittees require Critical Source facilities to implement effective source control BMPs.
- + Critical Source Facilities that fail to utilize effective source controls, shall apply pollutant specific treatment control BMPs.
- + Defer NPDES Permit requirements when there is a Regional Board approved TMDL implementation plan for the receiving water.

Public Information and Participation Program

City of Port Hueneme
Fred Camarillo

September 20, 2007

Public Information and Participation Program (PIPP)

Educational Outreach Requirements

Part 5C.1(c)(6)

Requires permittees to provide schools with stormwater educational materials

Part 5C.1(c)(8)

Requires permittees to measure effectiveness of in-school educational programs

Issues : Conflicts with Public Resources Code and permit Findings, permittees lack authority over school curriculum, measurement of effectiveness becomes very difficult

Recommend: Direct staff to work with permittees in establishing a feasible educational goal that makes best use of our resources.

PIPP Business Program

Corporate Outreach Requirements

- Requires permittees to educate corporate managers
- Requires all target facilities be contacted no less than twice during the permit term

Recommend : Allow local facility managers to be point of contact. This can facilitate better working relationships within each permittees jurisdiction. Reduce outreach contacts to once during the permit term unless otherwise warranted.

Business Assistance Program

- Requires permittees to provide technical assistance in identifying and implementing pollution prevention methods and BMP's.

Recommend: Direct staff to clarify. As written, it appears that permittees may face liability issues.

Trash Excluders

- P. 76: Part 5G5(e)(1)
- "Each Permittee shall install trash excluders, or equivalent devices on catch basins to prevent the discharge of trash to the storm drain system...in commercial areas, industrial areas, and near educational institutions..."
- Reduction in installation requirement

Talking Points

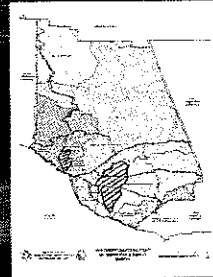
- Trash excluders are not a viable solution for Ventura County
- Risks to commercial and residential areas
- 303(d) listed or Trash TMDL

Risks



- Flood Zone
- Reduced flow area could exacerbate flood-prone areas.
- Residential units affected by commercial/industrial flooding.

303(d) Trash TMDL



- Trash is not 303(d) listed for majority of Ventura County.
- Only Beardsley Wash, Revolon Slough and Ventura River Estuary.
- Covers approximately 4% of Ventura County

Alternate Method

- Replace trash excluder requirement with acceptable alternate BMPs in the Permit.
- Propose:
 - Increase commercial zone street sweeping
 - Add trash cans at bus stops
 - Prompt enforcement of trash accumulation

Cont'd

Alternate Method (cont'd)

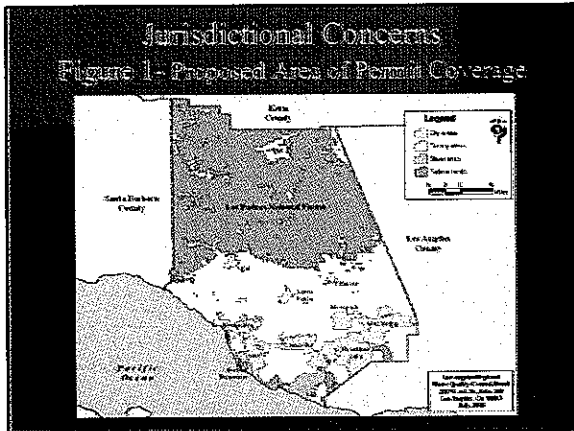
- Increase trash collection on public property
- 24-hour turnaround of illegally disposed of material on public property
- Reduce cost for residential bulky-item disposal
- Active support of citizen involvement events
- Increase litter prevention messages

Public Outreach Is Working

- Coastal Cleanup Day
 - 1996: 778 volunteers, 15,972 lbs of trash collected
 - 2007: 2,458 volunteers, 12,601 lbs of trash collected
- Increasing # of volunteers and finding less litter and debris.

Come Visit Us

- Goal is to prevent litter
- Can be done effectively, economically, and safely
- Please come tour beautiful Ventura County
- Thank you



Proposed Area of Coverage Based on Both Fact *and* Fiction?

True ... The Clean Water Act requires *MS4s* to be covered under an NPDES permit (MS4 Permit)

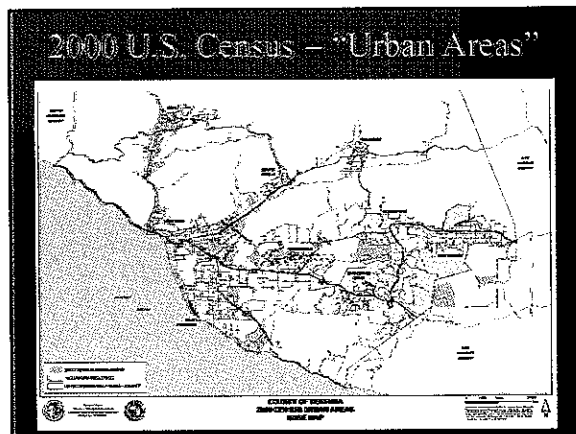
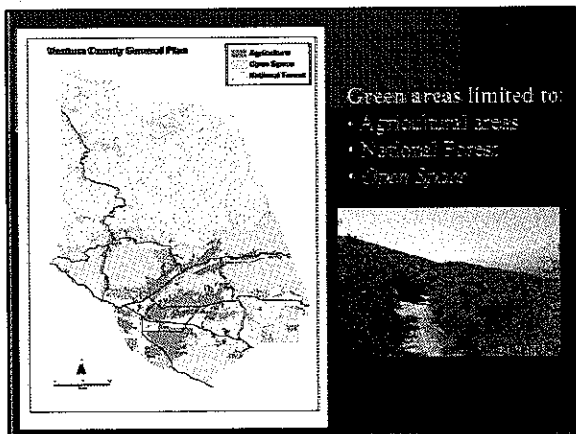
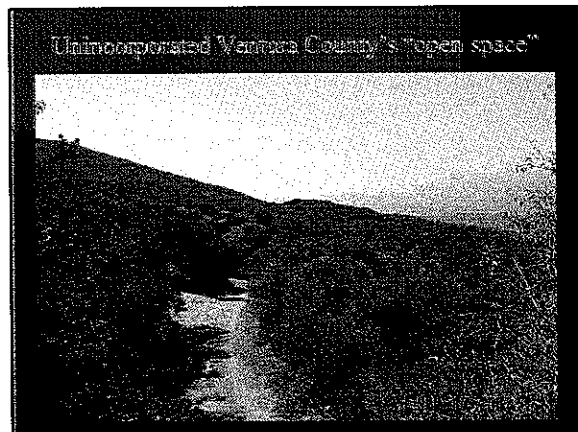
True ... MS4 Permits target runoff from *urban development* for water quality controls

True ... Ventura County has areas of *urban development*

False ... Ventura County is mostly *urban development* or *area undergoing urban development*

Unincorporated Ventura County = ~~URBAN~~ Development

- Urban development is *strictly limited* to cities and their "spheres of influence"
- Unincorporated areas are primarily:
 - National Forest
 - Agricultural
 - Open Space



In Summary

- WS4 Permits target runoff from *urban development*
- Unincorporated Vannara County is primarily composed of Open Space, Agricultural area, or National Forest - *not urban development*
- We urge your Regional Board to direct staff to correct an apparent *error* in the draft permit -
Please revise Figure 1 to remove all non-urbanized areas of unincorporated Vannara County from coverage under this urban stormwater permit!

SMALL COMMUNITIES ISSUES



September 20, 2007

Small Communities in Ventura County

Fillmore Camarillo
Port Hueneme Moorpark
Ojai Santa Paula

Board direction from April 5th Workshop

- Look at the requirements for small communities
Balance, Flexibility, Consistency and Funding
- Permit Alignment and Inconsistency with TMDLs
- LID and Infiltration
- Effective Communication/Misunderstandings of Provisions
- MALs, MEP Definition: Use of Numeric Limits
- Timeframes

Recap of April 5th Workshop and Board Direction

- Unfunded Mandates
- Trash Excluders
- 100,000 gallon flushing
- Phase 2/Small Cities Issues
- Hydromodification/Grading
- Not Utilizing "One Size Fits All"

What has the Ventura County Stormwater Program done since the April Workshop

- Attended Four Meeting with RWQCB staff
- Proactively Presented Alternative Approaches to Many Permit Provisions
- Provided Specific Recommendations for Language Changes

Overview of Major Topics

Municipal Action Levels:

- MALs stricter than Water Quality Objectives?
- Mandatory Minimum Penalties?
- Inclusion of Chemical Oxygen Demand (COD) as Pollutant of Concern?
- Inclusion of Mercury as an MALs? Local Source of Mercury?

Overview of Major Topics

Total Maximum Daily Loads (TMDLs)

- End of Pipe Compliance and Monitoring for TMDLs vs. the Adopted TMDL language?

Overview of Major Topics

Public Outreach

- School Educational Requirements requiring we go into Schools?
- Corporate Outreach to Large Chain Businesses (Home Depot, McDonalds)?

Overview of Major Topics

- Grading Restrictions: Wet Weather Season – October 1st-April 15th ?
- SWRCB General Construction Permits for 100s of Routine Maintenance Projects?
- Treatment Control BMPs for all Restaurants, Retail Gasoline, nurseries and automobile shops?

Overview of Major Topics

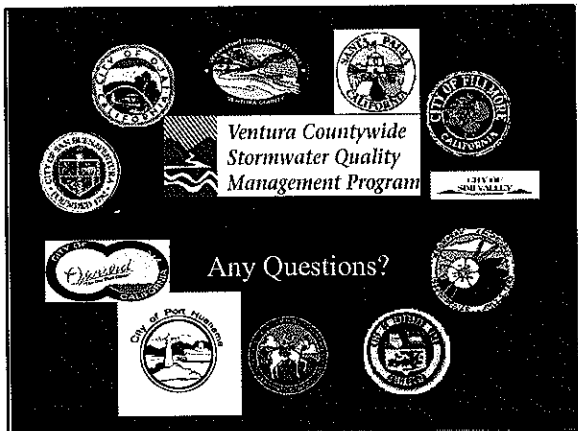
- Implementation of Agriculture Waiver Program under a MS-4 Permit?
- Annual Report - Cost to Reformat at what Benefit?
- Jurisdictional Areas – SW Inspections in Lockwood Valley?
- GIS all 18" pipes in the County?

Permittees Intended Outcome - Reasonable and Protective Permit

- We acknowledge several Positive Changes to Permit. Nevertheless, in several areas major areas of concerns remain
 - For example establishing new MEP definition with MALs, and potential liability with MMPs
 - Over prescribing a Program without flexibility and nexus to environmental benefit

Permittees Intended Outcome - Reasonable and Protective Permit

- Board provide Staff with needed direction on major policy decisions
- Board direct staff to continue to work with Permittees to effectuate revisions for a reasonable permit
- Board direct Staff to enter into a Facilitated Collaborative Process with the goal of making meaningful and earnest revisions to the current permit



Any Questions?