

Senator Roderick Wright
25th Senate District
One Manchester Blvd, Suite 600
Inglewood, CA 90301

Assembly Member Steven Bradford
62nd Assembly District
One West Manchester Blvd., Suite 601
Inglewood, CA 90301

Senator Ted Lieu
28th Senate District
2512 Artesia Blvd., Suite 320
Redondo Beach, CA 90278

Assembly Member Isadore Hall, III
64th Assembly District
4201 Long Beach Blvd., Suite 327
Compton, CA 90220

Assemblymember Bonnie Lowenthal
54th Assembly District
110 Pine Avenue, Suite 804
Long Beach, CA 90802

Assembly Member Al Muratsuchi
53rd Assembly District
3460 West Torrance Blvd.
Torrance, CA 90503

Governor Jerry Brown
State of California
c/o State Capitol, Suite 1173
Sacramento, CA 95814

Subject: Opposition to Los Angeles County MS4 (NPDES) Permit

Dear Senator Lieu, Assembly Member Hall and Governor Brown:

The purpose of this letter is to call to your attention to the serious problem the Los Angeles County Municipal Separate Storm Sewer Permit (MS4) NPDES (permit) poses to municipalities and tax payers.

The MS4 permit, which was adopted in October of last year, contains stormwater compliance requirements that will cost cities in Los Angeles County billions of dollars

over a 20 year period. A reasonable cost estimate for a city, two square miles in area, is \$1,000,000 per year. The high cost is due to compliance with special water quality standards, known as total maximum daily load (TMDL). TMDL are numeric limits placed on pollutants including, but not limited to trash, copper, lead, zinc, lead, and bacteria.

Fortunately, USEPA has indicated that the permit lacks what is referred to as an "iterative process" for achieving compliance with TMDLs. Basically, it is a procedure that allows cities to attain compliance by implementing best management practices (BMPs) such as street sweeping and requiring new developments to install pollution treatment controls. If the implementation of BMPs does not meet TMDLs, based on monitoring discharges from City storm drains, no violation would occur -- as long as BMPs are fully implemented in a timely manner and BMPs are improved.

The absence of the iterative process in the permit, which is a requirement mandated by federal regulations and precedential State Water Resources Control Board (State Board) orders, is likely to cause the State Board to invalidate it. In the meantime, cities are stuck with having to prepare expensive management plans to comply with the permit. The cost of preparing such plans is in the tens of thousands and in some cases hundreds of thousands of dollars. Mind you, this is only for plan preparation. Including an iterative process in the permit would make the plans unnecessary as compliance determinants. Unfortunately, the State Board has indicated that it is not likely to move on taking any action on the permit until the spring.

The city members of the South Bay Council of Governments (SBCOG) would like to avoid having to prepare plans given that the permit, which requires them, is likely to be invalidated in a few months.

The SBCCOG, therefore, asks that you urge the State Board to: (1) void the permit this year; (2) "stay" the permit while the issue is pending decision; or (3) advise the Los Angeles Regional Board, which adopted the permit, to adopt a resolution that would stay the permit while the State Board decides its fate.

Sincerely,

Dan Medina
SBCCOG Chair
Mayor Pro Tem, City of Gardena