



August 14, 2013

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State Water Resources Control Board
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Subject: Comment Letter – Receiving Waters Limitations MS4 Permits

The California Alliance for Jobs, representing business and labor groups in and around the transportation construction industry, is responding to the request for comments on the receiving water limitations approach contained in the Los Angeles MS4 Permit. As detailed in our previous comment letters on the Caltrans MS4 permit, our industry has grave concerns about lack of clarity contained in the current receiving water limitations language and its impact on public agencies exposure to third party lawsuits. These concerns were not lost to the State Water Resources Control Board (SWRCB), as they included a re-opener clause in the receiving water limitations language as part of the approval of the Caltrans MS4 permit in September of 2012.

If the current language is left unchanged, it is likely that Caltrans and other public agencies subject to SWRCB issued MS4 permits will be left without certainty as to their permit compliance. These agencies could find themselves subjected to legal action that, through litigation, could greatly increase the cost and scope of the previously adopted permits, even surpassing the intent of the SWRCB. This outcome would result in judicially mandated requirements that would increase the costs of compliance without any consideration to cost effectiveness and would have detrimental effects on California’s transportation infrastructure, the level of local government services and our state wide economy.

In order to avoid this negative legal outcome, the California Alliance for Jobs is in support of the receiving water limitations language proposal contained in the CASQA comment letter dated August 14th 2013. CASQA has a long history of developing cost effective and scientifically based stormwater management practices and their work on this issue has been critical in creating clarity and consistency for permitted agencies. We urge the SWRCB to adopt the CASQA proposed receiving water limitations language for all public agencies required to comply with state issued MS4 permits. This would provide the clarity required by public agencies and increase the level of successful compliance with MS4 permits across the state.

Thank you for the opportunity to comment on this important issue.

Michael Quigley
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