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October 15, 2007

Ms. Tracy Egoscue
Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. Fourth Street, Suite 200
Los Angeles, CA 90013

Attention: Mr. Xavier Swamikannu
Chief Storm Water Permitting Unit

Dear Ms. Egoscue:

Subject: Comments on the "Waste Discharge Requirements for Municipal Storm Water Discharges within the Ventura County Watershed Protection District, County of Ventura and Incorporated Cities Therein"

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the proposed "Waste Discharge Requirements for Municipal Storm Water Discharges within the Ventura County Watershed Protection District, County of Ventura, and Incorporated Cities Therein" (Permit).

LADWP commends the Regional Board in their support and understanding of the necessity of flushing potable water lines and removing the 100,000-gallon threshold from the first draft of the Permit.

LADWP believes that the MS4 permit is the best permit vehicle to regulate all potable water discharges. It is unclear why NPDES coverage for these discharges should be denied under the MS4 permit. The draft MS4 permit does not contain any findings or provide any evidence or references that demonstrate potable water discharges contribute or violate water quality standards or are a significant contributor of pollutants to waters of the United States, thus suggesting that they should be ineligible for coverage. The American Water Works Association Research Foundation (AWWARF) has recently completed a study (AWWARF #2937) on the environmental impacts of untreated potable water discharges to receiving waters. In the study, it was concluded that there were no impacts from potable water discharges to the environment. The study

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consisted of data collection and research in both the eastern and western regions. In fact, these discharges are de-minimus, low threat, and not an environmental impact to the waters of the U.S. and/or State and should be addressed using best management practices (BMPs) under the MS4 permit.

In past discussions with Regional Board staff, concerns have been expressed regarding the overflow of storm water diversion structures and the safety of personnel that work in the storm drain conveyances due to large, unexpected releases of potable water. Both situations are easily solved by requiring in the MS4 permit a notification to alert other entities of planned discharges. For example, the permit could contain language similar to the following:

Water purveyors shall provide advance notice of planned storm water discharges to storm drain management agencies when planned discharges will exceed the capacity of the diversion structures operated by the local storm drain management agency. The maximum volume will be reported by each local agency to the Regional Board and the local water purveyors.

Notwithstanding the above comments indicating that it is appropriate to continue coverage of potable water discharges under the MS4 permit, LADWP has concerns with the Regional Board's approach to the regulation of potable water discharges under this permit and submits the following comments for your consideration.

LADWP requests changes to the draft permit language that will:

- Allow continued water system maintenance under the MS4 until a new Potable Water General Permit is adopted.
- Continue to regulate both non discretionary discharges and minor (i.e. low threat, low volume) groundwater discharge activities in the MS4 permit.
- Maintain a consistent definition of "potable water".

Allow for Continued Coverage under MS4 permit until new Permit is Adopted:

Should the Regional Board insist on regulating potable water discharges via a separate general permit specific to potable water discharges, LADWP respectfully requests that potable water discharges continue to be regulated by the MS4 permit until such time as an appropriate potable water system discharge permit is adopted by this Regional Board.

The current draft of the permit provides no regulatory coverage of potable water system maintenance discharges during the development and adoption of the new general permit for potable water discharges. This leaves water supply agencies liable to third party lawsuits under the Clean Water Act for activities that are sanctioned and often

mandated by the State Drinking Water Act. The flushing of drinking water distribution lines is an approved and necessary activity to protect public health and safety. In fact, routine potable water line flushing is encouraged by the State Department of Health Services (DHS) and the American Water Works Association, and at times is required by the DHS. Of the exempted non storm water discharges listed in the draft MS4 permit, potable water main flushing represents the lowest possible threat to receiving water quality.

Therefore, LADWP requests a proviso be inserted in the MS4 permit that allows potable water discharges to remain in the MS4 permit until a new general permit is adopted.

Continue to Regulate both Non discretionary Discharges and Minor (i.e., low threat, low volume) Groundwater Discharge Activities in the MS4 permit:

Non-discretionary, emergency, and unforeseen discharges associated with activities such as fire hydrant knock-offs, pressure releases from regulator stations, line failures/ruptures, etc., and minor activity discharges from groundwater well activities should continue to be covered by the MS4 permit.

In the same way fire fighters do not have any discretion in using potable water when fighting a fire and have no control on how the fire is started, a water supply utility does not have any discretion on when fire hydrants are hit by automobiles, or when a water line will fail and/or rupture, in some cases endangering property and/or public safety. Continued coverage under the MS4 with the application of BMPs, wherever possible, for these non-discretionary discharges that LADWP has identified is wholly appropriate. In addition, minor discharges from ground water well activities lasting for 10 to 15 minutes maximum are low volume and low threat, in the same way as the listed incidental discharges that are still allowed in the most recent draft of the MS4 permit. Therefore, LADWP requests that the non discretionary and minor ground water activities remain in the MS4 permit.

Maintain a Consistent Definition of "Potable Water"

Finally, the potable water definition found in the permit is not as broad as it is in other existing Regional Board permits. In this permit, "potable water" means that the water "meets all California Safe Drinking Water Act regulatory standards for human consumption". LADWP suggests that the definition should remain consistent with the existing definition found under the heading of "Potable Water System Distribution System Releases" found in many other Regional Board permits. For example, the existing MS4 permit has the following definition:

"Potable Water Distribution System Releases means sources of flows from drinking water storage supply and distribution systems including flows from system failures,

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pressure releases, system maintenance, distribution line testing, fire hydrant flow testing; and flushing and dewatering of pipes, reservoirs, vaults, and minor non-invasive well maintenance activities not involving chemical addition(s). It does not include wastewater discharges from activities that occur wellheads, such as well construction, well development (i.e. aquifer pumping tests, well purging, etc.), or major well maintenance.

In closing, LADWP believes the MS4 permit is the best and most appropriate vehicle to regulate these types of discharges. However, should the Regional Board insist on regulating potable water discharges via a general permit, LADWP requests that a new general permit specific to potable water systems be adopted by this Regional Board and that the potable discharges continue to be regulated by the MS4 until such a permit is adopted. Furthermore, as with the current low volume/low threat incidental discharges currently within the draft MS4 permit, LADWP believes both the non discretionary and minor ground water activities should remain in the MS4 permit. Finally, the potable water source definition needs to be expanded to correctly address potable water source discharges.

Again, we thank the Regional Board for the opportunity to comment on the second draft MS4 permit. Should you have any questions or require additional information, please contact myself or Mr. Bryan Schweickert of the LADWP Wastewater Quality Compliance Group at (213) 367-0436 or (213) 367-4944, respectively.

Sincerely,



Katherine Rubin
Interim Manager Wastewater Quality Compliance

BS:gc

c: Mr. Xavier Swamikannu – Regional Water Quality Control Board
Ms. Tracy Woods – Regional Water Quality Control Board
Mr. Carlos Urranagua – Regional Water Quality Control Board
Mr. Bryan Schweickert