



BUILDING & SERVICES ENGINEERING CONSULTANTS WATER PROTECTION

July 28, 2009

Mr. Ivar Ridgeway, Storm Water Permitting Unit
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

**Re: Modifications to Waste Discharge Requirements for the County of Los Angeles
Municipal Storm Water Discharge Permit (NPDES No. CA5004001) to
Incorporate Provisions of the Los Angeles River Watershed Trash Total
Maximum Daily Load (TMDL)**

Dear Mr. Ridgeway:

It is our pleasure to submit the following comments regarding the above referenced matter and look forward to working with the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) and staff in regards to this matter. As you may know, Charles Abbott Associates, Inc. provides environmental consulting services to various cities in the Los Angeles Region. As indicated in your July 6, 2009 memorandum (July 6, 2009 memo) [Modifications To Waste Discharge Requirements For The County Of Los Angeles Municipal Storm Water Discharge Permit, NPDES Permit No. CA5004001 (LA Stormwater Permit) To Incorporate Provisions Of The Los Angeles River Watershed Trash Total Maximum Daily Load (LA Trash TMDL)], a public workshop will be held at the Regional Board's offices, on July 29, 2009 regarding the proposed *modification* of the LA Stormwater Permit to incorporate provisions of the LA Trash TMDL.

We seek to work cooperatively with the Regional Water Board on this matter and to that end, we submit the following written comments.

Public Comment Period:

It is unclear from the July 6, 2009 memo if this public comment period is the federally mandated period. If this is a true public comment period, then we note that aside from the July 6, 2009 memo, no other documents, proposed amendments, or language changes have been provided for technical or general review. Without this information,

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it is impossible to provide anything other than basic comment and we request that any documents in support of this proposed reopener be provided for our review.

Incorrect Reference to 40 CFR 122.44(d)(4)(vii)(B):

It is also unclear from the July 6, 2009 memo what specific Federal Code section is being used for the reopening of the expired Permit to include the LA Trash TMDL. The second paragraph of the July 6, 2009 memo references "40 CFR 122.44(d)(4)(vii)(B)". After review of the federal regulations we have determined there is no such federal code section. Please clarify.

The Los Angeles MS4 Permit is Expired:

The Los Angeles County Municipal Storm Water Discharge Permit (Order No 96-054) has expired and while it has been administratively extended by the Regional Board Executive Officer in 2006, however, we believe it was the intent of Congress/US EPA that an NPDES permit have a five year life. This provides the Discharger and the Public-at-large a forum to openly discuss and/or negotiate requirements of an NPDES Permit and provide the Discharger a guarantee that requirements will not change during the life of the NPDES permit. When a permit is narrowly reopened, it typically does not allow the Discharger the adequate time to develop a corresponding plan for implementation or funding.

No Input from the Regional Water Board on Submitted Implementation Plans

We are concerned that the Regional Water Board in reopening the LA Stormwater Permit to include trash Waste Load Allocations for the LA River is creating an uneven playing field for those jurisdictions in the LA River watershed. By introducing this TMDL into the LA Stormwater Permit, these cities become subject to an enforcement mechanism, while potentially a city next door also subject to a trash TMDL (but in another watershed and not included in this proposed reopener) does not have the same immediate legal and compliance burdens placed on them.

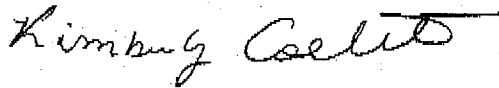
The cities under the Los Angeles River Trash TMDL submitted to the Regional Water Board implementation plans for compliance with the TMDL, however no city that we are aware of has received any input from the Regional Water Board on their plan's acceptability. The Los Angeles River cities are seeking feedback from the Regional Water Board on the implementation strategies being proposed. It is difficult to commit the necessary public funds and resources for compliance purposes, when this vital information regarding the acceptability of the implementation plans has not been provided by the Regional Water Board.

Conclusion

We respectfully request that the LA Stormwater Permit not be reopened until such time that it is the Board's plan to include all effective TMDLs and only after reviewing and approving the implementation plans.

Thank you for the opportunity to comment. We appreciate your attention in this matter and appreciate a response at your earliest convenience.

Sincerely,



Kimberly Colbert
Director of Environmental Services
Charles Abbott Associates, Inc.