



November 9, 2009

Mr. Ivar Ridgeway
iridgeway@waterboards.ca.gov
Municipal Permits Section
California Regional Water Quality Control Board, Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

VIA ELECTRONIC MAIL AND U.S. Mail

SUBJECT: Comments on Proposed Modification to the County of Los Angeles MS4 Permit to Incorporate Provisions of the Los Angeles River Trash TMDL (NPDES Permit No. CAS004001; Public Notice No. 09-117)

Dear Mr. Ridgeway:

Thank you for the opportunity to provide comments on the proposed incorporation of provisions of the Los Angeles River Trash TMDL into the Los Angeles County MS4 Permit. The City of Monrovia ("City") is a co-Permittee to the Los Angeles County Municipal Separate Storm Sewer System Permit (NPDES No. CAS004001, Board Order No. 01-182 as amended by Order Nos. R4-2006-0074 and R4-2007-0042) (LA MS4 Permit) and is a City located in the Los Angeles River Watershed. The City understands that the Board proposes to reopen the permit to incorporate the provisions of the Los Angeles River Watershed Trash Total Maximum Daily Load ("LA River Trash TMDL") into the LA MS4 Permit.

We fully join in and support the Los Angeles Stormwater Quality Partnership's ("LASQP") comment letter on the proposed limited reopener of the LA MS4 Permit. A copy of that letter is attached for your convenience. The City does, however, have the following two additional concerns regarding the proposed incorporation of provisions of the Los Angeles River Trash TMDL into the LA MS4 Permit:

1) The Clean Water Act's Prohibition on Antibacksliding

The City appreciates the fact that the proposed permit revisions include a proposed review and reconsideration of the final Waste Load Allocations once a reduction of 50% of the Baseline Waste Load Allocations has been achieved. The City is, however, concerned that the Clean Water Act's prohibition on antibacksliding, might be construed to prohibit the Regional Board from implementing an effluent limitation less stringent than those in the existing permit if, at the review and reconsideration step, the Regional Board finds that less stringent effluent limitations are warranted. As you know, 33 USC §1342 (o) and 40 C.F.R. §122.44(1)(1) (which contain the antibacksliding provisions) state that a permit may not be modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit.

If the Clean Water Act essentially prohibits the Regional Board from reconsidering the final Waste Load Allocations once a reduction of 50% has been achieved, the City objects to the incorporation of the LA River Trash TMDL into the LA MS4 Permit at least until this reconsideration step has been completed. The City would greatly appreciate a response from the Regional Board on this specific issue.

2) The Time Period During Which the Review and Reconsideration of the Final Waste Load Allocations is to Occur Must Be Clear

It is not clear when the review/reconsideration step of the final Waste Load Allocations will take place. Table 6 (Implementation Schedule) of the LA River Trash TMDL provides that a 50% reduction of the Baseline Waste Allocations must be achieved by September 2009 and the compliance point of 50% of the Baseline Waste Load Allocations must be reached by September 2010. Furthermore, Page 19 of the Fact Sheet indicates that the Los Angeles County Department of Public Works reported a 50% decrease in trash entering catchbasins since adoption of the current LA MS4 Permit. This means the Regional Board should have conducted the review and reconsideration step or should conduct this step no later than September 2010 (for the compliance point of 50%). If this is the case, it is prudent not to incorporate the LA River Trash TMDL into the LA MS4 Permit until after the reconsideration step has been completed. At minimum, any revisions to the LA MS4 Permit should make clear that this reconsideration step will take place no later than September 2010.

If you require additional information or would like to discuss this matter, please feel free to contact me at your convenience.

Sincerely,



Heather M. Maloney
Senior Environmental Analyst

Enc. LASQP Comment Letter

cc: Scott Ochoa, City Manager
Craig Steele, City Attorney
Candice K. Lee, Assistant City Attorney

Los Angeles



Stormwater Quality Partnership

Partner Cities:

Agoura Hills

Azusa

Beverly Hills

Calabasas

Hidden Hills

Monrovia

Norwalk

Rancho Palos Verdes

Westlake Village

November 5, 2009

Mr. Ivar Ridgeway
Regional Water Quality Control Board – Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Comments regarding incorporating the provisions of the Los Angeles River Trash TMDL into the Los Angeles County MS4 permit

Dear Mr. Ridgeway:

Thank you for this opportunity to provide comments regarding incorporating the provisions of the Los Angeles River Trash Total Maximum Daily Load (TMDL) into the current Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit (Permit). As you may be aware, representatives and members of the Los Angeles Stormwater Quality Partnership (LASQP) attended the July 29, 2009 staff workshop and submitted written comments on the subject on July 28, 2009.

This group of nine Los Angeles County cities was formed with the intent of establishing a continuing and sustained working relationship between the municipal stormwater permittees and the California Water Quality Control Board for the Los Angeles Region (Regional Water Board). It is hope and goal to form a relationship focused on improving stormwater quality through a constructive and collaborative effort. In that spirit, and in our communications to the Regional Water Board on this matter, we have encouraged Regional Water Board staff to consider and incorporate two specific elements. These were to:

- 1) Explicitly recognize and include the TMDL review / reconsideration step at the sustained 50% reduction mark; and*
- 2) Allow for options in demonstrating achievement with Waste Load Allocation (WLA), i.e., "compliance monitoring", including quantification of reductions from full capture, partial capture, institutional controls, and other equivalents.*

LASQP recognizes and appreciates that these have in fact been explicitly incorporated into the proposed Permit revisions. Regarding the first element, the review / reconsideration step is critical to both our and the Regional Water Board's ability to adaptively manage implementation of the TMDL. LASQP is willing to work with Regional Water Board staff to provide further clarification of the concept of a "sustained" reduction for purposes of review / reconsideration of the TMDL and its effectiveness.

LASQP comments regarding incorporating the provisions of the Los Angeles River Trash TMDL into the Los Angeles County MS4 permit

Regarding the second element, providing options for demonstrating WLA achievement, such as through full capture, partial capture, and institutional controls, is also critical since many cities' trash-related characteristics differ (sources, amounts, locations, impacts, infrastructure, financing, etc.), however as the TMDL is implemented, cities will likely need to adapt their implementation actions and will need access to all options for demonstrating WLA achievement.

Thank you for the opportunity to provide input regarding incorporating the provisions of the Los Angeles River Trash TMDL into the Los Angeles County MS4 permit. We look forward to continuing to work with you as these new permit provisions continue to be implemented. Feel free to contact me with questions.

Sincerely,
Los Angeles Stormwater Quality Partnership

A handwritten signature in black ink, appearing to read "Geoff Brosseau", with a horizontal line extending to the right.

Geoff Brosseau
Environmental Management / Technical Consultant

cc: LASQP Member Cities