

## Comment Letters Received from Water Suppliers

- Association of California Water Agencies
- California Water Service Company
- Golden State Water Company
- Los Angeles Dept. Water & Power (LADWP)
- Lagerlof, Senecal, Gosney & Kruse, LLP (Jim Ciampa)
  
- Main San Gabriel Basin Watermaster
- Metropolitan Water District (MWD)
- Pasadena Water and Power
- Upper San Gabriel Valley Municipal Water District



## Association of California Water Agencies

Leadership Advocacy Information *Since 1910*

July 23, 2012

Sam Unger  
Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

Dear Mr. Unger,

The Association of California Water Agencies (ACWA) appreciates the opportunity to comment on the draft National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges within the Los Angeles County Flood Control District. ACWA represents nearly 440 public water agencies in California that collectively supply 90% of the water delivered in California for domestic, agricultural and industrial uses. We represent many Community Water Systems (CWSs) in the Los Angeles region and believe the significant effort on this issue by agencies, Board staff and community stakeholders has resulted in a draft permit that will allow all parties to work together to solve water quality problems and protect the public rather than create potential conflicts.

In addition, we would like to offer the following technical comments:

### Categories of Non-Storm Water Discharges

The proposed permit creates new categories of “Authorized Non-Storm Water Discharges”, including “Conditionally Exempt Non-Storm Water Discharge” (CENSWD). CENSWDs are divided into two sub-categories, those that are “essential” and “others.” The “essential” CENSWDs include discharges from CWSs and are given a certain amount of regulatory relief because they are mandated under federal and state statute and regulations. ACWA supports the creation of these categories and the regulatory relief that accompanies it. The proposal for additional Best Management Practices (BMPs) to protect water quality seems entirely appropriate.

However, ACWA is somewhat concerned that the wording of these provisions is somewhat difficult to follow. It is often difficult to discern which BMPs are required for both the essential CENSWDs and other types. ACWA believes that it would be helpful to all parties if the permit more clearly delineated these two groups of CENSWDs. The permit should explicitly title the two groups, Essential CENSWD (including discharges from CWSs) and Non-Essential CENSWD, and have all BMPs and other requirements explicitly associated with each group.

### BMPs and Table 8

The permit makes frequent reference to Table 8 (“Required Conditions for Conditionally Exempt Non-Storm Water Discharges”) as it applies to CENSWDs. The majority of required conditions apply only to Non-Essential CENSWDs (although the first applied to both Essential and Non-Essential CENSWDs). The actual required conditions for Essential CENSWDs in III A 2 a i and ii are not found in this table. ACWA is concerned that it will be confusing if the requirements that apply to Essential CENSWDS are not in Table 8 or another Table that is clearly marked as applying to Essential CENSWDS.

One solution would be to have separate Tables for Essential CENSWDs and Non-Essential CENSWDs (see attached table).

### Los Angeles County Flood Control District

The Los Angeles County Flood Control District (LACFCD) is identified as having to mandate reporting by CWSs. ACWA is unaware of any legal mechanism that the LACFCD currently has to enforce this provision. Further, there are hundreds of potable water sources in Los Angeles County, and it is unclear if the LACFCD would have the resources to implement such a requirement. We believe it would be more appropriate for each individual MS4 Permittee (or perhaps groups of MS4 Permittees through the watershed groups) to be responsible for this function.

### Pollutants of Concern

Footnote 9 requires the analysis of Essential CENSWDs for “...trash and debris, including organic matter, total suspended solids (TSS)...” It is not clear how discharges from CWSs would be analyzed for these parameters except TSS. However, TSS is not a very useful or diagnostic test, and there are not many CWSs with laboratories capable of analyzing this parameter, which would significantly delay meaningful results. We would recommend that CWSs instead be required to analyze chlorine residual and pH, two tests that can be completed quickly and accurately in the field, and are already included in Footnote 10 of the draft permit.

### Discharge Requirements

On page 33 in Table 8 there is a requirement for all CENSWDs to “Segregate conditionally exempt non-storm water discharges from potential sources of pollutants to prevent introduction of pollutants to the MS4 and receiving water.” This is difficult to understand and its practical implications are not clear. Based on the discussion at the recent Board Workshop, we believe the intent is to prevent discharges from mobilizing pollutants in the flow path. We would recommend that this section be re-written to more clearly state the intent. Possible language for Table 8 might be...”Ensure flow path between discharge point and entrance to the MS4 (e.g. streets, gutters, swales) are free of trash and debris, organic matter, and potential sources of pollutants.”

#### Local Permits

On Page 29 of the Tentative Permit there is a provision that CENSWDs need to obtain “local permits.” We would like clarification on the definition of “local permits” in this sentence. Further, the requirement for the CENSWD to obtain a “local permit” is conditional upon the MS4 Permittee already requiring such a permit. We understand this to mean that if the local MS4 Permittee does not already require CENSWDs to get a local permit, the MS4 does not require one be obtained. This seems unnecessary; if local authority already requires a permit, the MS4 does not also have to require it.

#### BMP Threshold

We believe that the permit’s intent is that all of the requirements listed on page 28 as they apply to discharges from CWSs should be carried out for all discharges greater than one acre-foot. However, as written, the intent is unclear and could be read as meaning that the one acre-foot threshold only applies to the third measure, “record keeping.” We would suggest that the text be re-written so that it is clear the threshold applies to all requirements.

#### Raw Water

We would recommend that the definition of potable water include the term “raw water.” While untreated water is not a common discharge, it does occur and some MS4 permittees have expressed reservations about accepting this water unless it is explicitly stated in the permit.

ACWA would like to thank Board staff and members again for their hard work and cooperation in putting together a permit that will be a major step forward for all parties and water quality in the Los Angeles region. If you have questions please feel free to contact me at 916-441-4545 or [danielleb@acwa.com](mailto:danielleb@acwa.com).

Sincerely,



Danielle Blacet  
Senior Regulatory Advocate

**Table X. Required Conditions for Essential Conditionally Exempt Non-Storm Water Discharges**

Discharge Category	General Conditions Under Which Discharge Through the MS4 is Allowed	Conditions/BMPs that are Required to be Implemented Prior to Discharge Through the MS4
All Discharge Categories	See discharge Specific conditions below	<p>Ensure flow path between discharge point and entrance to the MS4 (e.g. streets, gutters, swales) are free of trash and debris, organic matter, and potential sources of pollutants.</p> <p>Whenever there is a discharge of one acre-foot or more into the MS4, the MS4 Permittee shall require advance notification by the discharger to the MS4 Permittee</p>
<p>Non-emergency fire fighting activities</p> <p>Installation, testing, and maintenance of water-based fire suppression systems</p> <p>Potable Water Sources not otherwise covered by an individual or general NPDES Permit</p>		<p>Management Practices Plan for Urban Runoff Management (May 1, 2004) or equivalent BMP manual for fire training activities and post-emergency fire fighting activities</p> <p>CAL FIRE, Office of the State Fire Marshal's Water-Based Fire Protection Systems Discharge Best Management Practices Manual (September 2011)</p> <p>For Discharges greater than one acre-foot</p> <p>Use of American Water Works Association (California-Nevada Section) Guidelines for the Development of Your Best Management Practices (BMP) Manual for Drinking Water System Releases (2005) or equivalent industry standard BMP manual.</p> <p>Notification of MS4 Permittee at least 72 hours prior to a planned discharge and as soon as possible after an unplanned discharge</p> <p>Monitoring of any pollutants of concern in the potable water supply release</p> <p>Record keeping by the potable water supplier</p>



July 23, 2012

California Regional Water Quality Control Board Los Angeles  
320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576 - 6600 \_ Fax (213) 576 – 6640

Subject: Comments to the Revised MS4: WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES WITHIN THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, INCLUDING THE COUNTY OF LOS ANGELES, AND THE INCORPORATED CITIES THEREIN, EXCEPT THE CITY OF LONG BEACH

Attention: Renee Purdy, Section Chief, Regional Programs

Community Water Servicers (CWS), that are investor-owned, may find the revision of the MS4 to be burdensome and duplicative, based on the required level of reporting that a CWS is required to submit to an MS4. Section 4.a. (Page 29 of the order). California Water Service Co. already documents our BMP measures and already follows American Water Works Association guidelines when discharging. Also, when a discharge occurs through an MS4, permits are already attained and NPDES results must be submitted to the authorized MS4 and to the LARWQCB. Furthermore the reporting requirements as drafted are ambiguous. The new reporting requirements add organic matter, and total suspended solids (TSS) (Page 27). These are requirements that are vague and are drafted too broad. The additional level of reporting to an MS4 outlined in III A 4 a, in itself, is also burdensome.

Also, in Section III A 4 a ii, (Page 29) has a differing viewpoint from CWS that are not an MS4. This Section requires the CWS to attain local permits by the MS4 owner. However, if an MS4 holder is also a CWS, how can these discharges be processed in an independent fashion that allows an MS4 to have the same permitting and reporting as a CWS without an MS4.

Thank you,

Allyson Clark

Environmental Health and Safety Project Manager

(310)257-1431 [aclark@calwater.com](mailto:aclark@calwater.com)

California Water Service Co.

Cc: Dale Gonzales, Environmental Manager, California Water Service Co.

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for the gathering of information submitted, is, to the best of my knowledge and belief, true, accurate and complete. I am aware



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**RANCHO DOMINGUEZ DISTRICT**

that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.”



July 23, 2012

**SUBMITTED VIA EMAIL**

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Mr. Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street  
Los Angeles, California 90013

Dear Mr. Unger:

**RE: Comments Regarding Draft Tentative Los Angeles County Municipal Separate Storm Sewer System Permit, NPDES Permit No. CAS004001**

Thank you for the opportunity to submit comments on the Draft Tentative Los Angeles County Municipal Separate Storm Sewer System Permit (Draft Tentative Order). As a drinking water provider serving over one million customers, Golden State Water Company (GSWC) has a vested interest in preserving the quality of our streams, lakes and underground aquifers. GSWC supports the Los Angeles Regional Water Quality Control Board's (Regional Board) efforts as a partner in protecting our drinking water resources. We are also dedicated to providing our customers with water that meets strict Federal and State drinking water standards. GSWC has closely followed and participated in the workshops and stakeholder meetings that the Regional Board staff has held on the Draft Tentative Order. We recognize and appreciate the hard work of Regional Board staff in development of the Draft Tentative Order, particularly their receptiveness to issues raised by the numerous and diverse stakeholders during the rulemaking process. We thank the Regional Board staff for listening to and responding to our comments on the staff working proposals.

Golden State Water Company has reviewed the Draft Tentative Order and is pleased with the inclusion of potable water discharges under the category of "Conditionally Exempt Essential Non-Storm Water Discharges." This category recognizes the critical role of water purveyors in providing an essential public service. It also shows an understanding of the mandatory operational and maintenance functions that water purveyors must perform in order to provide reliable supplies of high quality water to their service areas.

In general, GSWC agree with the provisions in the Draft Tentative Order that apply to the "Conditionally Exempt Essential Non-Storm Water Discharges." However, we have noted six areas in the Draft Tentative Order where we are recommending specific language changes to help clarify certain definitions and requirements. These recommendations are provided below.



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**1. Include raw water in the definition of discharges from potable water sources to ensure it is captured in the category of “Conditionally Exempt Essential Non-Storm Water Discharges.”**

The Draft Tentative Order specifically excludes raw water not associated with a wellhead discharge. Water goes through a variety of steps within treatment processes, raw water being the first step. We recommend that the permit include all discharges from our industry’s facilities, whether used for production, storage or distribution. We believe that this is a more effective way to ensure regulation of all drinking water utility discharges.

GSWC suggests that footnote #8 on page 27 of the Draft Tentative Order be modified to read as follows:

*<sup>8</sup> Potable water distribution system releases means sources of flows from drinking water storage, supply and distribution systems (including flows from system failures), pressure releases, system maintenance, distribution line testing, and flushing and dewatering of pipes, reservoirs, and vaults, and minor non-invasive well maintenance activities not involving chemical addition(s) where not otherwise regulated by NPDES Permit No.CAG67400, NPDES Permit No.CAG994005, or another separate NPDES permit. For the purposes of this Order, potable water refers to all water dedicated for municipal supply, including treated and non-treated potable water and raw water (e.g. aqueduct water, reservoir water, and potable well water).*

**2. Add definitions for potable water, potable water distribution systems, and raw water to Appendix A – Definitions.**

GSWC recommends adding the following definitions:

***Potable water:** Potable water refers to all water dedicated for municipal supply, including treated and non-treated potable water and raw water (e.g. aqueduct water, reservoir water, and potable well water).*

***Potable water distribution system releases:** Sources of flows from drinking water storage, supply and distribution systems (including flows from system failures), pressure releases, system maintenance, distribution*



Mr. Sam Unger  
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*line testing, and flushing and dewatering of pipes, reservoirs, and vaults, and minor non-invasive well maintenance activities not involving chemical addition(s) where not otherwise regulated by NPDES Permit No. CAG674001, NPDES Permit No. CAG994005, or another separate NPDES permit. For the purposes of this Order, potable water refers to all water dedicated for municipal supply, including treated and non-treated potable water and raw water (e.g. aqueduct water, reservoir water, and potable well water).*

**Raw water:** *Water that is taken from the environment with the intent to subsequently treat or purify to produce potable water.*

**3. Clarify that the 1 acre-foot threshold applies to all of the provisions in the Draft Tentative Order regarding discharges from potable water suppliers.**

The top of page 28 of the Draft Tentative Order, states that “*Additionally, each Permittee shall work with potable water suppliers that may discharge to the Permittee’s MS4 to ensure: (1) notification at least 72 hours prior to a planned discharge and as soon as possible after an unplanned discharge; (2) monitoring of any pollutants of concern<sup>9</sup> in the potable water supply release; and (3) recordkeeping by the potable water supplier for all discharges greater than one acre-foot.*”<sup>10</sup>

As currently worded, this could be interpreted that water purveyors must provide notification and also monitor all discharges of any volume, even de minimus flows, and that recordkeeping is required only for larger volume discharges of more than one acre-foot. It is our understanding that all three provisions; monitoring, notification, and recordkeeping, are only required for larger discharges (greater than one acre-foot) and are **not** required for lower volume discharges.

To clarify that the 1 acre-foot threshold applies to all of the provisions regarding discharges from potable water suppliers, GSWC recommends the following wording change:

*“Additionally, each Permittee shall work with potable water suppliers that may discharge greater than one acre-foot to the Permittee’s MS4 to ensure...potable water supplier.”*



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This change places the threshold of one acre-foot at the beginning of the listed requirements, and deletes the threshold from the end of the sentence, thus avoiding misinterpretation as to where it applies.

- 4. For the first listing in Table 8 that applies to “All Discharge Categories”, replace the word “segregate” with a clearer description of what the specific conditions/BMPs are that need to be implemented prior to discharge through the MS4.**

The current wording in Table 8 states - *“Segregate conditionally exempt non-storm water discharges from potential sources of pollutants to prevent introduction of pollutants to the MS4 and receiving water.”* The term “segregate” is confusing and does not specify any actual BMPs.

GWSC recommends the following wording change:

*“For conditionally exempt non-storm water discharges, implement appropriate BMPs, such as sweeping, cleaning, rerouting the flow path, etc., to minimize contact between the discharge flow path and any obvious pollutant sources that may be present in the gutter, street, or flow path between the discharge point and the MS4 storm drain system.”*

- 5. For the second Condition/BMPs identified in Table 8 for “All Discharge Categories”, reword the sentence to eliminate confusion and repetition of the requirements.**

In lieu of the current wording in Table 8, GWSC recommends the following wording change:

*“Whenever there is a discharge of one acre-foot or more into the MS4, the discharger must provide advance notification to the Los Angeles County Flood Control District and, if applicable, the MS4 Permittee with jurisdiction over the storm drain system where the discharge point occurs.”*



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**6. Clarify the monitoring requirements and pollutants of concern applicable to potable water discharges.**

On page 28 of the Draft Tentative Order, Footnotes #9 and # 10 of the Draft Tentative Order refer to pollutants of concern (#9) and maintenance of records, including monitoring results (#10). As currently written, the two footnotes are inconsistent and the pollutants of concern listed in footnote #9 are not applicable to potable water discharges. The pollutants of concern that are specific for potable water discharges are chlorine residual and pH, which are the field monitoring requirements imposed by the Los Angeles County Flood Control District for potable water discharges from surface water drinking supply systems.

GSWC recommends that footnote #9 be reworded as follows:

*<sup>9</sup> Pollutants of concern include chlorine residual, pH and pollutants that can reasonably be expected to be present in the discharge.*

Thank you again for the opportunity to comment and participate in the development of the Draft Tentative Order. GSWC looks forward to continued dialogue with you and your staff as the Draft Tentative Order is finalized and the MS4 Permit is implemented.

If you have any questions, please contact Brandy Hancocks at (916) 853-3639 or at [brandy.hancocks@gswater.com](mailto:brandy.hancocks@gswater.com).

Sincerely,

David Chang, PhD, P.E.  
Vice President Operations  
Golden State Water Company

REH/dc

CC: Brandy Hancocks  
Bob Heilman  
Helen Lee



ANTONIO R. VILLARAIGOSA  
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July 23, 2012

Mr. Sam Unger  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Attention: Ms. Renee Purdy  
Mr. Ivar Ridgeway:

Dear Mr. Unger:

Subject: Comment Letter – Draft National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges Within the Los Angeles County Flood Control District, Including Unincorporated Areas of Los Angeles County, and The Incorporated Cities Therein, Except the City of Long Beach (Los Angeles County MS4 Permit) (NPDES Permit No. CAS004001)

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the Draft National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges Within the Los Angeles County Flood Control District, Including Unincorporated Areas of Los Angeles County, and The Incorporated Cities Therein, Except the City of Long Beach (Los Angeles County MS4 Permit, NPDES Permit No. CAS004001), hereinafter referred to as the Permit.

LADWP has been working closely in the development of the Permit renewal and participating in the workshops in order to work with Regional Board staff on the working draft proposals that have evolved into the Permit. The final outcome of this permit is very important to LADWP since the Permit regulates the discharges of potable water and other activities that directly impact LADWP's day to day essential operations. LADWP is the largest municipal water utility in the nation that serves over 4.1 million customers. Its mission is to deliver a dependable supply of safe, water and power in an efficient, cost effective, and environmentally responsible manner.

LADWP has appreciated Regional Board's staff openness and willingness to work with the various stakeholders throughout the Permit renewal process and commends them for doing so.

**Water and Power Conservation ... a way of life**

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LADWP is grateful for the Regional Board staff's willingness to meet on various occasions with the Metropolitan Water District (MWD) and LADWP to understand how the evolving standards impact potable water operations/discharges and can best be addressed while still providing optimum environmental protection. As has been mentioned in previous correspondence<sup>1</sup>, LADWP's water system is large and dynamic, and must be able to operate; the system requires periodic flushing and draining for maintenance and monitoring to ensure the delivery of reliable and safe water of high quality to its customers. MWD and LADWP have been working with Regional Board staff to produce permit language that addresses water quality protection while providing a framework in which our ongoing operations can function.

In review of the Permit, LADWP is pleased that Regional Board staff has included potable water discharges as "conditionally exempt essential non storm water discharges". This category recognizes the critical nature of these discharges in order to provide an essential public service related to public health and safety; and also recognizes the requirements of the California Department of Public Health (CDPH). However, LADWP has noted a few other areas that still need to be addressed which are detailed below:

**1. LADWP water system exemptions (section III.A.2.a.ii, pages 27-28)**

LADWP supports the inclusion of potable water system maintenance activities under the conditional exemptions (Section III.A.2.a.ii). This includes reservoir draining, pressure releases, system maintenance, flushing and dewatering of pipes and vaults.

**2. Need to add to conditional exemptions categories (Section III.A.2.b., page 28):**

LADWP's discharges include the following potable water discharges: insulator washing, solar panel washing, and reservoir cover washing, all done with potable water.

These activities are done to maintain public health and electrical system reliability. The activities do not generate as much pollutants as sidewalk washing, which was included as a conditional exemption. However in the case of insulator, solar panel, and reservoir cover washing, only potable water is used, and it is not usually practicable to contain the rinse water. Depending upon the situation, different BMPs may be implemented depending on site-specific conditions.

**Recommendation:** Add insulator washing, solar panel washing, and reservoir cover washing to the list of categories for which the discharges are not a source of pollutants, provided that proper BMPs are implemented to discharge a minimal amount of water and prevent pollutants from entering the MS4 system.

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<sup>1</sup> LADWP letter to Mr. Sam Unger, dated April 18, 2012.

**3. Pump Stations, notification for discharges not possible (Section III.A.2.a.ii., pages 27-28)**

LADWP is concerned about the notification requirements for potable water sources such as water main breaks and pressure relief releases (pump stations). It is not possible to notify in advance or measure volumes of pump station releases. It is also not possible to identify the location of many pump station releases, as these occur randomly throughout the city. It is also not possible to sample or measure volumes of pump station releases since they are related to pressure fluctuations, and there are too many to sample (III.A.2.a.ii).

**Recommendation:** In Section III.A.2.a.ii exempt pump stations and other pressure relief systems in the potable water distribution system from the notification and monitoring requirement. Also, recognize that it may not be possible to measure or estimate discharge volumes of these releases for reporting to the Permittee due to the lack of flow meters at the hundreds of release valves located throughout the city.

**4. Clarification of the 1-Acre Foot Record Keeping and Notification Requirements(Section III.A.2.a.ii and Table 8, pages 27-28, 33-36)**

LADWP supports the requirement for record keeping and notification of Los Angeles County Flood Control District for discharges greater than 1 acre-foot. However it is not clear that the 1 acre-foot refers to each individual discharge, or the cumulative volume of discharges throughout the year.

**Recommendation:** Clarify in Section III.A.2.a.ii and Table 8 that the record keeping and notification requirements are required for each individual discharge greater than 1 acre-foot rather than whenever cumulative volumes are greater than 1 acre-foot.

**5. Prohibition of discharge or impose new conditions for non-stormwater discharges (Section III.A.4.d., pages 30-31)**

The Permittee should not be allowed to deny or stop an exempt discharge, such as potable water. Potable water is not expected to contain pollutants that would be harmful to receiving waters. However there may be conditions where discharges of potable water must be discharged in order to protect the water supply.

**Recommendation:** Clarify that exempt discharges, including but not limited to pressure releases of water or other potable discharges with implemented BMPs should always be allowed by the Permittee (Section III.A.4.d).

**6. Numeric limitations for MS4 permits should be used as BMP design parameters (Table 11, Table 19, Attachments G, L, M, N, O, P, Q, and R, page 75, 104, and tables in attachments)**

Table 11, Table 19, Attachments G, L, M, N, O, P, Q, and R are numeric limitations not previously seen in MS4 Permits. LADWP is concerned that storms that exceed design parameters of the BMPs will be counted as violations of the MS4 permit.

As early as 2002 EPA has recommended that for NPDES-regulated municipal storm water discharges effluent limits should be expressed as best management practices (BMPs) or other similar requirements, rather than as numeric effluent limits. In 2010 EPA revised their recommendations by recommending the use of numeric effluent limitations in MS4 permits that create objective and accountable means for controlling stormwater discharges. LADWP recognizes the need to provide assurances that BMP implementation will achieve limits in the receiving waters. However, BMPs must be sized and distributed according to reasonably expected flows and graphical information system (GIS) data as part of adaptive implementation.

**Recommendation:** Clarify that TMDL limits and BMP benchmarks are BMP design parameters and not discharge limits for the purposes of this Permit. The BMP performance data and research regarding operations and maintenance of BMPs can be used as a part of an adaptive implementation program.

**7. Requirements for Irrigating with Recycled Water (Table 8, page 33)**

During the MS4 workshop on July 9, 2012, RWQCB staff indicated that facilities covered under individual recycled water use permits such as National Pollutant Discharge Elimination Permits (NPDES), Waste Discharge Requirements (WDRs), and Water Recycling Requirements (WRRs) may use the engineering reports required by these permits that include recycled water operations/maintenance procedures to meet the requirements for landscape irrigation using reclaimed or recycled water. LADWP supports the use of these documents to comply with the conditions of Table 8.

**Recommendation:** Clarify that that facilities covered under individual recycled water use permits such as NPDES, WDRs and/or WRRs may use engineering reports that include recycled water procedures, to meet the requirements for landscape irrigation using reclaimed or recycled water. Table 8 should read as follows: "Discharges must comply with applicable O&M Plans, and all relevant portions thereof, including the Irrigation Management Plan. For facilities covered under individual recycled water use permits such as National Pollutant Discharge Elimination Permits (NPDES), Waste Discharge Requirements (WDRs), and Water Recycling Requirements (WRRs), engineering reports that include recycled water operations/maintenance procedures to meet the requirements for landscape irrigation using reclaimed or

recycled water (e.g., a Recycled Water User's Manual) shall suffice to meet the conditions that are required to be implemented prior to discharge through the MS4."

**8. Emergency Procedures (Section VI.D.8.j., page 105)**

Section VI.D.8.j.(2) does not address pump station releases (pressure releases). Current paragraph does not address pump station releases, and time limit of 30 days to report this kind of incident is not reasonable.

**Recommendation:** Replace item VI.D.8.j.i.(2) with item 9 Emergency procedures from current permit. The paragraph should read: "Each Permittee shall repair essential public services and infrastructure in a manner to minimize environmental damage in emergency situations such as: earthquakes; fires; floods; landslides; or windstorms. BMPs shall be implemented to the extent that measures do not compromise public health and safety. After initial emergency response or emergency repair activities have been completed, each Permittee shall implement BMPs and programs as required under this Order."

**9. Training of Employees and Contractors (Section VI.D.8.k., page 106)**

Training of employees is covered under an existing pesticides permit. We do not need paragraph ii.

**Recommendation:** Delete paragraph VI.D.8.k.ii. or clarify that training of employees and contractors is only required if an existing pesticides permit does not have this requirement.

**10. Enforcement Using Inspections (Sections VI.A.2.a.ix, VI.D.2.a.ii, VI.D.5.e.i. and VI.D.7.j, pages 39, 56, 63, and 90)**

In Section VI.D.2.a.ii the RWQCB delegates inspections to the MS4 Permittees and allows the Permittee the option of escalating enforcement by notifying the RWQCB. LADWP disagrees with this transfer of responsibility because it causes the municipality to be a policing agency for the RWQCB and is especially inappropriate when a facility is owned by the municipality.

Also, if a facility's owner is already required to conduct inspections under a Construction General Storm Water Permit or Industrial General Storm Water Permit, no additional inspections should be required, except inspections by the RWQCB staff to ensure consistency among inspection procedures.

**Recommendation:** Rewrite Sections VI.A.2.a.ix, VI.D.2.a, VI.D.5.e and VI.D.7.j to eliminate the option to escalate enforcement by notifying the RWQCB. Instead, require the Permittee to include inspection results and corrective actions in annual reports. Also, allow the Permittee to delegate inspection of municipal facilities so that each office may perform self monitoring inspections. In addition, eliminate redundant inspections by clarifying that self monitoring inspections already required by the

Mr. Sam Unger  
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Construction and Industrial General Stormwater Permits are sufficient for stormwater compliance and further inspections related to those permits are not necessary except by the RWQCB staff as a quality assurance check.

**11. Inspections during or prior to wet weather events (page 90)**

According to the frequency table for construction sites (Section VI.D.7.j, Table 17, page 90), inspections do not seem feasible for a Permittee, who may need to inspect many construction projects simultaneously when rainfall is predicted. Also, the existing Construction General Stormwater Permit requires pre-storm, storm, and post-storm inspections by the owners of a construction project.

**Recommendation:** RWQCB should eliminate construction site inspection from this Permit because it duplicates the already-rigorous inspections required by the Construction General Stormwater Permit.

**12. Additional changes requested**

In Attachment A acronyms (Attachment A, page A-10) acronyms IMP, CIMP, CMP, and SQMP are not included. Please include these acronyms in the list.

Renumbering of the sections starting on page E-20 of Attachment E is needed since there are two sections "A" in sequence.

In closing, LADWP supports the comments submitted by MWD. LADWP looks forward to continue working with Regional Board staff on the development of the final permit. If there are any questions, please contact Ms. Katherine Rubin of the Wastewater Quality and Compliance Group at (213) 367-0436.

Sincerely,



Mark J. Sedlacek  
Director of Environmental Affairs

CY:cy

c: Renee Purdy - California Regional Water Quality Control Board (RWQCB)  
Ivar Ridgeway/RWQCB  
Katherine Rubin  
Clayton Yoshida

Submitted by email to: [LAMS42012@waterboards.ca.gov](mailto:LAMS42012@waterboards.ca.gov).



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Established 1908

July 23, 2012

**VIA E-MAIL [LAMS42012@waterboards.ca.gov] & FIRST CLASS MAIL**

Ms. Renne Purdy  
Mr. Ivar Ridgeway  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**Re: Los Angeles County MS4 Permit - Comments on Tentative Draft  
Order (NPDES Permit No. CAS004001)**

Dear Ms. Purdy and Mr. Ridgeway:

We represent the Public Water Agencies Group (the “Group”), an association of seventeen public water suppliers located throughout Los Angeles County (fifteen of which are located in the Los Angeles Region).<sup>1</sup> We also represent Bellflower-Somerset Mutual Water Company, California Domestic Water Company, Lincoln Avenue Water Company, Rubio Cañon Land and Water Association, Tract 349 Mutual Water Company and Valencia Heights Water Company, mutual water companies that provide water service in various communities within the Los Angeles Region (collectively, the “Companies”).

Since January of this year, we have been involved in various meetings and discussions regarding the proposed new Los Angeles County Municipal Separate Storm Sewer System Permit (“MS4 Permit”). We greatly appreciate the effort the Regional Board’s staff has put into the draft MS Permit and staff’s willingness to meet with various stakeholders, including representatives of community water system operators, to address their concerns in the draft permit. We also greatly appreciate the acknowledgement in the draft MS4 Permit of the essential nature of the potable water discharges which community

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<sup>1</sup> The fifteen Public Water Agencies Group members located within the Los Angeles Region are: Crescenta Valley Water District, Kinneloa Irrigation District, La Habra Heights County Water District, La Puente Valley County Water District, Newhall County Water District, Orchard Dale Water District, Pico Water District, Rowland Water District, San Gabriel County Water District, San Gabriel Valley Municipal Water District, Sativa-Los Angeles County Water District, South Montebello Irrigation District, Three Valleys Municipal Water District, Valley County Water District and Walnut Valley Water District.

Ms. Renee Purdy  
Mr. Ivar Ridgeway  
Los Angeles Regional Water Quality Control Board  
July 23, 2012  
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water systems must make from their systems for public health purposes. The Group and the Companies support the accommodations set forth in the draft MS4 Permit that will enable community water systems and MS4 permittees to work cooperatively to address and resolve water quality problems.

In accordance with the Regional Board's Public Notice No. 12-022, dated June 6, 2012, the Group and Companies offer the following comments to the draft MS4 Permit:

- A. Section III.A.2.a.ii, top of page 28:** to clarify that the requirements set forth in items (1), (2) and (3) of Section III.A.2.a.ii apply only to discharges greater than one acre-foot, to clarify that it is clear to whom the required notification is to be given and to shorten the required notice period to be more realistic in connection with community water systems' typical operations, in the sixth line, after "ensure," add the following: "to ensure, that for discharges greater than one acre-foot: (1) notification shall be provided to the MS4 Permittee with jurisdiction over the land area from which the discharge originates at least 24 ~~72~~ hours. . . .," and delete the "for all discharges greater than one acre-foot" at the end of the paragraph.
- B. Footnote 9, page 28:** Footnote 9 lists "pollutants of concern" and due to the relatively innocuous nature of community water system discharges we suggest deleting "trash and debris, including organic matter, total suspended solids (TSS)" and replacing it with "chlorine residual and pH."
- C. Section III.A.4.a, page 29:** in the first paragraph, to remove any possible conflict of this section with the essential non-stormwater discharge provisions in Part III.A.2, add: "Except as provided in Parts III.A.2.a.i and ii, develop and implement . . . ."
- D. Section III.A.4.a.ii, page 29:** delete subdivision (ii) in its entirety because if such permits are already required, the provision is duplicative.
- E. Table 8, page 33:** in the "All Discharge Categories" box, because the provision would be very difficult, if not impossible, for community water systems to comply with, delete "segregate conditionally exempt non-storm water discharges from potential sources of pollutants to prevent introduction of pollutants to the MS4 and receiving water." Replace that language with: "Discharges from potable water sources under Part III.A.2.a.ii shall ensure the flow path between the discharge point and entrance to the MS4 (e.g., streets, gutters, swales) is free of trash and debris, organic matter and potential sources of pollutants."

Ms. Renee Purdy  
Mr. Ivar Ridgeway  
Los Angeles Regional Water Quality Control Board  
July 23, 2012  
Page 3

**F. Table 8, page 33:** in the “All Discharge Categories” box, the Los Angeles County Flood Control District does not in all instances have authority to require a discharger, such as a community water system, to perform any acts, particularly where the Flood Control District’s facilities are not directly used by a particular discharge. To clarify the advance notification requirement under that provision in Table 8, the language should be modified to read: “Whenever there is a discharge of one acre-foot or more into the MS4, the discharger shall provide at least 24 hours’ advance notification to the MS4 Permittee with jurisdiction over the land area from which the discharge originates.”

Thank you for the opportunity to provide the foregoing comments on the Group’s and Companies’ behalf. Please let me know if you have any questions on them.

Very truly yours,

/s/

James D. Ciampa

JDC/cc

cc: Public Water Agencies Group Members (via e-mail only)  
Mr. Roberto Olvera, Bellflower-Somerset Mutual Water Company (via e-mail only)  
Mr. Jim Byerrum, California Domestic Water Company (via e-mail only)  
Mr. Bob Hayward and Ms. Jennifer Betancourt, Lincoln Avenue Water Company (via e-mail only)  
Ms. Jan Fahey, Rubio Cañon Land and Water Association (via e-mail only)  
Mr. Martin Susnir, Tract 349 Mutual Water Company (via e-mail only)  
Mr. Dave Michalko, Valencia Heights Water Company (via e-mail only)  
David Kimbrough, Ph.D, Pasadena Water and Power (via e-mail only)

July 23, 2012

Mr. Sam Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

RE: COMMENTS ON THE DRAFT NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM PERMIT FOR MUNICIPAL SEPARATE STORM  
SEWER SYSTEM DISCHARGES

Dear Mr. Unger:

The Main San Gabriel Basin Watermaster (Watermaster) is given responsibility by the Court to manage the water supply and water quality of the Main San Gabriel Basin (Main Basin) and coordinate with regulatory agencies regarding Main Basin water quality. We are very supportive of the Los Angeles Regional Water Quality Control Board's efforts to keep our waters safe; this is a common goal that we share. The purpose of this letter is to offer our comments and suggestions on the DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES WITHIN THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

The Watermaster believes that this permit is a very positive development as it recognizes that Community Water Systems (CWSs) and Fire Departments (FDs) have legal obligation under both state and federal statute and regulation to discharge water for the protection of public health and safety. The Watermaster supports the regulatory accommodations provided in this permit which will allow CWSs, FDs, and MS4 Permittees to work together to resolve water quality problems rather than placing them in a position where conflict would have resulted. We would like to offer the following comments:

- **Comment 1: Footnote 8 on the bottom of page 27:** We would recommend that the definition of potable water include the term "raw water". While untreated water is not a common discharge, it does occur and some MS4 permittees have expressed reservations about accepting this water unless it is explicitly spelled out in the permit.
- **Comment 2: Top of Page 28, Clarification of the one acre-foot threshold hold:** As written, it is possible to interpret the one acre-foot threshold as

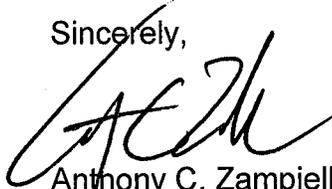
applying only to the third measure, "record keeping". We believe that the intent of the language is that all discharges greater than one acre-foot need to have all three of the noted actions taken. So we recommend that the text be re-written so that it is clear that the threshold applies to all requirements. This should be done in Table 8 as well.

- **Comment 3: Page 29 III. DISCHARGE PROHIBITIONS 4 a ii:** We believe that this provision does to serve any purpose. If a local MS4 owner or operator requires a local permit, the MS4 permit does not need to require the permittee to require that permit, it is already required. If the local MS4 owner or operator does not require a local permit, the MS4 permit does not change that. We propose that this provision be stricken entirely.

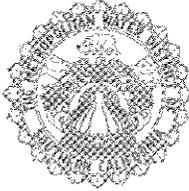
In addition, the Watermaster supports the "Watershed Approach" of developing tailor-made solutions for unique conditions in each watershed. We respectfully suggest that the Board consider encouraging cost-effective activities to increase upstream storm water capture for groundwater recharge to enhance local water supply and reliability.

We look forward to working closely with you and your staff in the future to develop "win-win" solutions for the San Gabriel Valley. Should you have any questions, please contact me at (626) 815-1300.

Sincerely,



Anthony C. Zampielo  
Assistant Executive Officer



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

*Office of the General Manager*

July 23, 2012

**SUBMITTED VIA E-MAIL:  
LOSANGELES@WATERBOARDS.CA.GOV**

Mr. Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street  
Los Angeles, California 90013

Dear Mr. Unger:

**Comments Regarding Draft Tentative Los Angeles County Municipal Separate Storm Sewer System Permit, NPDES Permit No. CAS004001**

Thank you for the opportunity to submit comments on the Draft Tentative Los Angeles County Municipal Separate Storm Sewer System Permit (Draft Tentative Order). As an interested person, the Metropolitan Water District of Southern California (Metropolitan) has closely followed and participated in the workshops and stakeholder meetings that the Los Angeles Regional Water Quality Control Board (Regional Board) staff has held on the Draft Tentative Order. Metropolitan recognizes and appreciates the hard work of Regional Board staff in development of the Draft Tentative Order, particularly their receptiveness to issues raised by the numerous and diverse stakeholders during the rulemaking process. We thank the Regional Board staff for meeting with Metropolitan and Los Angeles Department of Water and Power, and for listening to and responding to both our oral and written comments on the staff working proposals.

Metropolitan has reviewed the Draft Tentative Order and is pleased with the inclusion of potable water discharges under the category of "Conditionally Exempt Essential Non-Storm Water Discharges." This category recognizes the critical role of Metropolitan and other water purveyors in providing an essential public service. It also shows an understanding of the mandatory operational and maintenance functions that water purveyors must perform in order to provide reliable supplies of high quality water to their service areas.

In most cases, Metropolitan agrees with the provisions in the Draft Tentative Order that apply to the "Conditionally Exempt Essential Non-Storm Water Discharges." However, Metropolitan has noted several areas in the Draft Tentative Order where we are recommending specific verbiage changes or additional language to help clarify certain definitions and requirements. These recommendations are provided below.

**RECOMMENDATION 1:**

- **Include raw water in the definition of discharges from potable water sources to ensure it is captured in the category of “Conditionally Exempt Essential Non-Storm Water Discharges.”**

Metropolitan’s dewatering discharges include treated and/or untreated water, so it is critical that raw water is also captured in the definition of discharges from potable water sources and is also considered part of the category of “Conditionally Exempt Essential Non-Storm Water Discharges.” Metropolitan is required to obtain permits for discharges into the Los Angeles County Flood Control District’s (LACFCD) conveyance system. The permitting staff at LACFCD will utilize the definition in the Los Angeles MS4 Permit to determine what constitutes potable water for allowing discharges into their system. By amending the definitions in the Draft Tentative Order, a consistent definition, which avoids multiple interpretations, is provided for the permittee, the Regional Board, and for the discharger.

**Suggested Text Revision:**

Metropolitan is requesting that footnote #8 on page 27 of the Draft Tentative Order be modified to read as follows:

*<sup>8</sup> Potable water distribution system releases means sources of flows from drinking water storage, supply and distribution systems (including flows from system failures), pressure releases, system maintenance, distribution line testing, and flushing and dewatering of pipes, reservoirs, and vaults, and minor non-invasive well maintenance activities not involving chemical addition(s) where not otherwise regulated by NPDES Permit No. CAG674001, NPDES Permit No. CAG994005, or another separate NPDES permit. For the purposes of this Order, potable water refers to all water dedicated for municipal supply, including treated and non-treated potable water and raw water (e.g. aqueduct water, reservoir water, and potable well water).*

**RECOMMENDATION 2:**

- **Add definitions for potable water, potable water distribution systems, and raw water to Appendix A – Definitions.**

**Suggested Text Revision:**

Metropolitan recommends adding the following definitions:

**Potable water:** Potable water refers to all water dedicated for municipal supply, including treated and non-treated potable water and raw water (e.g. aqueduct water, reservoir water, and potable well water).

**Potable water distribution system releases:** Sources of flows from drinking water storage, supply and distribution systems (including flows from system failures), pressure releases, system maintenance, distribution line testing, and flushing and dewatering of pipes, reservoirs, and vaults, and minor non-invasive well maintenance activities not involving chemical addition(s) where not otherwise regulated by NPDES Permit No. CAG674001, NPDES Permit No. CAG994005, or another separate NPDES permit. For the purposes of this Order, potable water refers to all water dedicated for municipal supply, including treated and non-treated potable water and raw water (e.g. aqueduct water, reservoir water, and potable well water).

**Raw water:** Water that is taken from the environment with the intent to subsequently treat or purify to produce potable water.

### **RECOMMENDATION 3:**

- **Clarify that the 1 acre-foot threshold applies to all of the provisions in the Draft Tentative Order regarding discharges from potable water suppliers.**

### **Suggested Text Revision:**

Metropolitan recommends the following wording change:

The top of page 28: *“Additionally, each Permittee shall work with potable water suppliers that may discharge greater than one acre-foot to the Permittee’s MS4 to ensure: (1) notification at least 72 hours prior to a planned discharge and as soon as possible after an unplanned discharge; (2) monitoring of any pollutants of concern<sup>9</sup> in the potable water supply release; and (3) recordkeeping by the potable water supplier for all discharges greater than one acre-foot.<sup>10</sup>”*

As currently worded, this could be interpreted that water purveyors must provide notification and also monitor all discharges of any volume, even de minimus flows, and that recordkeeping is required only for larger volume discharges of more than one acre-foot. Metropolitan’s understanding is that all three provisions; monitoring, notification, and recordkeeping, are only required for larger discharges (greater than one acre-foot) and are **not** required for lower volume discharges. This change places the threshold of one acre-foot at the beginning of the listed requirements, and deletes the threshold from the end of the sentence, thus avoiding mis-interpretation as to where it applies.

**RECOMMENDATION 4:**

- For the first listing in Table 8 that applies to “All Discharge Categories”, replace the word “segregate” with a clearer description of what the specific conditions/BMPs are that need to be implemented prior to discharge through the MS4.

**Suggested Text Revision:**

The current wording in Table 8 states -“Segregate conditionally exempt non-storm water discharges from potential sources of pollutants to prevent introduction of pollutants to the MS4 and receiving water.” The term “segregate” is confusing and does not specify any actual BMPs. Metropolitan recommends the following wording change:

*For conditionally exempt non-storm water discharges, implement appropriate BMPs, such as sweeping, cleaning, rerouting the flow path, etc., to minimize contact between the discharge flow path and any potential pollutants sources that may be present in the gutter, street, or flow path between the discharge point and the MS4 storm drain system.*

**RECOMMENDATION 5:**

- For the second Condition/BMPs identified in Table 8 for “All Discharge Categories”, reword the sentence to eliminate confusion and repetition of the requirements.

**Suggested Text Revision:**

In lieu of the current wording in Table 8, Metropolitan recommends the following wording change

*Whenever there is a discharge of one acre-foot or more into the MS4, the discharger must provide advance notification to the Los Angeles County Flood Control District and, if applicable, the MS4 Permittee with jurisdiction over the storm drain system where the discharge point occurs.*

**RECOMMENDATION 6:**

- Clarify the monitoring requirements and pollutants of concern applicable to potable water discharges.

Mr. Sam Unger  
Page 5  
July 23, 201

On page 28 of the Draft Tentative Order, Footnotes #9 and # 10 of the Draft Tentative Order refer to pollutants of concern (#9) and maintenance of records, including monitoring results (#10). As currently written, the two footnotes are inconsistent and the pollutants of concern listed in footnote #9 are not applicable to potable water discharges. The pollutants of concern that are specific for potable water discharges are chlorine residual and pH, which are the field monitoring requirements imposed by the Los Angeles County Flood Control District for potable water discharges from surface water drinking supply systems.

**Suggested Text Revision:**

Metropolitan recommends that footnote #9 be reworded as follows:

<sup>9</sup> *Pollutants of concern include chlorine residual and pH.*

Thank you again for the opportunity to comment and participate in the development of the Draft Tentative Order. Metropolitan looks forward to continued dialogue with you and your staff as the Draft Tentative Order is finalized and the MS4 Permit is implemented.

If you have any questions on our comments, please contact Janet Bell at (213) 217-5516 or Joyce Clark at (213) 217-5593.

Sincerely,



Bart Koch  
Safety and Environmental Services Section Manager

JB/CG:reg  
(W or S:\wpshared\BK\_Correspondence)



July 20, 2012

PASADENA WATER AND POWER

Mr. Sam Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street  
Suite 200  
Los Angeles, California 90013

**Subject: Los Angeles County MS4 Permit**

Dear Mr. Unger:

Please find below the comment from Pasadena Water and Power (PWP) in regards to the proposed language for the Los Angeles County Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. PWP appreciates the opportunity to provide these comments. The proposed MS4 NPDES Permit, as it impacts PWP, is a great improvement over previous permits. In the past, MS4 NPDES Permits created a regulatory environment where Community Water Systems (CWSs), Fire Departments (FDs), and MS4 Permittees were in conflict. MS4 permittees sought to minimize discharges from CWSs and FDs because these discharges placed them in jeopardy of exceeding Receiving Water Limitations (RWLs) such as those created by Total Maximum Daily Load (TMDL) allocations. This new permit creates a positive regulatory environment where these parties can cooperate to assure compliance and improvements in water quality in Los Angeles County.

PWP has seven comments, that are of a rather narrow technical nature.

Comment 1: Terminology

This new permit creates four regulatory categories of discharges (and dischargers), which MS4 Permittees are authorized to accept into their MS4. One of these is the "Conditionally Exempt Non-Storm Water Discharge" (CENSWD). As described on Page 27 (III. DISCHARGE PROHIBITIONS A. Prohibitions – Non-Storm Water Discharges 2. Conditional Exemptions from Non-Storm Water Discharge Prohibition) there are two types of CENSWDs, those that are "essential" and those that are not. In reviewing the permit and preparing this response, it was often confusing trying to distinguish which provisions applied to which CENSWD. PWP believes that it would be helpful to all parties if the permit more clearly delineated these two groups of CENSWDs. PWP would thus propose that the first group be called Essential CENSWD, which consists of discharges from CWSs and FDs as described in III A 2 a i and ii. The second group should be called Non-Essential CENSWD and consists of all other discharges as described in III A b i – vi.

The text could read:

**a. Essential Conditionally Exempt ~~Essential~~ Non-Storm Water Discharges:** These consist of those discharges that fall within one of the categories below; meet all required best management practices (BMPs) as specified in i. and ii. below, including those enumerated in the referenced BMP manuals; are essential public services discharge activities; and are directly or indirectly required by other state or federal statute and/or regulation.

**b. Non-Essential Conditionally Exempt Non-Storm Water Discharges:** Those discharges that fall within one of the categories below, provided that the discharge itself is not a source of pollutants and meets all required conditions specified in Table 8 or as otherwise specified or approved by the Regional Water Board Executive Officer.

### Comment 2: Table 8

Throughout the portions of the Tentative Permit that apply to CENSWDs, there are references to Table 8, which are titled “Required Conditions for Conditionally Exempt Non-Storm Water Discharges”. However, all of the required conditions apply to Non-Essential CENSWDs with the exception of the first, which applied to both Essential and Non-Essential CENSWDs. Further, there is a separate set of required conditions for Essential CENSWDS in III A 2 a i. and ii. It is difficult to keep separate those requirements that apply to Essential CENSWDS, and which apply to Non-Essential CENSWDS.

One solution would be to have separate tables for Essential CENSWDS and Non-Essential CENSWDS (see attached table).

Another solution would be to include the provision in III A 2 a i. and ii. into Table 8 with the corresponding discharge.

A third solution would be to change the language on Page 29 as follows:

Develop and implement procedures to ensure that a discharger, if not a named permittee in this Order, fulfills the following non-stormwater discharges to the Permittee’s MS except as provided in III A 2 a i. and ii.

### Comment 3: Los Angeles County Flood Control District

On page 33 in Table 8, the Los Angeles County Flood Control District (LACFCD) is required to mandate reporting by potable water suppliers. LACFCD has no legal mechanism to enforce this provision except where the discharge is to a County owned right of way, which is only a very small number of cases. It makes much more sense and is consistent with the rest of the permit to require each MS4 permittee to have this requirement. More appropriate text might read:

Whenever there is a discharge of one acre-foot or more into the MS4, the ~~Los Angeles County Flood Control District~~ MS4 Permittee shall require advance notification by the discharger to the MS4 Permittee. ~~to the potentially affected MS4 Permittees, including at a minimum the District and the permittee with jurisdiction over the land area from which the discharge originates.~~

#### Comment 4: Analytes of Interest

Footnotes 9 and 10 and Table 8 all reference analytes that should be reported to MS4 Permittees. However, there is conflicting and difficult to interpret language. The language in Footnote 9 is difficult to interpret and conflicts with Footnote 10. Footnote 10 requires the analysis of chlorine residual and pH, and we believe that these are more meaningful measures as compared with Total Settleable Solids (TSS). So we propose that the language in Footnote 9 be moved to Table 8 and that the language in Footnote 9 be changed to match that in Footnote 10.

We propose the following changes:

<sup>9</sup> Pollutants of concern include, at a minimum, ~~trash and debris, including organic matter, total suspended solids (TSS),~~ chlorine residual, pH, and any pollutant for which there is a water quality-based effluent limitation in Part VI.E applicable to discharges from the MS4 to the receiving water.

Page 33, Table 8: ~~Segregate conditionally exempt non-storm water discharges from potential sources of pollutants to prevent introduction of pollutants to the MS4 and receiving water.~~

[Essential Conditionally Exempt Non-Storm Water Dischargers (CENSWDs)] Ensure flow path between discharge point and entrance to the MS4 (e.g. streets, gutters, swales) are free of trash and debris, organic matter, and potential sources of pollutants.

#### Comment 5: Local Permits

On Page 29 (III. 4 a ii): There is a provision that CENSWDs need to obtain “local permits” if the MS4 Permittee requires such a permit. We believe that this provision does not serve any purpose. If a local MS4 owner or operator requires a local permit, the MS4 permit does not need to require the permittee to require that permit, it is already required. If the local MS4 owner or operator does not require a local permit, the MS4 permit does not change that. We propose that this provision be struck out entirely. ~~Obtains any local permits required by the MS4 owner(s) and/or operator(s);~~

#### Comment 6: Clarification of the one acre-foot threshold

On page 28, the text, as written, can be interpreted to mean that the one acre-foot threshold as applying only to the third measure, “record keeping”. We believe that the intent of the language is that all discharges greater than one acre-foot need to have all three of the noted actions taken. So we recommend that the text be rewritten so that it is clearer that the threshold applies to all requirements. This should be done in Table 8 as well. The text could read:

Additionally, each Permittee shall work with potable water suppliers that may discharge to the Permittee’s MS4 to ensure that all discharges greater than one-acre foot shall have: (1) notification at least 72 hours prior to a planned discharge and as soon as

possible after an unplanned discharge; (2) monitoring of any pollutants of concern<sup>9</sup> in the potable water supply release; and (3) record keeping by the potable water supplier. ~~for all discharges greater than one acre-foot.~~<sup>10</sup>

Comment 7: Raw Water

We would recommend that the definition of potable water include the term “raw water”. While untreated water is not a common discharge, it does occur and some MS4 permittees have expressed reservations about accepting this water unless it is explicitly spelled out in the permit. The text could read:

<sup>8</sup> Potable water distribution system releases means sources of flows from drinking water storage, supply and distribution systems (including flows from system failures and raw water), pressure releases, system maintenance, distribution line testing, and flushing and dewatering of pipes, reservoirs, and vaults, and minor non-invasive well maintenance activities not involving chemical addition(s) where not otherwise regulated by NPDES Permit No. CAG674001, NPDES Permit No. CAG994005, or another separate NPDES permit.

PWP would like to thank the Regional Water Quality Control Board for their hard work on this permit and their willingness to work with CWSs and FDs to produce a permit that will benefit all parties.

If you have any questions, please contact Dr. David Kingrough, Water Quality Manager, at (626) 744-7315.

Sincerely,

*for*   
Phyllis E. Currie  
General Manager

DEK/hs

Attachment

Table X. Required Conditions for Essential Conditionally Exempt Non-Storm Water Discharges

Discharge Category	General Conditions Under Which Discharge Through the MS4 is Allowed	Conditions/BMPs that are Required to be Implemented Prior to Discharge Through the MS4
All Discharge Categories	See discharge Specific conditions below	<p>Ensure flow path between discharge point and entrance to the MS4 (e.g. streets, gutters, swales) are free of trash and debris, organic matter, and potential sources of pollutants.</p> <p>Whenever there is a discharge of one acre-foot or more into the MS4, the MS4 Permittee shall require advance notification by the discharger to the MS4 Permittee</p>
<p>Non-emergency fire fighting activities</p> <p>Installation, testing, and maintenance of water-based fire suppression systems</p> <p>Potable Water Sources not otherwise covered by an individual or general NPDES Permit</p>		<p>Management Practices Plan for Urban Runoff Management (May 1, 2004) or equivalent BMP manual for fire training activities and post-emergency fire fighting activities</p> <p>CAL FIRE, Office of the State Fire Marshal's Water-Based Fire Protection Systems Discharge Best Management Practices Manual (September 2011)</p> <p>For Discharges greater than one acre-foot</p> <p>Use of American Water Works Association (California-Nevada Section) Guidelines for the Development of Your Best Management Practices (BMP) Manual for Drinking Water System Releases (2005) or equivalent industry standard BMP manual.</p> <p>Notification of MS4 Permittee at least 72 hours prior to a planned discharge and as soon as possible after an unplanned discharge</p> <p>Monitoring of any pollutants of concern in the potable water supply release</p> <p>Record keeping by the potable water supplier</p>

**Board of Directors:**

Anthony R. Fellow, Ph.D., Division 1  
Charles M. Treviño, Division 2  
Ed Chavez, Division 3  
R. William "Bill" Robinson, Division 4  
Bryan Urias, Division 5

July 19, 2012

Mr. Sam Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

RE: Comments on the Los Angeles Regional MS4 Permit

Dear Mr. Unger:

The Upper San Gabriel Valley Municipal Water District ("Upper District") appreciates the opportunity to comment on the DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGES WITHIN THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ("MS4 Permit"). The Upper District has been following portions of the draft MS4 permit dealing with non-stormwater discharges by community water systems as well as the degree to which the MS4 encourages the proactive capture of stormwater that could augment local water supplies.

### **Non-Stormwater Discharges By Community Water Systems**

The Upper District believes that the draft permit recognizes that Community Water Systems (CWSs) have legal obligations under both state and federal laws and regulations to discharge water for the protection of public health and safety. The Upper District supports the regulatory accommodations provided in this permit which will allow CWSs and MS4 permittees to work together to resolve water quality problems rather than placing them in a position where conflict would have resulted.

#### Comment 1: Inclusion of "Raw Water"

We would recommend that the definition of potable water include the term "raw water". While untreated water is not a common discharge, it does occur and some MS4 permittees have expressed reservations about accepting this water unless it is explicitly spelled out in the permit.

#### Comment 2: Requirement of Permits

Page 29 III. DISCHARGE PROHIBITIONS 4 a ii: We believe that this provision does not serve any purpose. If a local MS4 owner or operator requires a local permit, the MS4 permit does not need to require the permittee to require that permit, it is already required. If the local MS4 owner or operator does not require a local permit, the MS4 permit does not change that. We propose that this provision be struck out entirely.

Mr. Sam Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
July 19, 2012  
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### **Encouragement of Stormwater Capture Through A Watershed Management Approach**

The Watershed Management Approach as outlined in the draft permit provides the ability to ensure stormwater quality protection while considering environmental and economic impacts in hydrologically defined drainage basins or watersheds. The creation of Watershed Management Areas provides water supply agencies such as the Upper District the ability to contribute as a matter of our basic mission as a water supplier to the goals of the MS4 permittees by recognizing the value of stormwater as a local water supply that could be developed through regional systems. Under the draft permit MS4 permittees would have the option of implementing the strategy in the manner they find to be most effective. Each permittee can implement the strategy individually within its jurisdiction, or the permittees can group together to implement the strategy throughout the watershed.

The Upper District has conducted an assessment of stormwater capture opportunities within the Upper San Gabriel Watershed area as part of its integrated resources planning (IRP) process and have found that while there are opportunities to capture water through a decentralized encouragement of cisterns and bioswales, it is currently more cost effective and feasible to begin through regional collaborations between the Los Angeles Flood Control District, the U.S. Army Corps of Engineers and entities such as the Upper District to divert and capture stormwater through regional facilities. In time as the cost of imported water rises, it will become cost-effective to implement more decentralized stormwater programs; but such expectations should not be made to compete with regional solutions that can be accomplished in the near term.

We look forward to collaborating with the Regional Board to take advantage of opportunities where the goals of water suppliers match the objectives for protecting the quality of our local water bodies and potential supplies.

Sincerely yours,



Shane Chapman  
General Manager