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To: [WB-RB4-losangeles](#)
Subject: LA County MS4 Permit -Comments on WMP Watershed Management Programs and Monitoring Programs due 8.18.2014
Date: Monday, August 18, 2014 4:25:41 PM

AMBIENT WATER QUALITY STANDARDS

City of Carson IMP states:

Though the SWAMP should be responsible for performing ambient monitoring, it is not known when, if ever, it intends to conduct ambient monitoring in these reaches. In the meantime, the City recognizes that the ambient monitoring approach will yield accurate data needed to evaluate the beneficial uses and facilitate compliance with ambient TMDL WLAs and other water quality standards.

City of Gardena IWMP states:

It should be noted that there are no outfall data to demonstrate at this point in time that any municipal Permittee is currently not meeting a TMDL waste load allocation (WLA) or, for that matter, any other water quality standard. In fact, it may take several years of monitoring at the outfall and ambient (dry weather) data collected from receiving waters before additional BMPs can be prescribed.

We agree and question why this permit is ignoring that aspect of the Clean Water Act that protects Public Health and Safety. The initial Ambient Water Quality Standard is the baseline for reaching compliance on behalf of the public. First it is the identity of beneficial uses and then the setting of water quality standards to those uses for each water body.

Antidegradation is an issue after compliance.

OUTFALLS & RECEIVING WATERS

City of El Monte IRP states:

The City is in the process of developing and maintaining an electronic inventory of MS4 outfalls and identifying those with known, significant non-storm water discharges and those requiring no further assessment.

And

City of Carson IMP states:

It should be noted that the 9th Circuit Court of Appeal in NRDC v. LACFCD

made it very clear that the compliance determinant for MS4 discharges is at the outfall – not the receiving water. The 9th Circuit agreed with a lower federal court ruling that held violations cannot be determined in the receiving water because of evidentiary challenges -- how can one prove that a Permittee caused exceedances in receiving waters which also receive stormwater discharges from other sources? The 9th Circuit also said if a violation is to be determined it must be based on discharges from the outfall.

We applaud that this El Monte has gone so far as to inventory, but we question whether all the cities have the capability to electronically inventory their assets. The outfall point is the federal definition and this permit should follow federal law. We listened to the Supreme Court arguments and this agency should recognize they are responsible for a “good permit” as the courts will not write one for them, but kick back the issue to be satisfied with the law.

NON STORMWATER DISCHARGES

City of Irwindale IWMP states:

The City’s most serious concern with the non-stormwater compliance with TMDLs and other water quality standards is that compliance must be absolute. If a non-stormwater WLA is not met it will be in violation. There is no iterative process that is applied to nonstormwater discharges, a point that was established in State Board order 2009-0008.

This mitigation for non stormwater discharges can be in the billions of dollars with no proven effect on water quality. We do not believe the intent of this permit should be for water supply, but for water quality under the Clean Water Act.

LACK OF SCIENCE

City of Lawndale IWMP states:

The City notes that the California Water Board’s Regional Bio-assessment Monitoring conducted under its Surface Ambient Water Quality Monitoring Program (SWAMP) for the period 2009 – 2013 is a more accurate assessment of the condition of the receiving waters in Southern California than TMDLs. The Regional Bio-assessment determines stream condition using multiple lines of evidence including the California Rapid Assessment Method (CRAM), benthic algae, and benthic macro invertebrate community. TMDLs on the other hand are single numerical values that are computed using hydrologic and water quality models, with very little consideration given to their inherent assumptions and uncertainties. It is also significant that the Water Board has not provided error bounds for its TMDLs and water quality criteria that are being used for compliance purposes. The single value TMDLs and water quality criteria in the Order thus do not take into account variations in methodologies and assumptions, which can lead to wide variability in value prediction.⁷ The science of storm water modeling is not sufficiently advanced to sufficiently predict the water quality and environmental impacts of pollutants

and stressors and the physical, chemical, and biological responses of the receiving water.

Science was supposed to exist as a factor back in 2004 when the City of Los Angeles proposed and the voters passed Measure O Clean Water, Ocean, River, Beach, Bay Stormwater Cleanup aka Prop O. That is not the case ten years later. Extreme amounts of taxpayer dollars has been wasted in non-measurable projects with no ties to clean water. In other words, there is no accountability. This experiment in water quality is not one the citizens can afford.

LID ORDINANCES & GREEN STREETS

City of Lawndale IWMP states:

PLDP changes from Development Planning Program necessitate revisions to developer hand-outs and other informational materials required to facilitate a clear understanding of the new requirements as they relate to: (1) the emphasis on LID; (2) green streets; (3) revised sizing requirements for infiltration controls; (4) source controls; (5) use specific controls; and (6) activity-specific controls. This will require a revision to the existing SUSMP and general guidelines for completing SUSMP requirements.

City of Lawndale may not have old oil fields, but a good portion of this region does. With LID, oil mitigation is forgiven. This presents a clear present danger to the Public Health and Safety. Oil field gas emissions are a problem, as records were not kept on all the oil fields drilled before regulations. South Coast Air Quality Management District is aware of new camera equipment that shows the emissions. LID ordinance would be contrary to the de-watering needed to maintain safety.

SUSMP, in the case of the City of Los Angeles, is the process being abolished and replaced with an ordinance to conform with this permit, not the law.

Green Streets may not be the future for streets as the technology industry is advancing Google-car models with need for electronics under the road surface with steady information being streamed.

This one-sided approach shows no attempt to satisfy identification of outfall violations.

ECOSYSTEM RESTORATION

Los Angeles River Upper Reach 2 Watershed Management Group fails to mention the proposed US Army Corps Ecosystem Feasibility Study and the daylighting of the reaches in the Upper LA River and the change of ambient water quality by the return to a natural bottom.

HOMELESSNESS

Alamitos Bay/Los Cerritos Channel Watershed Management Group CIMP fails to mention any mitigation of homeless encampments. Each permittees cannot solve the problems associated with the presence of human habitants without solutions of housing.

This permit should not be an excuse for a Rain Tax assessment to cover compliance.

MONITORING

Los Cerritos Channel Watershed Management Group CIMP states:

Monitoring of storm water runoff and dry weather flows at the Los Cerritos Channel Stearns Street mass emission site over the past 13 years has resulted in the identification of a relatively small list of constituents of concern. Elevated concentrations of total recoverable aluminum, copper, lead and zinc are commonly associated with storm water discharges due to increased sediment loads. Concentrations of these metals are typically associated with elevated sediment concentrations during storm events. Aluminum is expected to be elevated during storm events simply due to the natural abundance of this metal in soils. Although aluminum temporarily exceeds drinking water quality criteria during storm events, it is not considered to be a major constituent of concern. Concentrations of total recoverable lead are also elevated during storm events but concentrations of dissolved lead consistently meet existing water quality objectives.

With monitoring that does not show a problem, how are forest fire runoff to be addressed. Will the permittees be expected to be financially responsible, as the measure is not at outfalls but at receiving waters?

SOUTHERN CALIFORNIA BIGHT

Santa Monica Bay Watershed Los Angeles Area in Jurisdiction Group 7 has natural coastline conditions such as the Southern California Bight which would make compliance impossible.

US ARMY CORPS OF ENGINEERS

Lower San Gabriel River Watershed Management Group CIMP states:

Two long-term receiving water monitoring sites will be monitoring in the LSGR WG. Receiving water quality monitoring at the Coyote Creek ME site, S13, (Figure 3-1) will continue to be conducted by the LACFCD. The LSGR WG will coordinate with the LACFCD for additional TMDL monitoring to also to be conducted at S13. Additional monitoring will be conducted by the LSGR WG at both the San Gabriel River LTA site, GR1.

Where is the role of the USACE.

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