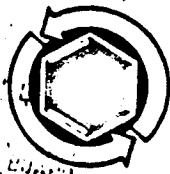


QUALITY CONTROL BOARD  
LOS ANGELES REGION



**John L. Hunter**  
AND ASSOCIATES, INC.

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January 25, 1996

Catherine Tyrell  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

Dear Ms. Tyrell:

Enclosed are the comments regarding the draft December 18, 1995 NPDES Permit. They are developed and submitted to your office on behalf of the following cities:

South Gate  
Signal Hill,  
South El Monte, and  
Sierra Madre.

Please call this office if you have any questions.

Sincerely;

Sheila Kennedy  
Project Manger

13310  
FREESTONE BLVD. A-2  
SANTA FE SPRINGS  
CALIFORNIA  
90670  
(310) 802-7880  
FAX (310) 802-2297

GENERAL  
ENGINEERING  
LICENSE  
A-582340

HAZARDOUS  
SUBSTANCE  
MEDIATION  
LIC. 3382

07-1-96

R0029946



**CITY OF SOUTH EL MONTE**

1415 N. SANTA ANITA AVENUE  
SOUTH EL MONTE, CALIFORNIA 91733  
(818) 579-6540 • (213) 686-0460 • FAX (818) 579-2107

January 24, 1996

Catherine Tyrell  
Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

**Subject: Comments on the Draft December 18, 1995 NPDES  
Stormwater Permit**

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**Administrative  
Engineering/Technical  
Support**

Hours spent and specific duties do not need to be listed.

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"If Federal, State or County ordinances already control specific aspects of stormwater discharges, then the local municipalities need not adopt redundant ordinances"

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misc.:

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The correct word is basis.

Both High Priority and Priority projects on page 43 contain the parameter of a 25% slope. This should only apply to one or the other.

Please call me if you have any questions.

Sincerely,

*for Sheila Emdadi*

Steve A. Henley  
Assistant City Manager/  
Director of Public Works

cc: Don Wolfe, Los Angeles County Department of Public Works

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# City of South Gate

8650 CALIFORNIA AVENUE • SOUTH GATE, CA 90280-3575 • (213) 563-9637  
FAX (213) 563-9672

FROM THE OFFICE OF  
JAMES A. BIERY, P.E.  
DIRECTOR OF PUBLIC WORKS  
CITY ENGINEER

January 24, 1996

Catherine Tyrell  
Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

**Subject: Comments on the Draft December 18, 1995 NPDES  
Stormwater Permit**

1. The permit is too long and too cumbersome. Foundational type work should be implemented at this time, detailed implementation should wait until the watershed management area plans are completed.

A suggestion to help reduce confusion by individual permittees is to place all Principle Permittee requirements in a single section.

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Administrative  
Engineering/Technical  
Support

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- - -  
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Please call me if you have any questions.

Sincerely,

  
John M. Garcia  
Assistant City Engineer

cc: Don Wolfe, Los Angeles County Department of Public Works

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**CITY OF SIGNAL HILL**

2175 Cherry Avenue • Signal Hill, California 90806 • (310) 989-7300 • FAX (310) 989-7393/7391

January 24, 1996

Catherine Tyrell  
Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

**Subject: Comments on the Draft December 18, 1995 NPDES  
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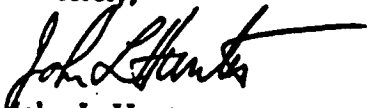
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Please call me if you have any questions.

Sincerely,



John L. Hunter  
Environmental Protection Specialist

cc: Don Wolfe, Los Angeles County Department of Public Works

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R0029958



## City of Sierra Madre

232 WEST SIERRA MADRE BOULEVARD  
SIERRA MADRE, CALIFORNIA 91024  
(818) 388-7138

January 24, 1996

Catherine Tyrell  
Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

**Subject: Comments on the Draft December 18, 1995 NPDES  
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Please call me if you have any questions.

Sincerely,



John Davidson  
Director of Public Works

cc: Don Wolfe, Los Angeles County Department of Public Works

2-1-82

LAW OFFICES  
**BURKE, WILLIAMS & SORENSEN**  
611 WEST SIXTH STREET, SUITE 2500  
LOS ANGELES, CALIFORNIA 90017  
(213) 238-0800

VENTURA COUNTY OFFICE  
2310 PONDEROSA DRIVE  
SUITE 1  
CAMARILLO, CALIFORNIA 93010  
(805) 887-3488

ORANGE COUNTY OFFICE  
3200 PARK CENTER DRIVE  
SUITE 750  
COSTA MESA, CALIFORNIA 92626  
(714) 846-8668

TELECOPIER (213) 238-2700

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FRESNO OFFICE  
8486 NORTH PALM AVENUE  
SUITE 101  
FRESNO, CALIFORNIA 93704  
(209) 261-0183

BURKE, WILLIAMS, SORENSEN & GAAR  
LIGHTON PLAZA  
7300 COLLEGE BOULEVARD  
SUITE 270  
OVERLAND PARK, KANSAS 66210  
(913) 538-6208

WRITER'S DIRECT DIAL:  
213-238-2821  
FAX: (213) 238-2821  
OUR FILE NO. 01801-011

January 30, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

CALIFORNIA WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION  
55 FEB -1 PM 1:27

Re: Comments on Draft of Waste Discharge Requirements for the  
Discharge of Stormwater in Los Angeles County (NPDES Permit  
(NPDES No. CAS0051654) (Draft of December 18, 1995)

Dear Ms. Tyrrell:

On behalf of the City of Bellflower, I submit these preliminary comments on the December 18, 1995 draft of the proposed new WDR/Storm Water NPDES permit. We reserve the right to submit additional comments. In addition, please note that we await the response of Jorge Leon, Board Counsel, to comments on legal issues, including inspection issues. We anticipate that we will submit further comments in response to Board Counsel's comments.

Our first comment is that the comment period was inadequate, in view of the size (over 90 pages, single spaced) and significant new material included in the December 18, 1996, revision. In addition, the document's complexity rendered review difficult, a difficulty compounded by the need to refer to comments on prior drafts. In addition, the December 18 Draft does not address fully numerous comments previously submitted on the September 18 Draft.

In addition, it appears that the new draft was prepared without regard to a significant development: the EPA has released for comment a document which bears directly on your December 18, 1995 draft. The new EPA document is "Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years." It was released in draft form by the EPA



Ms. Catherine Tyrrell  
January 30, 1996  
Page 2

Office of Water on or about December 18, 1995. We understand that the EPA expects to publish a final version of the draft document in March. Quite clearly, it will be most important for your agency to take the new EPA guidance into consideration as the RWQCB refines its draft permit. We incorporate the provisions of the EPA's draft guidance by reference.

The December 18, 1995 draft fails to clearly identify the *specific* section of the Clean Water Act, or a specific provision in the implementing regulations, or the EPA Guidance Documents, as the basis or authority for requirements proposed to be included in the new permit. In this context, please understand that what we seek is to distinguish those sections which are required from those which are authorized, but not required.

It is our view that decision makers and the public are entitled to be able to readily identify those sections of the permit required (required, not simply authorized but not required) by federal law, and to distinguish those sections which, while not required by federal law, have been added by the Board staff in response to one or another interest. For example, there is absolutely nothing in federal law which would require the permit to include a provision calling for the appointment of the EAC. This, and other optional provisions which the Board staff desires to include in the new permit should be readily identifiable.

We suggest that this might be accomplished by use of different fonts: **include the federally-required baseline provisions in bold and those provisions not required by federal law in italics.** In that manner, when these distinctions are readily apparent, an informed judgment could be made by policy makers (i.e., the members of the Board as well as mayors and city council members and the board of supervisors) as to the appropriateness of inclusion of the various permit provisions.

In view of the ominous chilling effects on the economy and budget of every city in Los Angeles County should the draft permit be adopted, we believe that more time for deliberate review of this enormously complex document is absolutely essential.

In addition to the foregoing comments, we have included a number of additional comments in two enclosures. The first is an extract of the December 18th draft, which we have annotated with our comments. The second lists supplemental additional comments on the draft. No inference should be drawn from the order in which our comments appear. We regard them all as important

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Ms. Catherine Tyrrell  
January 30, 1996  
Page 3

Thank you for your anticipated careful consideration of our comments.

Very truly yours,



RUFUS C. YOUNG, JR.  
OF BURKE, WILLIAMS & SORENSEN

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**CITY'S COMMENT:** This document contains the City's Additional Preliminary comments on the RWQCB Draft of December 18, 1995. Portions of the Draft have been deleted in the interest of brevity.

The City reserves the right to submit additional comments and to adopt the comments of other permittees. In addition, the City has deferred comment on a number of legal issues, pending receipt of comments to be provided by Jorge Leon, RWQCB Counsel, addressing legal concerns.

\*\*\*\*\*

December 18, 1995 Draft

State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES  
REGION

ORDER NO. 96-XXX  
~~95-XXX~~

WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
~~STORMWATER MANAGEMENT/URBAN RUNOFF DISCHARGES~~  
WITHIN THE COUNTY OF LOS ANGELES

(NPDES NO. CAS061654)

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter called the Regional Board), Los Angeles Region, finds:

3. On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as application for re-issuance of waste discharge requirements and the NPDES permit.

**CITY'S COMMENT:** *Submission of the ROWD was not an invitation to the RWQCB to engage in overreaching regulation of the City or its activities. The City seeks a WDR/NPDES permit which is consistent with its predecessor permit and which is consistent with the requirements of the Clean Water act and the US EPA Guidance Documents which establish baseline standards for such permits. The December 18, 1995 draft goes far beyond the EPA's baseline Guidance Documents.*

5. The Regional Board considers storm water discharges from the urban and developing areas in the Los Angeles basin to be significant sources of pollutants in receiving waters that may be causing, threatening to cause, or contribute to water quality impairment.

07-1-29

Warning advisories are posted on area beaches after storm events to avoid contact with water because of storm water pollution.

**CITY'S COMMENT:** *What the Regional Board "considers" is hardly an appropriate subject for a "finding." This so-called "finding" should be revised to state what facts the Board finds and should cite the factual basis (e.g., scientific studies) as the basis for a finding. Similarly, a finding that "warning advisories are posted" establishes as fact only that warning advisories are posted; it does not establish that storm water pollution has in fact occurred. In short, if there is a basis for finding as a fact that storm water discharges are significant sources of pollutants, the Regional Board should so find, citing scientific evidence for this proposition.*

- 6. Studies conducted by the USEPA, the states, flood control districts and other entities indicate the following constitute significant? sources of storm water pollution:
  - a. Industrial sites where appropriate pollution control and best management practices (BMPs) are not implemented,
  - b. Construction sites where erosion and sediment controls and BMPs are not implemented, and
  - c. Storm water where the drainage area is not properly managed.

**CITY'S COMMENT:** *Do the studies merely "indicate" or do they establish as a fact that the items listed in this "finding" are factually correct. If so, so state, and provide citations to the evidence relied on as the basis for this alleged "finding."*

- 7. Section 402(p) of the federal Clean Water Act, as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s, storm water discharges associated with industrial activity including construction, and designated storm water discharges that are considered significant contributors of pollutants to waters of the United States. Storm water discharges from MS4s are required to mitigate pollutants to the "maximum extent practicable". Discharges of storm water associated with industrial activities and other non-storm water discharges as defined in 40 CFR Part 122 are subject to Best Available Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) standards.

Section 402(p)(3)(B)(ii) requires MS4 permittees to "effectively prohibit" non-storm water discharges into MS4s unless these discharges are in compliance with separate NPDES permits.

**CITY'S COMMENT:** *This alleged finding is a series of legal conclusions. The City recommends that the relevant statutes and implementing regulations which establish the propositions summarized in this "finding" be cited in pertinent part.*

- 8. On November 16, 1990, pursuant to Section 402(p) of CWA, the United States Environmental Protection Agency (USEPA) promulgated 40 Code of Federal Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water

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discharges may not be prohibited if they have been determined to be not significant sources of pollutants.

**CITY'S COMMENT:** See comment 7, above.

9. The USEPA Office of General Counsel in a memorandum to USEPA Region 9, dated January 9, 1991, determined that Clean Water Act Section 402(p) and Section 301(b)(1)(c) must be interpreted to state that NPDES permits for MS4s must include any requirements necessary to achieve compliance with water quality standards.

**CITY'S COMMENT:** Cite the statute, then refer to the memorandum as authority for the proposition advanced. That there is a memorandum on the subject is interesting, but a finding devoted to the existence of the memorandum is of little value. Of more significance is what does the Board find the law to require.

10. To facilitate compliance with federal regulations, in 1992, the State Board issued two statewide general NPDES permits to facilitate compliance with federal regulations: one for storm water from industrial sites (NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GISP)) and the second one for storm water from construction sites (NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)). Most industrial activities (unexposed light industrial activities are exempt) and construction activities on five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent (NOI) with the State Board.

**CITY'S COMMENT:** A finding as to what the State Board did in 1992, and why is of moderate interest, but it is not an appropriate finding. Instead, the finding, if there is to be one on this subject, should recite what the statewide general permits require.

11. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. CZARA covers five nonpoint source areas of pollution: Agriculture, Silviculture, Urban, Marinas, and Hydromodification. This Order includes Management Measures for pollution from Urban Areas and Marinas, and provides the functional equivalency for compliance with CZARA in these two areas. The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration (NOAA) recommends Management Practices for commercial facilities, including gas stations; and all construction activity (new development and redevelopment).

**CITY'S COMMENT:** This finding is not relevant unless it is first established that California has, seeks or is subject to the CZARA requirements.

12. The State of California is a delegated state under the NPDES program, and as such, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, may impose more stringent requirements necessary to implement water quality control plans, for the protection of beneficial uses of receiving waters, and/or to prevent nuisance.

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**CITY'S COMMENT:** *Recite the delegation and cite the document, and date of publication, in which EPA granted the delegation. As to "more stringent" more stringent than what? More stringent than EPA's baseline requirements in EPA Guidance Documents? Than 40 CFR? Be specific. While the City recognizes that the Regional Board, within limitations, may adopt more stringent requirements, the Board may do so only pursuant to a specific grant of authority. In such cases, the authority should be cited, and a rationale provided for the adoption of the more stringent provision.*

- 13. California Water Code Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall include numerical water quality standards and provisions to implement water quality-based objectives. This Order includes narrative limitations but no numerical limits for storm water discharges at this time due to insufficient information.

**CITY'S COMMENT:** *Water Code § 13263(a) provides that the regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge. It says nothing about numerical limits.*

- 14. The State Board considered third party appeals of two MS4 permits issued by Regional Boards during the first five year permit term. In the appeal of the MS4 permit for Santa Clara Municipal Water District in the San Francisco Bay Region, the State Board ruled in Order No. WQ 91-03 that MS4 permits must include effluent limitations which will reduce pollutants to the "maximum extent practicable" and will also achieve compliance with water quality standards. In the appeal of the MS4 permit for Los Angeles County, the State Board concluded in Order No. WQ 91-04 that even where a permit does not specifically reference water quality standards, but includes BMPs as effluent limitations, the permit should be read so as to require compliance with water quality standards.

**CITY'S COMMENT:** *This finding illustrates that the drafter confuses a recitation of history with recitation of legal authority. If the Regional Board is to reach a conclusion as to what is required, it should so state, and cite the State Board decisions for whatever, if any, precedential authority they may have.*

- 16. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, non-contact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

**CITY'S COMMENT:** *Please cite, in the finding, the studies on which this finding is based.*

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17. The intent of this Order is the implementation of the foregoing statutes and regulations to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes Receiving Water Limitations that require that storm water discharges neither cause violations of water quality objectives, nor cause a condition of nuisance or water quality impairment in receiving waters.

To meet the receiving water limitations, this Order requires the implementation of technically and economically feasible measures in accordance with the Storm Water Management Program (SWMP) described herein to reduce pollutants in storm water to the maximum extent practicable. The SWMP includes a monitoring program to assess compliance with the objectives and requirements of this Order. This Order also sets forth the procedure that the permittees will undertake in case of exceedance of any receiving water quality objective.

**CITY'S COMMENT:** *The order has no "intent." The Board may have an intent in issuing the order, and should so state.*

18. This Regional Board has implemented the Watershed Protection Approach (WPA) in addressing water quality management in the region. The objective of the WPA is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationship between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available.

**CITY'S COMMENT:** *Is it a fact that the Regional Board has "implemented" the WPA? Or has it simply adopted WPA as an approach? It is the City's position that the new permit should be tailored to the distinctly different needs of each watershed, as the needs of the Santa Clara watershed are significantly different than those of the Los Angeles River watershed, for example.*

20. Federal, or regional entities within the Permittees' boundaries or jurisdictions outside the County of Los Angeles, not currently named in this Order, operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. The Regional Board may consider issuing separate NPDES permits for storm water discharges to these entities within the Permittees' boundaries. Such designated Permittees may include large landowners such as State Parks, Universities, and similar entities.

**CITY'S COMMENT:** *This is a rather cavalier, and incorrect, analysis of the extent to which federal facilities are subject to state authority under the Clean Water Act. In short, in enacting, and amending the Clean Water Act, Congress waived a significant measure of its federal sovereign immunity. The term "regional entities" seems irrelevant, as no "regional entities" (SCAG?) are discussed in this finding. State parks are state entities. Universities, per se, are not exempt, although state universities and the University of California entities may be.*

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21. Approximately 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay, in the County of Los Angeles. The County of Ventura is a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water from the MS4 in the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the County of Ventura has opted to be the Principal Permittee to the Ventura permit and manage the areas draining into Los Angeles County, under Order No. CAS063339. The County of Ventura will ensure that its storm water management program for the portion of its area draining into Los Angeles County is made consistent with the requirements of this Order issued to Los Angeles County.

**CITY'S COMMENT:** *The last sentence is little more than a hope, it is hardly an appropriate finding.*

22. About nine (9) square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay. The City of Thousand Oaks initially opted to apply for an individual permit for the area that drains into Malibu Creek, instead of becoming a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water and urban for the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the City of Thousand Oaks elected to be a Permittee to the Ventura permit including the areas which drains into Los Angeles County. The City of Thousand Oaks will ensure that its storm water management program for the portion of its area draining into Los Angeles County is consistent with the requirements of this Order issued to Los Angeles County.

**CITY'S COMMENT:** *See comment 21, above.*

23. The California Department of Transportation (Caltrans), discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans submitted an ROWD on July 3, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements issued to Caltrans will be made consistent with this Order and Order No. 94-082.

**CITY'S COMMENT:** *The last sentence is, at best, a prediction, It is hardly appropriate for a finding.*

26. This Order requires the formation of an Executive Advisory Council (EAC) comprising of representatives from the six watershed management areas. The main role of the EAC is to facilitate development of storm water quality management programs within the six watersheds and to promote consistency in the implementation of these programs among Permittees. However, the Regional Board recognizes that, similar to the Principal Permittee, the EAC is not responsible for insuring compliance of any individual permittee with the requirements of this Order.

**CITY'S COMMENT:** *The first sentence should be revised to state "...comprised of representatives of..." As to the responsibilities of the EAC, is their respective lack of responsibility "similar to" or "the same as" that of the Principal Permittee?*

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- 28. The Report of Waste Discharge (ROWD) submitted by Permittees include: (i) Summary of BMPs implemented; (ii) Storm water management plans for six WMAs; (iii) Countywide evaluation of existing storm water quality data, and (iv) Workplan for Phase I, II, and III, Monitoring Program.

In most MS4 permits, the Storm Water Management Program (SWMP) requirements are components proposed by permittees and are incorporated in the permit by reference to a storm water management plan. In the case of the County of Los Angeles, however, the submitted plans were determined to be incomplete and inadequate in proposed program components necessary to reduce pollutants in storm water to the "maximum extent practicable" as required by CWA Section 402(p)(3)(B). Therefore, the submitted plans served as partial bases for the development of the SWMP requirements of this Order.

**CITY'S COMMENT:** *Please provide citations, for each submitted plan, that will inform the permittees, in detail, of the deficiencies in their respective plans, and how, when and by whom the "submitted plans were determined to be inadequate. Please reference the US EPA's comments on applications.*

- 29. Each Permittee under the existing permit (Order No. 90-079), was required to implement Best Management Practices (BMPs), conduct monitoring of storm water discharges, and evaluate their impacts on receiving waters. Information obtained from these activities would have provided a basis for establishing numerical criteria or goals, and in lieu of specific program requirements. However, these activities were not fully accomplished during the five-year term of the permit. Storm water criteria development has been recently sponsored by the USEPA in partnership with the Water Environment Federation.

**CITY'S COMMENT:** *As "these activities were not fully accomplished" is apparently the basis for imposing specific program requirements, please state, as to each permittee, just what "activities" were not fully accomplished, and how, when and in precisely what respect it was determined that they were not fully accomplished. Unless it can be demonstrated that all activities were not fully accomplished, by all permittees, the Board should carve our exemptions for permittees which did accomplish all "activities".*

**CITY'S COMMENT:** *What is the relevance of the EPA partnership with the Environment federation? Apparently the sponsorship no longer exists: "has been" refers to a continuing action in the past.*

- 30. The SWMP required in this Order contains the components developed by the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force described in Finding 27 and with the cooperation of representatives from the Permittees, environmental groups, and the industrial community.

**CITY'S COMMENT:** *To be accurate, the finding should recite that numerous permittees objected to the SWMP required in this order.*

The SWMP includes requirements with compliance dates to provide specificity and certainty of expectations. It also includes provisions that promote customized initiatives,

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both on a countywide and watershed basis, in developing and implementing cost effective measures to minimize discharge of pollutants to the receiving water.

The various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water to the "maximum extent practicable". The Permittees are required to conduct annual evaluations on the effectiveness of the Storm Water Management Program, and, if necessary, institute modifications to meet this criterion.

**CITY'S COMMENT:** *This is a statement of hope, not a "finding."*

31. This Order provides Permittees the flexibility to petition the Executive Officer to substitute a BMP included under the requirements with an alternative BMP, if they can provide scientific information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP.

**CITY'S COMMENT:** *Cities should have the flexibility to adopt or substitute BMPs, subject to objection by the Executive Officer for good and sufficient reasons. Cities should not be required to petition the Executive Officer.*

32. Besides the above referenced state and federal laws and regulations, and water quality control plans, the requirements in this Order are also based on the following guidelines, studies, considerations, reports and events:

- b. In November 1992, the USEPA issued guidance for submittal of Part II application for MS4s. This guidance provides clarification on specific municipal storm water program requirements that were not available to the Regional Board when Order 90-079 was adopted. This Order incorporates these requirements to be consistent with the USEPA guidance.

**CITY'S COMMENT:** *The EPA document referred to here is "Guidance Manual For The Preparation Of Part 2 Of The NPDES Permit Applications For Discharge from Municipal Separate Storm Sewer Systems" (EPA 833-B-92-002, November, 1992). That document sets baseline requirements for this program. These baseline standards should be clearly identified in this WDR/Permit, perhaps by using italic fonts. This technique would enable policy makers and the public to readily identify those provisions which are EPA baseline requirements, and to distinguish them from other requirements inserted by the Board staff.*

- g. USEPA review of activities conducted by the automotive service sector (including auto body shops, gas stations, auto repair, used car dealers, specialized repair, car washes, car rental, and truck rental) indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water. A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings.

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**CITY'S COMMENT:** "EPA review . . . indicates . . . ." is hardly a basis for a finding. If the EPA studies establish as fact that activities at these facilities result (rather than simply present the "potential") in discharges of pollutants in significant amounts, the findings should so state, with citation to the scientific evidence relied on as the basis for the finding.

- h. The USEPA sponsored a study in 1992 in California to characterize storm water from gasoline stations, and demonstrate the effectiveness of BMPs in reducing pollutants in storm water. The study indicated that pollutants build up during dry periods, and pollutant concentrations in storm water reflect the length of the buildup period. The study found that BMPs that address gas station conditions such as high volume vehicle traffic, and leaks and spills of vehicle fluids, to be the most effective in improving storm water quality. The Western States Petroleum Association has separately identified appropriate BMPs for implementation at gas service stations to reduce pollutants in storm water.

**CITY'S COMMENT:** See preceding comment.

- i. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County and the experience of other California MS4s indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water.

**CITY'S COMMENT:** See the preceding comment. Simply put, if the Board is going to make findings of fact, they should be expressed as such, and the evidence relied on should be cited or incorporated by reference.

- k. The Federal District Court, Central District, ruled in NRDC vs Caltrans (C.D. Cal. 1994) that the California Department of Transportation had not substantially complied with Order No. 90-079. The court issued a separate Order to Caltrans to enforce compliance with the requirements of Order No. 90-079. The Court stated that in order to reduce pollutants to the "maximum extent practicable", a Permittee must evaluate and implement BMPs, except where, (i) other effective BMPs will achieve greater or substantially similar pollution control benefits; (ii) the BMP is not technically feasible; or (iii) the cost of BMP implementation greatly outweighs the pollution control benefits.

**CITY'S COMMENT:** Cities, as permittees, should have the option of evaluating and implementing BMPs. This choice should rest with the permittee, not the Executive Officer.

**CITY'S COMMENT:** The name of the court is "United States District Court" not "Federal District Court."

- l. The Natural Resources Defense Counsel (NRDC) filed a lawsuit against the County of Los Angeles for non-compliance with Order 90-079 in the Federal District Court, Central District, on October xx, 1994. The parties to the suit are

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in the process of reaching a settlement out-of-court. The NRDC settled similar lawsuits out-of-court in 1993 with the cities of Beverly Hills, Culver City, El Segundo, and Hermosa Beach.

**CITY'S COMMENT:** *The purpose of this finding is unclear.*

- m. 40 CFR 122.26(d)(2)(i) requires each MS4 Permittee to demonstrate that it can implement and enforce the storm water management program pursuant to legal authority established by ordinance, statute, and/or contracts. Each Permittee must, in addition, acquire legal authority to enforce specific prohibitions which are included in this Order but were no [sic] specified in Order 90-079, to encourage countywide consistency.

**CITY'S COMMENT:** *EPA guidance on this point is provided in Section 3-3, page 3-4 of "Guidance Manual For The Preparation Of Part 2 Of The NPDES Permit Applications For Discharge from Municipal Separate Storm Sewer Systems" (EPA 833-B-92-002, November, 1992). The language of that document should be used as a model for this provision, and throughout the document.*

**CITY'S COMMENT:** *The approach taken in the December 18, 1995, Draft, which is to leave specific requirements unstated until such time in the future as they are developed will render it impossible for a city attorney to certify that the city has the requisite legal authority to implement the permit, as the requirements of the permit will not be known at the time the certification is required. The Board's counsel should address this point.*

**CITY'S COMMENT:** *The inclusion of requirements to inspect facilities to determine their compliance statue presents serious, unresolved issues of constitutional magnitude. At present, however, in the absence of citation to authority for the proposition that cities have the legal authority to conduct such inspections over the objection of non-consenting permittees, it appears that such inspections would be an unconstitutional infringement of the rights of non-consenting permittees. Consequently, not city attorney will be able to certify that the city attorney's city has the legal authority to implement the permit. This is a point which should be addressed by the Board's counsel, with citation to specific authority to conduct such inspections. In addition, the Board should indemnify the permittees with respect to the inspection program.*

33. The Regional Board has notified each Permittee, interested agencies, and interested persons of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

**CITY'S COMMENT:** *The City disagrees that interested persons were provided adequate notice. The City disagrees that the permittees had adequate opportunity to submit their written views and recommendations. Comment periods were far too short, given the complexity and changes in the draft documents.*

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34. The Regional Board solicited comments on early drafts of this Order from Permittees, interested agencies, and interested persons. In addition, the Regional Board staff met with representatives from Permittees, business associations, environmental groups, and other interested persons to discuss permit requirements and resolve critical issues. Regional Board staff also solicited feedback from the Santa Monica Bay Oversight Committee on early drafts of the Order, and attended Permittee watershed meetings, and public workshops to hear concerns. Regional Board staff have incorporated suggestions wherever appropriate, and addressed comments where pertinent .

*CITY'S COMMENT: The City disagrees that interested persons were provided adequate notice. The City disagrees that the permittees had adequate opportunity to submit their written views and recommendations. Comment periods were far too short, given the complexity and changes in the draft documents. Numerous comments were not addressed at all.*

37. The requirements in this Order, as they are met, are in conformance with federal and state laws regulations, and guidelines developed for the implementation thereof, and water quality control plans applicable to the Los Angeles basin.

*CITY'S COMMENT: Indeed, they far exceed the EPA's baseline requirements, in some areas. Unfortunately, neither public policy makers (the Board Members and the Mayors and council members of the permittees) had any effective way to distinguish EPA baseline requirements from provisions added by the board staff at the insistence of persons with special interests or constituencies.*

00-1-135

A. DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS

B. Permittees

~~1. The other cities and agencies are designated as Permittees.~~

1. Each Permittee shall:

a. Participate in the development and modification where necessary of the CSWMP and jointly prepare the WMAPs through participation in the WMC;

*CITY'S COMMENT: What does "where necessary of the CSWMP" mean? By what authority may a permittee be required to "jointly prepare" a WMAP? Jointly with whom? Is a permittee liable for errors of other joint preparers? Revise to state "May participate and may prepare jointly...."*

3. ~~The City Administrator/Public Works Director of each Permittee~~ Each Permittee's City Administrator/Public Works Director shall appoint a representative(s) to the WMC, who has the delegated authority to make decisions on storm water permit issues on behalf of the jurisdiction.

*CITY'S COMMENT: Whoever drafted this provision fails to understand that under the California Government Code, decision making authority of cities rests with the City council. It may be delegated only within narrowly prescribed limits.*

C. External Agency Coordination

1. The Principal Permittee will be provided an updated list of NPDES permits on a quarterly basis through the Regional Board's electronic bulletin board, which may be accessed at (213) 266-7663, for use by each Permittee to identify permitted sources of active non-storm water discharges into the MS4. ~~to verify permitted sources of the existing non-storm water discharges in the storm water drainage system.~~

*CITY'S COMMENT: Electronic bulletin boards are outmoded technology. The Board should make the information available on the Internet.*

2. Each Permittee will work with other agencies, to the extent necessary, and report to the Regional Board on recommendations to resolve any conflicts which are identified between the provisions of this permit and the requirements of other regulatory agencies, if they deem it necessary. ~~The Permittees will work with other regulatory agencies and report to the Regional Board on recommendations to resolve any conflicts~~

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~~which are identified between the provisions of this permit and the requirements of other regulatory agencies. These agencies, include but are not limited to:~~

- a. California Department of Fish and Game
- b. California Department of Toxic Substances Control
- c. California Coastal Commission
- d. United States Environmental Protection Agency
- e. California Department of Transportation
- f. California Air Resources Board

**CITY'S COMMENT:** *This provision should be revised to make it clear that the "extent necessary" determination is to be made by the permittee and no other entity. Add the words "that the permittee determines it to be necessary, after the words "to the extent" in the first sentence.*

**I. Program Substitution**

Any Permittee may petition the Executive Officer for:

- a. Substitute for any BMP identified in this Order, the CSWMP, or the WMAP, if the Permittee can demonstrate through documentation and/or scientific data, that the proposed alternative BMP:
  - i. will achieve greater or substantially similar reduction in storm water pollutants; and
  - ii. will be implemented within a similar period of time.
- b. Eliminate any storm water BMP identified in this Order, the CSWMP, and/or the WMAP, for its jurisdiction if it can demonstrate through documentation and/or scientific data, that the BMP is:
  - i. Not technically feasible, or
  - ii. The cost of implementation greatly outweighs the pollution control benefits.

The Executive Officer will approve or disapprove the petition in accordance with Provision LJ (Requirements for Program Management: Administrative Review).

**CITY'S COMMENT:** *This process is backwards. Permittees should have the authority to select BMPs, and that selection should stand unless the Executive Officer demonstrates that the BMP will not achieve items a.i and ii, above. Similarly, permittees should be permitted to eliminate any BMP unless the Executive officer demonstrates that the BMP is technically feasible and that the cost does not outweigh the pollution benefits.*

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J.—Administrative Review

The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees, prior to initiating enforcement action.

1. Storm water program documents, including progress reports, program summaries, and implementation and compliance schedules, developed by a Permittee under the provisions of this Order shall be submitted to the Executive Officer for approval. The Executive Officer will notify the Permittee and the Principal Permittee of the results of the review and approval or disapproval within 120 days. If the Executive Officer has not responded within 120 days, the Permittee shall implement the submitted CSWMP or WMAP program components without modification.
2. If the Executive Officer finds that a Permittee's storm water program is insufficient to meet the provisions of the Permit, the Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific findings in support of the insufficient determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.

*CITY'S COMMENT: A system in which the Executive Officer makes findings without affording the permittee notice and an opportunity to be heard would violate the permittee's due process rights. This section should be revised to state that if the Executive Officer determines that the program "may not" be sufficient, the NIMC shall be prepared, with proposed findings.*

~~2. Upon receipt of a NIMC, the Permittee shall meet and confer with RWQCB staff to clarify the steps to be taken to completely meet the provisions of this permit. The meet and confer sessions shall be for the purpose of developing additions and enhancements to the jurisdiction's stormwater program. The meet and confer period shall conclude with the submittal to and acceptance by the Executive Officer of a written "Stormwater Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPEP by a specified date.~~

a. The Permittee, upon receipt of a NIMC, shall meet and confer with Regional Board staff to clarify the steps to be taken to completely meet the provisions of this permit. The meet and confer sessions shall be for the purpose of developing additions and enhancements to the jurisdiction's storm water program. The meet and confer period shall conclude with the submittal to and acceptance by the Executive Officer of a written "Storm

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water Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPCA by a specified date. The NIMC shall include a date by which the Permittee must meet with Regional Board staff. Failure to submit an acceptable SPCA by the specified date shall constitute a violation of this Order.

**CITY'S COMMENT:** *Again, a process in which the Executive Officer resolves the issues, and leaves only implementation to be determined, violates fundamental due process rights. This provision should be revised to state that the Permittee is to meet with Regional Board staff to resolve whether or not the permittee's program is sufficient to meet requirements. Only if it is not, should the Executive Officer prepare final (as opposed to proposed) findings in support of the proposed insufficient determination. That determination by the Executive Officer should be subject to appeal by the Permittee to the regional Board. The City incorporates by reference its previous comments on this point.*

**II. REQUIREMENTS FOR ILLICIT DISCHARGES, DISPOSAL CONNECTIONS / DISCHARGES**

**E. Public Reporting**

1. The Principal Permittee in consultation with the EAC shall develop a standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices by July 15, 1996.

Each Permittee shall implement the standard program to facilitate public reporting by October 15, 1996.

2. The Principal Permittee in consultation with the EAC shall develop a standard program by July 15, 1996, for reporting incidents of a reportable quantity of hazardous substances entering the storm drain system. The reports shall made to the State of California Office of Emergency Services (OES) at (800) 852-7550 and the Federal Hazardous Response Number at (800) 424-8802.

**CITY'S COMMENT:** *As pointed out in comments on the September draft, the federal response number (small f) is the National Response Center, not a nonexistent entity called the "Federal Hazardous Response Number."*

Each Permittee shall implement the standard program for reporting hazardous substances entering the storm drain by October 15, 1996.

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III. PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES

D. Source Inspection

1. Each Permittee shall develop and implement an industrial/commercial facilities inspection program by October 15, 1996. The inspection shall at a minimum include:

a. For Phase I facilities (40 CFR 122.26), site visits to:

- i. Consult with a representative of the facility to explain applicable local storm water codes, regulations and ordinances;
- ii. Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;
- iii. Discuss appropriate BMPs and distribute educational materials;
- iv. Note that an NOI has been submitted to the State Water Resources Control Board, that a copy of a SWPPP is available on-site, and to notify the Regional Board if an NOI has not been submitted or a SWPPP is not available; and,
- v. Identify and report problematic facilities to the Regional Board, when deemed necessary by the Permittee.

b. For all other facilities, site visits to:

- i. Consult with a representative of the facility to explain applicable local storm water codes, regulations and ordinances;
- ii. Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;
- iii. Discuss appropriate BMPs and distribute educational materials;
- iv. Follow-up and take action against problematic or recalcitrant facilities; and,
- v. Identify and report problem facilities to the Regional Board, when deemed necessary by the Permittee.

**CITY'S COMMENT:** *This section was apparently drafted without regard to whether or not the City/Permittee had any legal authority to conduct inspections of the facilities to be inspected. In short, in the absence of specific legal authority to conduct an inspection, which authority is not derived by fiat from the Regional Board, a permittee would have no authority to conduct an inspection over the objection of the facility owner/operator. This section must be revised to cast it in terms of informational visits unless the permittee has specific legal authority to conduct the inspection.*

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2. Each Permittee shall submit a schedule for inspection of industrial/commercial facilities prioritized in Provision III.B.2 by October 15, 1996. The schedule with frequency shall include:

vii. Restaurants (SIC Industry Number 5812), twice in five years; and,

*CITY'S COMMENT: The provision for permittees to conduct restaurant inspections is ludicrous overregulation. This responsibility should rest with the County Health Department, which already conducts public health inspections.*

**IV. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING / CONSTRUCTION**

*CITY'S COMMENT: The Regional Board has no authority to issue regulations which preempt local authority over land use. To the extent (which is considerable) which the regulations in this section would do so, they should be deleted.*

**VI. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION**

**b. Audio Material.**

*CITY'S COMMENT: Given that radio and television stations which broadcast in Los Angeles County may be received everywhere in the county, this responsibility should rest with the Principal Permittee. It is nonsensical for the Regional Board to require each of 86 cities to have a program for audio outreach, especially when some of these cities have tiny staffs, ill-equipped to develop such programs.*

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**SUPPLEMENTAL ADDITIONAL PRELIMINARY COMMENTS**  
on Draft of Waste Discharge Requirements  
for the Discharge of Stormwater in Los Angeles County  
(NPDES Permit No. CAS0051654)  
(Draft of December 18, 1995)

**A. General Narrative Comments.**

1. **Comment:** Numerous terms are undefined.

*Recommendation: Add definitions, to include "disturbed area," "creation of impervious area," "effectively prohibit," "authorized discharges," "SPCA" and "GCASP" to the Glossary.*

2. **Comment:** The draft permit is vague. For example, the draft permit provides, in numerous places, that ". . . the Principal Permittee in *consultation* with the EAC . . . ." (Italics added.) However, the term "in consultation with the EAC" is vague and undefined. Is the Principal Permittee required to follow the advice of the EAC? If not, is the Principal Permittee required to state reasons for failing to follow the EAC's guidance? Who, if anyone, is liable for failure to follow the EAC's advice? Who, if anyone, is liable if the advice is bad, but is followed? Could the County develop programs required by the draft permit without the comments and of the EAC? The permittees?

*Recommendation: Clarify the draft permit to make it clear that it is the County, as Principal Permittee, and not the Cities, as permittees, which is responsible for developing permit requirements to be approved by the RWQCB, after notice and hearing.*

3. **Comment:** The deadlines for compliance are unrealistic. Many requirements of the draft permit would be due simultaneously.

*Recommendation: Compliance schedules should be adjusted to reflect time necessary to comply.*

4. **Comment:** The draft permit imposes redundant requirements and creates an unnecessary additional level of redundant government oversight of already-overseen activities. The Regional Board's attempt to shift this burden to local government permittees is an attempt to impose an unfunded mandate.

*Recommendation: Specifically, the draft permit's requirements for permittees with respect to all land use, industrial and commercial facilities, and construction activities under draft permit from the Regional Board should be eliminated. For example, construction over five acres requires a permit from the Regional Board; it should be excluded from this permit. Phase I and other industries are permitted by the Regional Board and should therefore be excluded from our permit. Permittees should not be required to be "Junior Water Board Cops."*

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5. **Comment:** The development and inclusion of performance standards is unrealistic and difficult to apply universally.

*Recommendation:* Each permittee should have the option of developing its own stormwater management plan.

6. **Comment:** The draft permit requires the development and implementation of the "Storm Water Management Program (SWMP)," a "Countywide Storm Water Management Program (CSWMP)" (which is supposed to include all of the components of the SWMP), and a "Watershed Management Area Plan (WMAP)." While it is clear that a CSWMP must be developed, no authority or need for the for the development of a WMAP is apparent. Areas of the text of the draft permit note that a WMAP may be developed following implementation of the CSWMP. The development of multiple plans/programs is confusing, awkward and redundant.

*Recommendation:* Development of a CSWMP should include all activities that can be shared by all permittees, including reporting and BMPs such as public education. This framework plan can then be used to tailor an agency-specific storm water management plan. Although agencies within the same watershed may share similar experiences, very few agencies will be able to or will have a need to implement all requirements of a Watershed Management Area Plan. This area of the draft permit should be revised accordingly.

7. **Comment:** No legal authority exists for the imposition of duties on the Watershed Management Committees (WMC) or its members, or member agencies. The committees are simply working groups formed to deal with the development and implementation of the first permit.

*Recommendation:* These committees should be fori for exchange of information and views, and nothing more. The draft permit should be revised to delete any provision which might arguably give rise to an inference that these committees may have any legally enforceable duties, or liability for failing to carry out any such "duties."

8. **Comment:** There is no stated legal authority for the requirement in the draft permit for co-permittees to conduct commercial/industrial inspections.

*Recommendation:* In view of the potential for litigation over unlawful searches and civil rights violations, this requirement should be deleted and replaced with a requirement to conduct site visits, public meetings or other informational activities, with the consent of the entities to be visited.

**B. Page and Section-Specific Comments.**

9. Page 3, No. 7: The findings provides that permittees are to "effectively prohibit" (quotation marks in original) non-stormwater discharges.

The term "effectively prohibit" should be defined, as it has the potential to be a magnet for citizen suit litigation.

10. Page 13, A.II:

At the end of the first paragraph, change the period after the word "appropriate" and add the words: "after review and comment by the permittees and upon receiving public testimony."

L. Requirements for Program Management

11. Page 21, No. 2.e: The EAC has no legal authority to compile information for submittal. This section should be removed.
12. Page 21, No. 2.g: Coordinating the implementation of pilot projects is beyond the legal authority of the EAC. This section should be deleted.
13. Page 21, No. E.1: The Regional Board should have no authority to appoint persons to the WMCS. These should remain as staff working groups as previously mentioned.
14. Page 22, No. E.2: This section should specifically provide that selection and participation on the EAC by permittees other than the county and City of Los Angeles imposes no duty on the EAC member, the city represented or any other person, and that, in the event of litigation (under CWA citizen suit provisions or otherwise) the State of California will protect, defend, indemnify and hold the EAC member and the EAC's city harmless. Why and what resources is the county expected to provide permittees with populations under 100,000?
15. Page 27, No. J.1: Considering the schedule of implementation forced upon the permittees and the sense of urgency on the part of the Regional Board to implement the permit, review period for all submittals to the Regional Board should be a maximum of 60 days. This is still twice that allowed by CEQA for project approvals. Submittals will be deemed approved if no response is received prior 60 days. This section should be amended accordingly.
16. Page 27, No. J.2.a: "SPCA" should be defined in the glossary.
17. Page 28, top of page: Again, the Regional Board should be allowed 60 days for review and approval. Revise section as necessary.
18. Page 28, No. J.4: Amend section to read ". . . frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Executive Officer in the SPCA."

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II. Requirements for Illicit Connections/Discharges

- 19. Page 29, No. A.1.b: Prioritization of problem areas should be left to the discretion of the individual permittees.
- 20. Page 30, No. B.1.c: Prioritization of illicit disposal areas should be left to the discretion of the individual permittees; section should be deleted.
- 21. Page 31, No. B.1.g.: Standard enforcement procedures are unnecessary as each agency maintains its own legal authority to deal with illicit discharges; delete section.
- 22. Page 32, No. D.1: What about water system main breaks, utility vaults, and other similar problems which will be regulated under separate general permits or those discharges authorized by the Regional Board? Should include such discharges here.
- 23. Page 32, No. D.2: The notion of conditionally exempt discharges is unclear. How are such discharges identified? When are they identified? Who identifies them? Who decides appropriate BMPs and using what criteria?

What about such activities as saw cutting, grinding, and other similar activities? Are curb drains to be prohibited?

III. Program Requirements for Industrial/Commercial Sources

- 24. Page 35, No. A.1: This section is very onerous. We do not agree with the Regional Board's position that this is useful information, including the collection of SIC codes, and suggest that it be deleted.
- 25. Page 35, No. A.1: Please clarify what "database format" required.
- 26. Page 36, No. A.2.b: Eliminate the word "or" from the phrase "... with the EAC and/or the Regional Board ...".
- 27. Page 39, No. D.1.a.iii: Should inspections become part of the permit requirements, of which we protest, eliminate "appropriate BMPS" from this section. Businesses should know best or hire consultants to determine which BMPs may best for their business. (same with No. D.1.b.iii)
- 28. Page 39, No. D.1.a.iv: This section should and is the responsibility of the Regional Board. It should be eliminated.
- 29. Page 40, No. D.2.viii: Please clarify the meaning of this paragraph. We trust that the Regional Board is not attempting to require additional inspection groups without reason.
- 30. Page 41, No. D.4: Eliminate this section. An enhanced inspection program cannot be applied to all agencies universally. Individual permittees should address problem locations, if any, within their respective inspection programs.

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IV. Program Regs. For Development Planning/Redevelopment

31. Page 45, No. A.3.c: "Public Utilities" is not a mandatory element required in most California general plans, as are a number of other optional elements with different titles such as "community facilities," "community design," "environmental resource management," or "redevelopment." We recommend that item iv. be deleted and language added to the effect of:

"Each permittee shall reference or cross reference these standards to any optional element of the general plan which may have a bearing on stormwater discharge."

32. Page 47, No. B.1.a: For what purpose is this information to be assembled? Will the permittee be required to submit it to the Regional Board? For what purpose? We suggest that this requirement should be deleted.

VI. Program Regs. for Public Information and Participation

33. Page 65, No. A.3: What type of analysis of residents and businesses is the City to conduct? How detailed must it be?

VII. Requirements for Monitoring Program

No comments.

VIII. Program Evaluation and Reporting

34. Page 83, No. A.4: Please define in the draft permit how a uniform data collection can be established for each of the required BMPs and identify the purpose of this data collection.

IX. Additional Provisions

No comments.

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RICHARDS, WATSON & GERSHON  
ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION

GLENN R. WATSON  
ROBERT S. SEVERLY  
HARRY L. GIBSON  
DOUGLAS W. ARBUS  
MARK L. LAMMERS  
ARNOLD BRACH  
BRYAN S. ADLER  
DAN D. O'NEILL  
ALLEN E. RENOULT  
STEVEN L. DUNSEY  
WILLIAM L. STRAUSS  
ROBERT M. GOLDFREED  
ANTHONY S. O'NEVRY  
MITCHELL E. ABBOTT  
TIMOTHY L. RUFFALO  
GEOFFREY W. STANFORD  
RICK HILLS BROWNE  
DONALD BYRNE  
MICHAEL J. HARRIS  
WILLIAM S. RUBIN  
DAVID L. COHEN  
QUINN M. BURROUGHS  
CAROL W. LYNN  
JEFFREY A. RABIN  
GREGORY M. ELISHAY  
THOMAS M. JAMES  
MICHAEL BEAL BAGANNE  
AMANDA P. BURTON  
ROBERT C. COGGIN  
BAYNE WEAVER

STEVEN H. RAUFMANN  
BARRY S. GARD  
JOHN J. HARRIS  
SEVIN G. HARRIS  
ROBIN D. HARRIS  
MICHAEL STRAZZA  
LAURENCE S. WISNER  
C. EDWARD OLSON  
STEVEN R. ORR  
DEBORAH S. HUGHMAN  
SCOTT A. SHRYVER  
MICHAEL S. COLANTONIO  
TERRY P. RAUFMANN  
BRYAN S. ADLER  
ELLEN D. WERBER  
BARBARA T. ADAMS  
LAWRENCE O. BLUM  
CRAND A. STEELE  
T. PETER PERICE  
ALISON S. MALES  
BENJAMIN BARBOUR  
TERENCE B. BOGA  
DOUGLAS A. CARMEN  
DANIEL L. PINE  
LISA MARIE BORG  
VINCE TERRY  
JENNIFER L. HART  
DANNE ABRON  
RODOLPHO G. BOLA

January 29, 1996

RICHARD RICHARDS  
(1914-1996)  
THIRTY-EIGHTH FLOOR  
343 SOUTH HOPE STREET  
LOS ANGELES, CALIFORNIA 90071-1400  
(213) 699-6400  
FACSIMILE (213) 699-6976  
OF COUNSEL  
WILLIAM K. CRANER  
1311572.2  
OUR FILE NUMBER  
C1380-00980

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Draft Waste Discharge Requirements For Discharge Of  
Stormwater In Los Angeles County (NPDES Permit No.  
CAS061654) - December 18 Draft Permit

Dear Ms. Tyrrell:

We have received and have reviewed the Regional Water Quality Control Board's December 18, 1995 draft of the "Waste Discharge Requirements for Municipal Storm Water Discharges Within the County of Los Angeles". We have been asked by the Cities of Carson, West Hollywood, Beverly Hills, Bradbury, Westlake Village, Norwalk, Rolling Hills, Hermosa Beach, and Diamond Bar to submit comments on their behalf. Staff members from these cities may also be submitting additional comments directed towards the technical aspects of the permit. Rather than duplicating their efforts, we thought it would be helpful to focus on some of the legal concerns raised by the draft permit in its current form.

We have reviewed the comments and suggestions submitted by the Executive Advisory Committee and fully concur in them. In reviewing the comments submitted by other co-permittees, as well as the Board's responses to previous comments, it is quite clear that a number of significant and fundamental issues regarding the scope and structure of the proposed permit have neither been addressed nor satisfactorily resolved.

While we understand your desire to keep the permit renewal process moving, the relatively short comment period, particularly considering the intervening Holidays, has not

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provided us with a sufficient opportunity to fully review and evaluate the current draft of the permit. Nevertheless, we wanted to provide you with our preliminary comments.

Our comments should be considered in the proper context. The cities which we represent are acutely aware of the problems associated with storm water pollution. Their residents and the businesses all share a common concern to preserve and enhance the water quality of the ocean. These cities are fully committed to doing everything they can to achieve these objectives. However, the draft permit does not appear to reflect or recognize that individual cities' fiscal and administrative resources for implementing unfunded mandates are limited. Also, the draft permit prescribes requirements which go beyond the specific criteria set forth in state and federal statutes and regulations.

Representatives of each of the co-permittee cities have devoted an enormous amount of time and resources in analyzing and discussing the different drafts of the permit which have been circulated over the past year. Again, they share the same objective as the Board and the environmental community in trying to achieve genuine progress in minimizing pollution caused by urban runoff. However, of all governmental agencies in California involved in the process, the many small cities which we represent are the least suited to bear the brunt of the responsibility for controlling stormwater pollution.

The cities' objective from the beginning of this process has been to try to work with Board staff to develop an effective storm water management program through the permit which targets and addresses identifiable, controllable pollutants in a cost-effective manner and which complies with state and federal law while taking into full account the practical difficulties which the cities face in trying to develop effective programs. Regrettably, the draft permit still does not achieve these goals.

As discussed below, we believe that the process by which the Board has developed the draft permit may not have complied with basic principles of California administrative law. We also believe that the permit in its current form attempts to shift the Board's own statutory responsibilities to the cities without providing any funds to carry out those burdens. For these reasons, if the Regional Board adopts the permit in a form resembling the current draft, we believe that the permit may be found to be invalid and unenforceable. If accepted and implemented by individual cities, we believe the permit may unnecessarily expose them to litigation. That is precisely the outcome which we all should want to avoid.

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I. COMMENTS REGARDING THE PERMIT RENEWAL PROCESS AND THE SCOPE OF THE PROPOSED PERMIT

A. Informal Rule Making.

Looking back over the process which has generated the current draft of the proposed permit, one of the biggest problems which the Board staff and the representatives of the permittees have faced has been the lack of any established, clearly-defined policies, guidelines, objectives, or regulations setting forth the specific elements must be included in a municipal stormwater permit issued by the Board. Although the Board has adopted very general regulations for the issuance of waste discharge requirements in 23 C.C.R. §§2200 et seq., those regulations do not really address the specific components of a municipal stormwater NPDES permit.

Similarly, although the United States Environmental Protection Agency's regulations contained in 40 CFR Section 122.26 address the requirements for a permit application, those regulations do not set forth very specific requirements for the contents of a municipal stormwater NPDES permit. (See, for example, 40 CFR Section 122.41)

As a result, the current draft of the permit is an amalgamation of excerpts from different guidance manuals, reports, extracts from other permits, suggestions and ideas generated by Board staff, all developed, to our knowledge, without complying with California's Administrative Procedure Act. California Government Code §§11340, et seq. ("APA").

While the issuance of individual waste discharge requirements may not be subject to the provisions of the APA (See, Government Code §11352(b)), the standards, objectives and guidelines which dictate the content of those requirements should be formally adopted in accordance with the APA. (Government Code §11352(b).) California law does not permit either the State Water Resources Control Board or any of the Regional Water Quality Boards to develop and impose requirements of general application in such a manner; like any other state agency, the Board is required to first formally establish its objectives, guidelines and requirements through formal rulemaking in compliance with the APA. (Government Code §11340.5(a).)

The APA prohibits state agencies from utilizing any rule which is a "regulation", as defined in Government Code § 11342(b), unless the rule has been adopted as a formal regulation. Union of American Physicians and Dentists v. Kizer, 223 Cal.App.3d 490, 496 (1990). Rulemaking is required whenever an administrative agency creates a new rule for future

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application, as opposed to applying an existing rule to existing facts. See, Twentieth Century Insurance v. Garamendi: 8 Cal.4th 216, 275 (1994); see also Grier v. Kizer, 219 Cal.App.3d 422, 434 (1990). A "regulation" is defined as "every rule, regulation, order, or standard of general application ... adopted by a state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the state agency." Government Code § 11342(b). "House rules" of an agency, promulgated without public notice or an opportunity to be heard, or filing with the Secretary of State, and publication in the California Code of Regulations, are prohibited. Union of American Physicians and Dentists v. Kizer, supra, 223 Cal.App.3d 497.

Government Code §11353(b)(1) specifically provides that "any policy, plan, or guidelines, or any revisions thereof, the State Water Resources Control Board has adopted or that a court determines is subject to this part, after June 1, 1992, shall be submitted to the office [the Office of Administrative Law]."

Our courts have held, and the Board has agreed, that water quality control programs are subject to the Administrative Procedure Act. See, State Water Resources Control Board v. Office of Administrative Law, 12 Cal.App.4th 697 (1993). In that case, the court concluded that the regulatory matters contained in water quality control plans were actually regulations. Those regulations are neither expressly nor impliedly exempt from the provisions of the Administrative Procedure Act. On that basis, the Court invalidated a water quality control plan. (12 Cal.App.4th at 706) In doing so, the court applied a judicial version of the "duck test" to determine whether a rule is actually a regulation under the APA, stating that "... if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labelled it." (12 Cal.App.4th at 703)

The various procedural steps followed for issuing waste discharge requirements contained in 23 C.C.R. §2200, et seq. are not a substitute for this process.

The principle underlying the APA's requirements is that state agencies are not allowed to adopt or enforce unwritten laws, regulations or policies. When applying for a permit, applicants have a right to know in advance what requirements will be imposed upon them. Applying for a storm water permit, or any other permit, does not give the Board a blank check to impose any requirements it may desire, no matter how well-intentioned the Board's objectives may be.

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Regional Board staff has expressly stated that the Board is attempting to develop and implement permit conditions which will be consistent from one region to the other. In fact, proposed Finding Nos. 27 and 30 specifically state that the proposed permit structure and much of its content was developed by the Board's own "Urban Runoff Task Force". However, to our knowledge, no notice of rulemaking was ever issued, nor were the results of the task force's efforts submitted to the OAL for approval.

Throughout the permit renewal process, we, along with counsel for and representatives of other permittees, have asked Board staff on numerous occasions to provide us with specific citations to the federal or state statute or regulation which dictate the permit requirements proposed by Board staff. The only responses which we have ever received have been non-specific references to various task force reports, EPA guidances, and a general reference to the fact that the Porter-Cologne Act permits the Board to adopt stricter standards than federal law. However, nothing in the Porter-Cologne Act permits the Board or gives Board staff unbridled discretion to establish regulations, guidelines and policies of general application without first going through public rulemaking.

The need for formal rulemaking is apparent in this case. Board staff presumably recognizes the significant potential impact that this permit will have not only on the individual co-permittee cities, but also on their residents, businesses and industries, and the economy of Southern California. More importantly, this permit will have a significant impact, not only on the quality of the waters of the state, but also the overall environment of Southern California. The magnitude of the issues raised by the proposed permit underscore the importance of having the process for the renewal of this permit fully comply with the APA.

Before the Board proceeds further with this process, we believe that an application should be made to the Office of Administrative Law to determine whether the Board first must engage in formal rulemaking to develop the written guidelines which will be applied in this or any other municipal stormwater permit, before attempting to establish the terms of this proposed permit.

B. Reimbursement For State Mandated Programs.

The permit in its current form seems to have been drafted without full regard to its fiscal impact on cities. The permit would require numerous programs which individual cities will have to fund and implement, despite the fact that no funding

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mechanism, nor any assistance, financial or otherwise, is being provided to the cities. In many cases, the programs are duplicative of those which the State Board has the responsibility to fund and implement.

Article XIII B, Section 6 of the California Constitution requires a state agency which mandates a new program or a higher level of service to provide a "subvention" of funds to reimburse local governments for the costs of the program or increased level of service. To our knowledge, the State Board made no such provision for funding the programs which it has proposed in the current draft.

The Board purports to be implementing the requirements of the Clean Water Act ("CWA") and the U.S. Environmental Protection Agency's regulations under the CWA. Article XIII B, Section 6 prevents the state from shifting the cost of government from itself to local agencies. State agencies are not free to shift state costs to local agencies without providing funding merely because those costs were imposed upon the state by the federal government.

If the state freely chooses to impose costs upon a local agency as a means of implementing a federal program, then those costs should be reimbursed by the state agency. See, Hayes v. Commission on State Mandates, 11 Cal.App.4th 1564, 1593-1594 (1992). If the state refuses to appropriate money to reimburse a city, the enforcement of the state mandate can potentially be enjoined by a court. See, Lucia Mar Unified School District v. Honig, 44 Cal.3d 830, 833-834 (1988).

The 90-page plus draft permit contains many new programs and mandates which go beyond the specific requirements of either the Clean Water Act or the EPA's regulations implementing the CWA. These are new state programs which are not being specifically required by the federal government, but, instead, have been initiated, formulated and proposed by the Regional Board's and State Board's staff. If the Board wishes to impose these programs, it needs to provide a means to pay for their implementation.

Under these circumstances, please advise us of the State Board's position on whether it intends to support the cities in obtaining reimbursement from the state for these programs and whether it will provide funding itself. If not, we believe that the California Commission on State Mandates should be allowed to hear and determine a test case and to decide whether the programs proposed in the draft permit are reimbursable.

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II. COMMENTS REGARDING THE INDIVIDUAL SECTIONS OF THE PERMIT

A. The Findings.

The December 18 draft was the first time the co-permittees had been provided with the factual findings which purportedly support the requirements of the draft permit. Notably, the various program requirements were drafted first, with the Board staff then going back to look for and articulate facts which purport to necessitate the permit requirements.

While the findings are helpful in describing the Board staff's philosophy in drafting the permit, we concur in the comments of the Executive Advisory Committee and other co-permittees that the proposed findings (i) contain far too much extraneous material and (ii) do not identify the factual support for the particular finding. More importantly, we believe that many of the individual "findings" are not actually supported by fact. We intend to submit a Public Records Act request under Government Code 6250, et seq., to obtain the factual data upon which the Board relies in support of each of the findings.

The findings as a whole reflect an unrealistic perception of the role of co-permittee cities in the effort to control storm water pollution. EPA's regulations define a "co-permittee" in 40 CFR §122.26(b)(1) as a "permittee to a NPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator." Nevertheless, Finding No. 25 purports to make each permittee responsible for any discharge within its boundaries, whether or not it was the operator of the system or had anything to do with the discharge.

In some cases, proposed findings unnecessarily denigrate the successful programs which many cities have already developed and implemented. For example, Finding No. 28 states that "...the submitted plans were determined to be incomplete and inadequate in proposed program components....." Similarly, the Board's preface to the Program Management section of the permit states that "While other MS4 program [sic] throughout the State and elsewhere in the country have developed storm water management plans and implemented them, Los Angeles municipalities have not."

To our knowledge, the cities which we represent have not been notified by the Board that their individual plans were "inadequate or incomplete." If they were, please immediately provide us with a copy of the notice(s) so advising them. We found these comments to be gratuitously insulting to many of the cities which we represent who have worked hard over the past five

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years in cooperation with the environmental community to develop effective storm water programs.

As an example, the City of West Hollywood has received a commendation from the Executive Director of the Regional Board regarding its current program. That program was developed without any genuine help, guidance or input from the Regional Board. A finding in a permit implying that the City of West Hollywood and many other cities have not made substantial efforts to develop and implement effective storm water pollution plans would be untrue, and has no business in this permit.

The logical question that arises from such "findings" such as No.28 is what study or analysis support such a finding? Very few, if any, cities have ever had Board staff indicate the particular aspects of their individual storm water programs which might be deficient. In fact, both the State and the Regional Board seem to have made a point of not advising individual cities if they are in compliance. Aside from drafting a Municipal BMP Guidance manual, which has not been available for very long, the Board has provided little guidance to assist cities in trying to address a problem as complex as storm water pollution. Under these circumstances, the blame for lack of progress should be shared by the Board.

Notably, no mention is made in the findings regarding the impact of the efforts of the state agency which has the primary responsibility for controlling storm water pollution. The lack of any mention raises a number of questions regarding the role of the Board. The Board has a greater responsibility in this process than simply dictating how cities should spend their rapidly diminishing revenues.

**B. Receiving Water Limitations.**

As discussed above, individual permittees only have the responsibility and the ability to prohibit non-storm water discharges over which they have actual control, not over all which occur within their "jurisdiction", as proposed by Section A.I.

Similarly, we question whether individual cities realistically have the capability at this point to achieve the water quality objectives set forth in the Basin Plan or as set forth in Section A.II. of the draft permit. To our knowledge neither the Board nor the E.P.A. have adopted a regulation that municipal storm water permits must require compliance with general water quality objectives.

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We believe that this section should be substantially revised.

C. Program Management.

1. Role of the EAC and Watershed Committees.

We again concur in the comments previously submitted to the Board regarding the respective roles of the Executive Advisory Committee ("EAC") and the Watershed Committees ("WSC's").

We also have serious questions whether the formal establishment of these committees requires compliance with the Brown Act, the APA, and whether their actions might be considered an unlawful delegation of the State's responsibilities.

The establishment of water quality objectives is essentially a legislative function. We are uncertain whether that function can properly be delegated to the EAC by the State or Regional Board.

We have substantial questions regarding the proposed manner in which the EPC membership is selected. We believe that the composition of the EAC should be determined solely by the permittees.

We are also very concerned about the time schedule for implementing the programs set forth in the proposed permit. We understand that the Board's staff recognizes this problem and will be working with the co-permittees to establish a more realistic schedule for program preparation. Please advise us if our understanding is incorrect.

2. Requirements for Program Management (Permittees).

Section I.B. appears to allow the Executive Officer to prescribe duties for the Permittee beyond those set forth in the permit. The Permittees should be able to establish their own programs in accordance with BMP's.

3. Legal Authority.

We have some questions regarding the scope of the proposed "Legal Authority" provisions set forth in Section I.H.1. While these provisions paraphrase 40 CFR Section 122.26(d)(2)(i), they are more appropriately applicable when directed to the primary operator of the MS4 and the principal permittee, rather than the co-permittee cities, who only have responsibility for

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discharges over that portion of the system, if any, which they operate themselves.

Also, Section I.H.3 requires legal counsel to submit a statement within 120 days of the effective date of the permit stating "under penalty of perjury" that the permittee has the necessary legal authority and a schedule for obtaining such authority if such authority does not exist. Requiring an oath from counsel for a stormwater permit seems excessive. Since the adequacy of legal authority is question of legal interpretation, it seems that any such statement would be an opinion of counsel, for which the penalty of perjury hardly seems appropriate.

D. Illicit Connections / Discharges.

1. Responsibility.

We are concerned regarding the reference in Section II.B. of the permit to the operator of a discharging facility having "primary responsibility for cleanup and removal of illicit discharges...." The use of the term "primary responsibility" potentially implies that a co-permittee may have some responsibility where the owner/operator does not address the problem. The language should be clarified to ensure that individual cities would have no responsibility for implementing any cleanup caused by third parties.

2. Programs.

To provide for flexibility, and to be consistent with Section II.B, Section II.A.2 should be modified to state that each permittee shall implement a program "based on the model program as appropriate."

3. Non-stormwater Discharges.

40 C.F.R. § 122.26(d)(2)(iv)(B)(1) provides that certain identified discharges are to be addressed only when the municipality identifies the discharges as a source of pollution. However, the permit proposes to prohibit certain activities which are exempt under the federal regulations. We believe that the permit's exemptions should correspond with federal regulations.

E. Industrial / Commercial Sources.

In drafting its storm water regulations, the EPA considered and then declined to adopt direct municipal oversight of industrial sources, opting instead to regulate through the direct issuance of permits to industrial sources, expressly recognizing that cities are limited in the types of controls they

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can impose on flows into storm water. (See, 55 Federal Register 47999-48000- November 16, 1990). Nevertheless, the Board is attempting in this section to shift its own responsibility to the cities and seeks to impose requirements on the cities which may be invalid.

1. Information-Gathering Requirements.

The draft permit, and, in particular, Section III concerning Industrial/Commercial Sources, contains numerous information collection requirements, such as building a computer database, obtaining information from permittees, conducting inspections, preparing reports, etc. These activities go far beyond the requirements of EPA's regulations implementing the Clean Water Act.

Any information collection requirements mandated by federal regulations must be submitted for approval to the Office of Management and Budget under the provisions of the Paperwork Reduction Act (44 U.S.C. §§3501 et seq.). The OMB's approval of EPA's regulations did not approve the type of information-gathering activities required by the permit. The paper work requirements analyzed by the EPA in drafting its regulations focused almost exclusively on the preparation of an application, not on reporting requirements in implementing a municipal storm water permit.

Implementing the programs outlined in the permit would require both the permittees to collectively hire dozens of additional employees to implement these mandates. We do not believe that these additional information collection requirements were contemplated by EPA, nor are they consistent with the requirements of the federal Paperwork Reduction Act. We believe that these should be deleted or scaled back substantially.

2. Inspection Programs.

In Section II.D and IV.B.4 of the permit, the Board proposes that the cities adopt and implement inspection programs for industrial and other dischargers who are already regulated by the State Board. We believe that this proposed program raises very serious constitutional questions which have not been considered by the Board.

Most cities do not have broad-ranging "inspection" programs. Cities do not have the means nor the ability to inspect all businesses, residences or other activities within their boundaries to determine compliance with either stormwater programs or other regulatory or statutory programs.

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We understand that the State Board has not exercised its own inspection authority with respect to industrial discharge permittees. If the State is unable to carry out its own inspection program, we do not see how it can reasonably expect cities to do so.

Government "inspectors", whether they are employees of a city, county or state agency, do not have the right to come onto private property without an administrative warrant. See, *In Re Quackenbush*, \_\_\_ Cal.App.4th \_\_\_, 96 Daily Journal DAR 654 (Jan. 18, 1996). An "inspection" without an administrative warrant and without a procedure to protect citizens' due process rights could subject a city to liability under the federal Civil Rights Act, as well as other laws.

Cities are not in the business of conducting warrantless inspections of their residents' businesses, homes and property. They have no great interest in doing so now. Accordingly, we believe the entire section regarding inspection programs should be deleted from the permit. It is impractical, and probably unconstitutional.

### III. CONCLUSION

In summary, we believe that the current draft permit still needs substantial revision and modification. We believe that the permit should focus on the implementation of Best Management Practices rather than establishing inflexible requirements and that the cities be given adequate time to evaluate the effectiveness of the Best Management Practices and programs which they have already adopted and implemented. Perhaps most importantly, we believe the permit should focus on co-permittee action to address water quality objectives only when the primary causes of violations are sources over which individual cities have actual jurisdiction and control.

Our clients, like other co-permittee cities, have no particular desire to be forced into an adversarial position with respect to the Regional Board or its staff. However, it is absolutely necessary that any new permit be adopted in compliance with proper administrative procedures, that full public participation be allowed, and that the permit which is the result of that process realistically reflects cities' individual capabilities. We do not believe that the current permit achieves those objectives.

We are prepared to continue to engage in a dialogue with Board staff to develop a permit that will make genuine progress toward our common objective of controlling storm water pollution to the maximum extent practicable.

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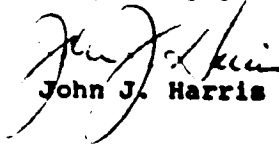
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We look forward to your response to these comments as well as other comments submitted by other cities and agencies.

Very truly yours,

  
John J. Harris

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cc: Robert Ghirelli,  
Executive Director,  
Regional Water Quality Control Board

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RICHARDS, WATSON & GERSHON  
ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION

February 12, 1996

ELLEN B. WATSON  
ROBERT G. SEVERLY  
HARRY L. GERSON  
DOUGLAS W. ARBUE  
MARTIN L. JAMEN  
ARNOLD BRON  
FRANK S. ADLER  
DANIEL D. PERMAN  
ALLEN S. BENNETT  
STEVEN L. O'NEILL  
WILLIAM L. STRAUSS  
ROBERT M. GOLDFRED  
ANTHONY S. DEFRY  
MITCHELL S. ASHBY  
TIMOTHY L. HENFIELD  
GREGORY W. STERNBERG  
ROCHELLE BROWNE  
DONALD STEIN  
MICHAEL JENKINS  
WILLIAM S. ELDRIDGE  
DAVID L. COHEN  
GUYAN M. BARRON  
CAROL W. LYNCH  
JEFFREY A. RADE  
GREGORY M. SUNSETT  
THOMAS M. JAMES  
MICHELLE BEAL BARRON  
AMANDA P. BUSHONG  
ROBERT C. CASCOON  
DAVID WILSON

STEVEN M. KAUFMAN  
GARY E. SHAW  
JOHN J. HARRIS  
KEVIN S. SHAW  
ROBERT D. HARRIS  
MICHAEL STRADA  
LAWRENCE S. WISNER  
C. EDWARD DILLON  
STEVEN S. COFF  
DEBORAH A. HARRMAN  
SCOTT R. SHRYVER  
MICHAEL S. COLAPUOMO  
TERRY P. KAUFMAN  
S. TILDEN KIM  
ROBIN D. WISNER  
SABINA T. ASANUMA  
RAYMOND O. BLAKE  
CHRIS A. STEELE  
T. PETER PERDUE  
ALEXON S. MARSH  
STANLEY BARNHART  
TERENCE R. BOBA  
DOUGLAS A. CARLEN  
DANIEL L. PERE  
LISA M. BOND  
WARRIE TERRY  
JOSEPH L. TERRY  
DIANE ARNOLD  
ROSEANNE M. SHAW

RICHARD RICHARDS  
(1915-1988)  
THIRTY-SEVENTH FLOOR  
330 SOUTH HOPE STREET  
LOS ANGELES, CALIFORNIA 90071-1400  
(213) 625-2400  
FACSIMILE (213) 625-0570  
OF COUNSEL  
WILLIAM K. FRAMER  
1101362  
OUR FILE NUMBER  
C1380-00980

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Public Records Request

Dear Ms. Tyrrell:

To better understand the factual basis for the findings and proposed requirements set forth in the proposed "Waste Discharge Requirements For Discharge Of Stormwater In Los Angeles County (NPDES Permit No. CAS061654)" (the "Draft Permit"), we believe it would be helpful to see the underlying studies, analyses, reports and other documents which staff of both the Regional Water Quality Control Board and the State Water Resources Control Board relied upon in formulating the language of the current draft permit.

Accordingly, we ask, pursuant to the California Public Records Act (Government Code Sections 6250, et seq.), that we be given an opportunity to review and/or copy each of the following specifically identified public documents in your possession:

1. The following document cited in Finding No. 3 of the Draft Permit:

A Report of Waste Discharge submitted on December 21, 1994 as an application for the re-issuance of waste discharge requirements for Los Angeles County.

2. All documents relied upon in support of Finding No. 4 of the Draft Permit, identifying "[p]ollutants of concern".

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Page 2

3. All documents relied upon in support of Finding No. 5 of the Draft Permit regarding the Regional Board's determination that storm water discharges from the urban and developing areas in the Los Angeles basin are significant sources of pollutants in receiving waters.

4. The following documents cited in Finding No. 6 of the Draft Permit:

All studies conducted by the USEPA, the states, flood control districts and other entities which indicate the following constitute significant sources of storm water pollution:

- a. Industrial sites where appropriate pollution control and Best Management Practices (BMPs) are not implemented,
- b. Construction sites where erosion and sediment controls and BMP's are not implemented, and
- c. Storm water where the drainage area is not properly managed.

5. The following document cited in Finding No. 9 of the Draft Permit:

A memorandum from the USEPA Office of General Counsel to USEPA Region 9, dated January 9, 1991.

6. The following document cited in Finding No. 11 of the Draft Permit:

The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration (NOAA)

7. The following document cited in Finding No. 15 of the Draft Permit:

Water Quality Control Plan for Ocean Waters of California (Ocean Plan), adopted by the State Board on March 20, 1990.

8. All studies, analyses, reports and other documents relied upon in support of Finding No. 17 of the Draft Permit regarding any determination that each of the measures described in the Draft Permit are "technically and economically feasible," including, but not limited to, all technical and economic feasibility analyses.

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9. The following document cited in Finding Nos. 21, 22 and 23 of the Draft Permit:

Order No. 94-082, NPDES No. CAS063339, Waste Discharge Requirements for Discharges of Storm Water from the MS4 in the County of Ventura

10. All studies, analyses, reports and other documents relied upon in support of that portion of Finding No. 25 of the Draft Permit which states that "[e]ach Permittee has jurisdiction over and/or maintenance responsibilities for its respective MS4 and/or water courses."

11. The following document cited in Finding No. 27 of the Draft Permit:

Municipal Storm Water Program Guidelines issued by the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force in September 1994

12. All studies, analyses, reports and other documents relied upon in support of any determination or conclusion in Finding No. 28 of the Draft Permit that "the submitted plans were determined to be incomplete and inadequate...."

13. All studies, analyses, reports and other documents relied upon in support of any determination or conclusion in Finding No. 29 of the Draft Permit that Permittees' activities under the existing permit "have not been fully accomplished."

14. The following documents cited in Finding No. 30 of the Draft Permit:

Components developed by the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force in consultation with the State Storm Water Quality Task Force.

15. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in Finding No. 30 of the Draft Permit that "[t]he various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water to the 'maximum extent practicable'."

16. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in Finding No. 32(a) of the Draft Permit that "[t]he BMP's

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identified by Permittees for implementation were often dissimilar and implementation was scattered."

17. The following documents cited in Finding No. 32(b) of the Draft Permit:

Guidance issued by the USEPA in November 1992 for submittal of Part II applications for MS4s.

18. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in Finding No. 32(c) of the Draft Permit that "industrial and construction sites are also regulated under local laws and regulations," including reference to specific local laws and regulations.

19. The following documents cited in Finding No. 32(d) of the Draft Permit:

Documents indicating the intent of the dual annual fee structure adopted by the State Board for industrial facilities in the Phase I program.

20. The specific documents relied upon in support of the determination or conclusion in Finding No. 32(f) of the Draft Permit that "[e]ach Permittee owns/operates facilities where industrial or related activities take place," with respect to each city identified in the Draft Permit.

21. The following documents cited in Finding No. 32(g) of the Draft Permit:

Those documents in connection with the USEPA review of activities conducted by the automotive service sector which indicate that automotive service facilities present a significant potential for the discharge of pollutants in storm water.

Documents in connection with the compliance review of municipal pretreatment and results to date of storm water inspection programs in California.

22. The following documents cited in Finding No. 32(h) of the Draft Permit:

Results of a study sponsored by USEPA in 1992 in California characterizing storm water from gasoline stations, and demonstrating the effectiveness of BMPs in reducing pollutants in storm water.

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Documents prepared by the Western States Petroleum Association identifying appropriate BMPs for implementation at gas service stations to reduce pollutants in storm water.

23. The following documents cited in Finding No. 32(i) of the Draft Permit:

Documents in connection with a compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County which indicates that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system.

24. The following document cited in Finding No. 32(j) of the Draft Permit:

The Bay Restoration Plan prepared by the Santa Monica Bay Restoration Project.

25. Documents supporting the statement in the preface to Section I of the Draft Permit, which states that "USEPA has expressed major concerns with the progress of the Los Angeles storm water program."

26. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in the preface to Section I of the Draft Permit, that "[w]hile other MS4 program [sic] throughout the State and elsewhere in the country have developed storm water management plans and implemented them, Los Angeles municipalities have not."

27. All studies, analyses, reports and other documents relied upon in support of the statement in Section II.C.3 of the Draft Permit that the Executive Director has determined that street washing and sidewalk washing are significant sources of pollutants to receiving waters.

28. The following document cited in Section III.A.2.b. of the Draft Permit:

Document No. EPA 833-K-94-002, Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program.

29. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in the preface to Section IV of the Draft Permit, which states that "MS4 Permittees are required to establish processes to address storm

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water pollutants from all construction activity regardless of acreage."

30. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in the preface to Section IV of the Draft Permit that "MS4 Permittees are required to address ... parking lots under CWA Section 402(p)", and that such pollution is "comparable with pollution from automotive service facilities."

31. The following document cited in the preface to Section IV of the Draft Permit:

Document No. EPA 841-S-95-002, Economic Benefits of Runoff Controls.

32. All correspondence or other documents evidencing any communication between Board staff and the Natural Resources Defense Council, Bay Keeper, or Heal the Bay regarding the Draft Permit and the U.S. Environmental Protection Agency.

33. All studies, analyses, reports and other documents concerning the effectiveness of the Regional Water Quality Control Board inspection and enforcement programs and duties, including the number of inspections of industrial dischargers and citations issued by the Regional Board in the last five years.

Should you require a fee or deposit to reimburse you the actual cost of duplication and mailing of the above documents, please advise us.

We look forward to hearing from you within 10 days of your receipt of this letter in accordance with Government Code Section 6256. Please do not hesitate to contact me or Rubin Weiner of this firm if you have any questions regarding the foregoing request.

Thank you for your cooperation.

Very truly yours,

  
John J. Harris

JJH:rdw  
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cc: Jorge Leon, Esq.

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VENTURA COUNTY OFFICE  
2310 PONDEROSA DRIVE  
SUITE 1  
CARMARILLO, CALIFORNIA 93010  
(805) 927-3400

ORANGE COUNTY OFFICE  
2300 PARK CENTER DRIVE  
SUITE 700  
COSTA MESA, CALIFORNIA 92626  
(714) 846-6860

LAW OFFICES  
**BURKE, WILLIAMS & SORENSEN**  
811 WEST SIXTH STREET, SUITE 2500  
LOS ANGELES, CALIFORNIA 90017  
(213) 238-0800  
.JRL

TELECOPIER: (213) 238-2700

FRESNO OFFICE  
8406 NORTH PALM AVENUE  
SUITE 101  
FRESNO, CALIFORNIA 93704  
(209) 281-0183

BURKE, WILLIAMS, SORENSEN & BARR  
LIGHTON PLAZA  
7300 COLLEGE BOULEVARD  
SUITE 220  
OVERLAND PARK, KANSAS 66210  
(913) 330-6300

WRITER'S DIRECT MAIL  
213-238-2821  
Internet: fyoung@bwsll.com  
OUR FILE NO. 00111-630

February 15, 1996

**CERTIFIED MAIL**

Robert Ghirelli, Ph.D  
Executive Officer  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Public Records Act Request - Public Records Relating to Proposed  
"Draft of Waste Discharge Requirements for the Discharge of  
Stormwater in Los Angeles County (NPDES Permit  
No. CAS0051654)"

Dear Dr. Ghirelli:

The Mayors and the members of the City Councils of the Cities of Alhambra, Bellflower, Downey, El Segundo and Santa Clarita will be called upon to make important budget and public policy decisions regarding the implementation of the "Draft of Waste Discharge Requirements for the Discharge of Stormwater in Los Angeles County (NPDES Permit No. CAS0051654)" (the "Draft Permit") being prepared by your agency. To enable their respective City Managers, Public Works-Directors, and City Attorneys to provide them with a full understanding of the factual basis for the new NPDES Permit, and to enable them to make meaningful comments on the Draft Permit, I request, on their behalf, the opportunity to inspect, and, depending on their content, to obtain copies of, the studies, analyses, reports and other documents (collectively "documents") on which staff of both the Regional Water Quality Control Board and the State Water Resources Control Board have relied in formulating the proposed findings and proposed requirements in the current (December 18, 1995) Draft Permit.

Specifically, we ask to be given an opportunity to review and/or copy each of the following documents in your agency's possession:

\* Rec'd 2/21  
WINNIE D. JESENA  
Senior WRCE

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Robert Ghirelli, Ph.D  
Executive Officer  
February 15, 1996  
Page 2

1. The document ("Report") cited in Finding No. 3 of the Draft Permit identified as follows:

Report of Waste Discharge (ROWD) submitted on December 21, 1994 as an application for the re-issuance of waste discharge requirements and the NPDES permit.

2. All documents relied upon in support of finding No. 4 of the Draft Permit, identifying "[p]ollutants of concern".
3. All documents relied upon as the basis for Finding No. 5 of the Draft Permit to the effect that

The Regional Board considers storm water discharges from the urban and developing areas in the Los Angeles basin to be significant sources of pollutants in receiving waters . . . .

4. The documents ("[s]tudies") cited in Finding No. 6 of the Draft Permit identified as follows:

Studies conducted by the USEPA, the states, flood control districts and other entities indicate the following constitute significant sources of storm water pollution:

- a. Industrial sites where appropriate pollution control and Best Management Practices (BMPs) are not implemented,
  - b. Construction sites where erosion and sediment controls and BMPs are not implemented, and
  - c. Storm water where the drainage area is not properly managed.
5. A memorandum from the USEPA Office of General Counsel to USEPA Region 9, dated January 9, 1991, cited in Finding No. 9 of the Draft Permit.
  6. The Guidance Document cited in Finding No. 11 of the Draft Permit identified as follows:

The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration (NOAA) . . . .

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Robert Ghirelli, Ph.D  
Executive Officer  
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7. The document cited in Finding No. 15 of the Draft Permit identified as follows:  

Water Quality Control Plan for Ocean Waters of California (Ocean Plan),  
adopted by the State Board on March 20, 1990.
8. All studies, analyses, reports and other documents relied upon in support of Finding No. 17 of the Draft Permit regarding any determination that each of the measures described in the Draft Permit are "technically and economically feasible," including, but not limited to, all technical and economic feasibility analyses of the measures described in the Draft Permit.
9. The document ("Order") cited in Findings Nos. 21, 22 and 23 of the Draft Permit identified as follows:  

Order No. 94-082, NPDES No. CAS063339, Waste Discharge  
Requirements for Discharges of Storm Water from the MS4 in the  
County of Ventura
10. All studies, analyses, reports and other documents relied upon in support of that portion of Finding No. 25 of the Draft Permit which states that "[e]ach Permittee has jurisdiction over and/or maintenance responsibilities for its respective MS4 and/or water courses."
11. The document ("Guidelines") cited in Finding No. 27 of the Draft Permit identified as follows:  

Municipal Storm Water Program Guidelines issued by the State  
Board's Urban Runoff Task Force in consultation with the State  
Storm Water Quality Task Force in September 1994.
12. All studies, analyses, reports and other documents relied upon in support of any determination or conclusion in Finding No. 28 of the Draft Permit that "the submitted plans were determined to be incomplete and inadequate . . . ." together with any decision memoranda or other documents reflecting or evidencing determinations of inadequacy of incompleteness with particular reference to plans of the Cities of Alhambra, Bellflower, Downey, El Segundo or Santa Clarita specifically, and other cities and the County generally.
13. All studies, analyses, reports and other documents relied upon in support of any determination or conclusion reflected in Finding No. 29 of the Draft Permit that Permittees' activities under the existing permit "were not fully accomplished" together with any decision memoranda or other documents reflecting or evidencing determinations

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Robert Ghirelli, Ph.D  
Executive Officer  
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Page 4

of that activities of the Cities of Alhambra, Bellflower, Downey, El Segundo or Santa Clarita were not fully accomplished.

14. The "components" and any documents evidencing "consultation" referred to in Finding No. 30 of the Draft Permit identified as follows:

Components developed by the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force described in Finding 27 and with the cooperation of representatives from the Permittees, environmental groups, and the industrial community.

15. All studies, analyses, reports, evaluations, testing protocols and other documents relied upon in support of the determination or conclusion reflected in Finding No. 30 of the Draft Permit that

[t]he various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water to the 'maximum extent practicable'

together with any decision memoranda or other documents reflecting or evidencing determinations that the various components of the SWMP taken as a whole or individually would reduce pollutants in stormwater.

16. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in Finding No. 32(a) of the Draft Permit that "[t]he BMP's identified by Permittees for implementation were often dissimilar and implementation was scattered" together with any decision memoranda or other documents reflecting or evidencing determinations that the BMPs were often dissimilar and implementation was scattered, as they pertain to the Cities of Santa Clarita, Bellflower, Downey, El Segundo and Alhambra specifically and the other cities generally.

17. The documents cited in Finding No. 32(b) of the Draft Permit identified as follows:

Guidance issued by the USEPA in November 1992 for submittal of Part II applications for MS4s.

18. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in Finding No. 32(c) of the Draft Permit that "industrial and construction sites are also regulated under local laws and regulations," including reference to specific local laws and regulations, as they pertain to the Cities of Santa

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Robert Ghirelli, Ph.D  
Executive Officer  
February 15, 1996  
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Clarita, Bellflower, Downey, El Segundo and Alhambra specifically and other cities generally.

19. The documents cited in Finding No. 32(d) of the Draft Permit identified as follows:
- Documents indicating the intent of the dual annual fee structure adopted by the State Board for industrial facilities in the Phase I program.
20. The specific documents relied upon in support of the determination or conclusion in Finding No. 32(f) of the Draft Permit that "(e)ach Permittee owns/operates facilities where industrial or related activities take place," with respect to each facility of each of the following cities: Santa Clarita, Bellflower, Downey, El Segundo and Alhambra.
21. The documents ("USAPA review" and the "compliance review") cited in Finding No. 32(g) of the Draft Permit identified as follows:
- USEPA review of activities conducted by the automotive service sector . . . . indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water.
- A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings.
22. The documents ("USEPA study" and the document(s) which "identified") cited in Finding No. 32(h) of the Draft Permit identified as follows:
- The USEPA . . . . study in 1992 in California to characterize storm water from gasoline stations . . . .
- The Western States Petroleum Association has separately (sic) identified appropriate BMPs for implementation at gas service stations to reduce pollutants in storm water.
23. The compliance review document referred to Finding No. 32(i) of the Draft Permit identified as follows:
- A compliance review of restaurants and similar food handling facilities by municipal pretreatment and stormwater inspection programs in Los Angeles County indicate that food waste, oil and

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Robert Ghirelli, Ph.D  
Executive Officer  
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grease, chemicals, and wash waters are sometimes discharged into the storm drain system.

24. The document ("Plan") cited in Finding No. 32(j) of the Draft Permit identified as follows:

The Bay Restoration Plan prepared by the Santa Monica Bay Restoration Project.

25. The notifications to each Permittee, interested agencies and interested persons, referred to in Finding 33.

26. Documents referred to in the preface to Section I of the Draft Permit, stating that the "USEPA has expressed major concerns with the progress of the Los Angeles storm water program."

27. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in the preface to Section I of the Draft Permit, that

[w]hile other MS4 program (sic) throughout the State and elsewhere in the country have developed storm water management plans and implemented them, Los Angeles municipalities have not.

In this connection, please make available to me such documents as they pertain to the cities of Santa Clarita, Bellflower, Downey, El Segundo and Alhambra specifically and the other cities in the county generally.

28. All documents relied upon in support of the statement in Section II.C.3 of the Draft Permit that the Executive Director has determined that street washing and sidewalk washing are significant sources of pollutants to receiving waters.

29. The document cited in Section III.A.2.b. of the Draft Permit identified as follows:

Document No. EPA 833-K-94-002, Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program.

30. All studies, analyses, reports and other documents relied upon in support of the determination or conclusion in the preface to Section IV of the Draft Permit, which states that

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MS4 Permittees are required to establish Processes to address storm water pollutants from all construction activity regardless of acreage.

31. All documents relied upon in support of the determinations or conclusions in the preface to Section IV of the Draft Permit that "MS4 Permittees are required to address . . . parking lots under CWA Section 402(p)", and all documents relied upon in support of the determinations or conclusions that such pollution is "comparable with pollution from automotive service facilities."
32. The document cited in the preface to Section IV of the Draft Permit identified as follows:  

Document No. EPA 841-S-95-002, Economic Benefits of Runoff Controls.
33. All documents evidencing any communication between Board staff and the Natural Resources Defense Council, Bay Keeper, or Heal the Bay regarding the Draft Permit and the U.S. Environmental Protection Agency.
34. All studies, analyses, reports and other documents concerning the effectiveness of the Regional Water Quality Control Board inspection and enforcement programs and duties, including the number of inspections of industrial dischargers and citations issued by the Regional Boards in the last five years.

This request is made to enable the officials and residents of the Cities of Santa Clarita, El Segundo, Downey, Bellflower and Alhambra to better understand the workings of RWQCB-Los Angeles and how your agency works to protect the environment, while preserving a viable economy. This request is made pursuant to the California Public Records Act ("PRA"), California Government Code Sections 6250-70.

For purposes of this request, the term "document" should be understood to include also all letters, including, but not limited to letters and all other forms of communication to or from, by, or on behalf of the U.S. Environmental Protection Agency, the State Water Resources Control Board and its staff, Heal the Bay, the Natural Resources Defense Council and those acting on their behalf, memoranda; memoranda for the record; memoranda of understanding; contracts; agreements; agreements in principle; notes; notes-to-file; calendar entries; minutes, summaries or reports of meetings; talking papers, point papers, or any other briefing materials; studies; analyses; reports; summaries; synopses; abstracts; telecopier cover sheets; estimates; and all other documents, regardless of form, whether paper, magnetic tape, electronic disc, electronic mail, microfilm, microfiche, or any other form, regarding, relating or pertaining to the "Draft of Waste Discharge Requirements for the Discharge of Stormwater in Los Angeles County (NPDES Permit No. CAS0051654)"

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Robert Ghirelli, Ph.D  
Executive Officer  
February 15, 1996  
Page 8

Please regard this request as severable, i.e., as a request to make documents available as they are identified, without waiting for all documents to be made available at once.

In view of the noncommercial nature of this request, and the fact that it is made on behalf of public entities, for the purpose of informing public officials and the public, it is requested that all copying fees in connection with this request be waived.

If any portion of this request is denied, or any record is withheld, please state the specific grounds for the withholding or denial, the name and title of the official who made the decision to deny the request or withhold the record and the name, title and address of the person to whom the decision to withhold the record may be appealed. In addition, please provide sufficient information to identify the record being withheld, including the title of the document, the nature of the document (e.g., interoffice memorandum), the number of pages in the document, a statement of the subject matter sufficient to enable the Cities to evaluate the basis for the withholding of the document, the location of the document, the identity of the custodian of the document, the name of the author and the names and addresses of all persons to whom the document (original or copy) was addressed, or shown or circulated.

Should you have any questions as to this request, or wish to arrange for a schedule for the production of the public records requested, please do not hesitate to call me or Gregory T. Dion of our firm.

In view of the short time constraints of the PRA, I look forward to hearing from you or your representative in the near future, and in any event, within 10 days of your receipt of this letter.

Thank you for your anticipated cooperation.

Very truly yours,



RUFUS C. YOUNG, JR.  
Of BURKE, WILLIAMS & SORENSEN

cc: Honorable Mayor and Members of the  
City Councils and City Managers of the Cities of  
El Segundo, Santa Clarita, Bellflower, Downey and Alhambra

cc: Jorge Leon, Esq.

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RICHARDS, WATSON & GERSHON  
ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION

ELLEN R. WATSON  
ROBERT S. GIBBY  
HARRY L. BERENSON  
DOUGLAS W. ARNOLD  
MARI L. LAMEN  
ARNOLD BRON  
BRAND S. ADLER  
CAROL D. PEPER  
ALLEN D. BENNETT  
STEVEN L. CORREY  
WILLIAM L. STRAUSS  
ROBERT M. GOLDFRED  
ANTHONY S. DREWRY  
MICHAEL S. ABBOTT  
TIMOTHY L. HUPPES  
STEPHEN W. STEFANICH  
DONALD S. BROWN  
MICHAEL J. JONES  
WILLIAM S. RUCHELL  
DAVID L. COHEN  
CURT M. BARNER  
CAROL W. LYNN  
JENNIFER A. BASH  
BRISCOY M. BLUMBY  
THOMAS M. JACO  
MICHAEL BRAL BARNES  
AMANDA P. BURTON  
ROBERT S. COOSEN

DAVID WENNER  
STEVEN M. KALPASHIAN  
GARY S. SAND  
JOHN J. HARRIS  
KEVIN S. SAND  
ROBIN S. HARRIS  
MICHAEL STRASSA  
LAURENCE S. WENNER  
STEVEN R. COE  
MICHAEL S. COLMAYERS  
C. EDWARD OLSON  
GEORGE R. HARRIS  
SCOTT S. SHAWNE  
S. FLORENCE  
ALAN D. WENNER  
GABRIEL Y. ANASTASIA  
NAVERA O. BLASE  
GRAND A. STUBBS  
T. PETER FORDE  
ALISON S. MARSH  
BRUCE M. BARNES  
THOMAS S. BORN  
DOUGLAS A. GARLEN  
DAVID L. ROSS  
LISA M. BOND  
WENNER TERRY  
JENNIFER L. HARR  
DAVID ALBERT  
RENNAN M. BAE

April 17, 1996

RICHARD RICHARDS  
(7010-1022)  
THIRTY-SEVENTH FLOOR  
222 SOUTH HOPE STREET  
LOS ANGELES, CALIFORNIA 90071-1422  
(213) 622-2424  
FACSIMILE (213) 622-2272  
OF COURSE,  
WILLIAM H. SPANER  
1311423  
OUR FILE NUMBER  
C1380-00980

Mr. Carlos Uranaga  
Environmental Specialist  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Re: Municipal Storm Water Permit

Dear Carlos:

In accordance with your request this morning, I am enclosing a diskette containing the following documents which I sent to Catherine Tyrrell yesterday:

1. The revised version of the draft NPDES Permit, containing both the changes which Board Staff made subsequent to the December 18, 1995 draft, as well as the changes made as a result of our discussions last week. (COM\_PMT.2);
2. A red-lined version of the revised permit showing the changes made since the December 18 draft of the permit (COM\_PMT.2RD); and
3. A red-lined version showing the changes to the draft which was presented at our meeting last week. (COM\_PMT.2RO)

As you will note, we have combined the two parts of the permit into a single document.

Please do not hesitate to contact me if you have any questions regarding the enclosed. Thank you for your cooperation in this matter.

Very truly yours,

  
John J. Harris

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Enclosure

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John J. Harris  
Very truly yours,

Please let me know if we can be of further assistance. Both Mike Jenkins and I appreciated the time which you have taken to meet with us to discuss the changes in the draft permit.

I will forward to you under separate cover our suggested changes regarding the findings and other portions of the permit which we did not have a chance to discuss today.

I will also send these documents to each of the participants at our meeting.

I am also enclosing a clean copy of the current draft. The changes between the December 18 draft and the current draft, which we discussed today. The enclosed red-lined version shows Water Discharges in Los Angeles County, containing the changes revised version of the draft NPDES Permit for Municipal Storm As promised, I am enclosing a redlined copy of the

Dear Catherine:

Re: Draft Storm Water/WDR/NPDES Permit  
For Los Angeles County, et al.  
Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

DAVID M. WATSON  
JAMES L. WATSON  
JAMES H. WATSON  
DAVID D. WATSON  
JAMES E. WATSON  
DAVID F. WATSON  
JAMES G. WATSON  
DAVID H. WATSON  
JAMES I. WATSON  
DAVID J. WATSON  
JAMES K. WATSON  
DAVID L. WATSON  
JAMES M. WATSON  
DAVID N. WATSON  
JAMES O. WATSON  
DAVID P. WATSON  
JAMES Q. WATSON  
DAVID R. WATSON  
JAMES S. WATSON  
DAVID T. WATSON  
JAMES U. WATSON  
DAVID V. WATSON  
JAMES W. WATSON  
DAVID X. WATSON  
JAMES Y. WATSON  
DAVID Z. WATSON

April 23, 1996

RICHARDS, WATSON & GERSON  
ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION

RICHARD RICHARDS  
1311693  
OUR FLD NUMBER  
C1380-00980  
MAY 12 1996  
LOS ANGELES CALIFORNIA 90011-1400  
700 SOUTH HOPE STREET  
THIRTY-SEVENTH FLOOR  
LOS ANGELES, CALIFORNIA 90011-1400

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**APRIL 23, 1996 DRAFT  
REDLINED AGAINST DECEMBER 18, 1995 DRAFT**

**++State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES  
REGION**

**ORDER NO. 96-XXX**

**WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES**

**(NPDES NO. CAS061654)++**

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LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD  
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State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES  
REGION

ORDER NO. 96-XXX

WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES

(NPDES NO. CAS061654)

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter called the Regional Board), Los Angeles Region, finds:

1. The County of Los Angeles, and eighty-six (86) incorporated cities within the County of Los Angeles (see Attachment A, List of Permittees), hereinafter referred to as Permittees, discharge or contribute to discharges of storm water from municipal separate storm sewer systems (MS4s), also called storm drain systems, and water courses within the County of Los Angeles into receiving waters of the Los Angeles basin under countywide waste discharge requirements contained in Order No. 90-079 adopted by this Regional Board on June 18, 1990. That Order also serves as a National Pollutant Discharge Elimination System (NPDES) permit (CAS061654).
2. Order No. 90-079 was issued before the United States Environmental Protection Agency (USEPA) promulgated final regulations for storm water discharges and associated permits.
3. On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as application for re-issuance of waste discharge requirements and the NPDES permit.
4. The quality and quantity of storm water discharges in the Los Angeles basin vary considerably and are affected by the hydrology, geology, and land use characteristics of the watersheds; seasonal weather patterns; and frequency and duration of storm events. Pollutants of concern in these discharges are several heavy metals, sediment from erosion due to anthropogenic activities, petroleum hydrocarbons from sources such as used motor oil, microbial pathogens of domestic sewage origin from illicit discharges, certain pesticides associated with in-stream toxicity, and other pollutants which may cause aquatic toxicity in the receiving waters.
5. The Regional Board considers storm water discharges from the urban and developing areas in the Los Angeles basin to be significant sources of pollutants in receiving waters that may be causing, threatening to cause, or contribute to water quality

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impairment. Warning advisories are posted on area beaches after storm events to avoid contact with water because of storm water pollution.

6. Studies conducted by the USEPA, the states, flood control districts and other entities indicate the following constitute significant? sources of storm water pollution:
  - a. Industrial sites where appropriate pollution control and best management practices (BMPs) are not implemented,
  - b. Construction sites where erosion and sediment controls and BMPs are not implemented, and
  - c. Storm water where the drainage area is not properly managed.
7. Section 402(p) of the federal Clean Water Act, as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s, storm water discharges associated with industrial activity including construction, and designated storm water discharges that are considered significant contributors of pollutants to waters of the United States. Storm water discharges from MS4s are required to mitigate pollutants to the "maximum extent practicable". Discharges of storm water associated with industrial activities and other non-storm water discharges as defined in 40 CFR Part 122 are subject to Best Available Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) standards.  
  
Section 402(p)(3)(B)(ii) requires MS4 permittees to "effectively prohibit" non-storm water discharges into MS4s unless these discharges are in compliance with separate NPDES permits.
8. On November 16, 1990, pursuant to Section 402(p) of CWA, the United States Environmental Protection Agency (USEPA) promulgated 40 Code of Federal Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants.
9. The USEPA Office of General Counsel in a memorandum to USEPA Region 9, dated January 9, 1991, determined that Clean Water Act Section 402(p) and Section 301(b)(1)(c) must be interpreted to state that NPDES permits for MS4s must include any requirements necessary to achieve compliance with water quality standards.
10. To facilitate compliance with federal regulations, in 1992, the State Board issued two statewide general NPDES permits to facilitate compliance with federal regulations: one for storm water from industrial sites (NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GISP)) and the second one for storm water from construction sites (NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)). Most industrial activities (unexposed light industrial activities are exempt) and construction activities on five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these

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statewide general permits by completing and filing a Notice of Intent (NOI) with the State Board.

11. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. CZARA covers five nonpoint source areas of pollution: Agriculture, Silviculture, Urban, Marinas, and Hydromodification. This Order includes Management Measures for pollution from Urban Areas and Marinas, and provides the functional equivalency for compliance with CZARA in these two areas. The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration (NOAA) recommends Management Practices for commercial facilities, including gas stations; and all construction activity (new development and redevelopment).
12. The State of California is a delegated state under the NPDES program, and as such, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, may impose more stringent requirements necessary to implement water quality control plans, for the protection of beneficial uses of receiving waters, and/or to prevent nuisance.
13. California Water Code Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall include numerical water quality standards and provisions to implement water quality-based objectives. This Order includes narrative limitations but no numerical limits for storm water discharges at this time due to insufficient information.
14. The State Board considered third party appeals of two MS4 permits issued by Regional Boards during the first five year permit term. In the appeal of the MS4 permit for Santa Clara Municipal Water District in the San Francisco Bay Region, the State Board ruled in Order No. WQ 91-03 that MS4 permits must include effluent limitations which will reduce pollutants to the "maximum extent practicable" and will also achieve compliance with water quality standards. In the appeal of the MS4 permit for Los Angeles County, the State Board concluded in Order No. WQ 91-04 that even where a permit does not specifically reference water quality standards, but includes BMPs as effluent limitations, the permit should be read so as to require compliance with water quality standards.
15. The State Water Resources Control Board (State Board) adopted a revised Water Quality Control Plan for Ocean Waters of California (Ocean Plan) on March 20, 1990. The Ocean Plan contains water quality objectives for the Coastal Waters of California.
16. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower



generation, water contact recreation, non-contact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

17. The intent of this Order is the implementation of the foregoing statutes and regulations to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes Receiving Water Limitations that require that storm water discharges neither cause violations of water quality objectives, nor cause a condition of nuisance or water quality impairment in receiving waters.

To meet the receiving water limitations, this Order requires the implementation of technically and economically feasible measures in accordance with the Storm Water Management Program (SWMP) described herein to reduce pollutants in storm water to the maximum extent practicable. The SWMP includes a monitoring program to assess compliance with the objectives and requirements of this Order. This Order also sets forth the procedure that the permittees will undertake in case of exceedance of any receiving water quality objective.

18. This Regional Board has implemented the Watershed Protection Approach (WPA) in addressing water quality management in the region. The objective of the WPA is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationship between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available.

19. To implement the Watershed Management Approach, as well as compliance with this Order, the County of Los Angeles is divided into six (6) Watershed Management Areas (WMAs) as follows:

- Malibu Creek and Rural Santa Monica Bay Watershed Management Area
- Ballona Creek and Urban Santa Monica Bay Watershed Management Area
- Los Angeles River Watershed Management Area
- San Gabriel River Watershed Management Area
- Dominguez Channel/Los Angeles Harbor Watershed Management Area
- Santa Clara River Watershed Management Area

Attachment A shows the list of cities under each Watershed Management Area.

20. Federal, or regional entities within the Permittees' boundaries or jurisdictions outside the County of Los Angeles, not currently named in this Order, operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. The

Regional Board may consider issuing separate NPDES permits for storm water discharges to these entities within the Permittees' boundaries. Such designated Permittees may include large landowners such as State Parks, Universities, and similar entities.

21. Approximately 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay, in the County of Los Angeles. The County of Ventura is a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water from the MS4 in the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the County of Ventura has opted to be the Principal Permittee to the Ventura permit and manage the areas draining into Los Angeles County, under Order No. CAS063339. The County of Ventura will ensure that its storm water management program for the portion of its area draining into Los Angeles County is made consistent with the requirements of this Order issued to Los Angeles County.
22. About nine (9) square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay. The City of Thousand Oaks initially opted to apply for an individual permit for the area that drains into Malibu Creek, instead of becoming a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water and urban for the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the City of Thousand Oaks elected to be a Permittee to the Ventura permit including the areas which drains into Los Angeles County. The City of Thousand Oaks will ensure that its storm water management program for the portion of its area draining into Los Angeles County is consistent with the requirements of this Order issued to Los Angeles County.
23. The California Department of Transportation (Caltrans), discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans submitted an ROWD on July 3, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements issued to Caltrans will be made consistent with this Order and Order No. 94-082.
24. This Order designates the County of Los Angeles as the Principal Permittee. The Principal Permittee will coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for insuring compliance of any individual permittee.
25. Each Permittee has jurisdiction over and/or maintenance responsibilities for its respective MS4 and/or water courses and is entirely responsible for the implementation of the appropriate storm water program as required by this Order. Each Permittee need only comply with the requirements of this Order applicable to discharges originating from its jurisdictional boundaries and/or from the portion of the MS4 it owns or operates.
26. This Order requires the formation of an Executive Advisory Council (EAC) comprising of representatives from the six watershed management areas. The main

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role of the EAC is to facilitate development of storm water quality management programs within the six watersheds and to promote consistency in the implementation of these programs among Permittees. However, the Regional Board recognizes that, similar to the Principal Permittee, the EAC is not responsible for insuring compliance of any individual permittee with the requirements of this Order.

- 27. In September 1994, the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force issued municipal storm water program guidelines to encourage statewide program consistency and to assist municipal permittees modify storm water programs for permit reissuance. The guidelines recommend storm water program activities in the following areas: I. Program Management; II. Illicit Discharges; III. Industrial/Commercial Sources; IV. New Development and Redevelopment; V. Public Agency Activities; VII. Public Information and Participation; VIII. Program Evaluation; IX. Monitoring.
- 28. The Report of Waste Discharge (ROWD) submitted by Permittees include: (i) Summary of BMPs implemented; (ii) Storm water management plans for six WMAs; (iii) Countywide evaluation of existing storm water quality data, and (iv) Workplan for Phase I, II, and III, Monitoring Program.

In most MS4 permits, the Storm Water Management Program (SWMP) requirements are components proposed by permittees and are incorporated in the permit by reference to a storm water management plan. In the case of the County of Los Angeles, however, the submitted plans were determined to be incomplete and inadequate in proposed program components necessary to reduce pollutants in storm water to the "maximum extent practicable" as required by CWA Section 402(p)(3)(B). Therefore, the submitted plans served as partial bases for the development of the SWMP requirements of this Order.

- 29. Each Permittee under the existing permit (Order No. 90-079), was required to implement Best Management Practices (BMPs), conduct monitoring of storm water discharges, and evaluate their impacts on receiving waters. Information obtained from these activities would have provided a basis for establishing numerical criteria or goals, and in lieu of specific program requirements. However, these activities were not fully accomplished during the five-year term of the permit. Storm water criteria development has been recently sponsored by the USEPA in partnership with the Water Environment Federation.
- 30. The SWMP required in this Order contains the components developed by the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force described in Finding 27 and with the cooperation of representatives from the Permittees, environmental groups, and the industrial community.

The SWMP includes requirements with compliance dates to provide specificity and certainty of expectations. It also includes provisions that promote customized initiatives, both on a countywide and watershed basis, in developing and implementing cost effective measures to minimize discharge of pollutants to the receiving water.

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The various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water to the "maximum extent practicable". The Permittees are required to conduct annual evaluations on the effectiveness of the Storm Water Management Program, and, if necessary, institute modifications to meet this criterion.

31. This Order provides Permittees the flexibility to petition the Executive Officer to substitute a BMP included under the requirements with an alternative BMP, if they can provide scientific information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP.
32. Besides the above referenced state and federal laws and regulations, and water quality control plans, the requirements in this Order are also based on the following guidelines, studies, considerations, reports and events:
  - a. Board Order 90-079 required the development and implementation of BMPs to minimize pollutants in storm water to receiving waters. The Order was written to allow maximum flexibility in developing pollution prevention programs. The BMPs identified by Permittees for implementation were often dissimilar and implementation was scattered. In 1993, the Regional Board approved thirteen baseline minimum BMPs to facilitate the implementation of countywide minimum requirements, to encourage countywide consistency, and provide a minimum measure of progress. These BMPs were selected from Permittees' MS4 programs. The thirteen BMPs have been made a part of this Order. These BMPs are: (i) Catch basin labeling, (ii) Public illicit discharges reporting, (iii) Construction storm water ordinance, (iv) Public education and outreach, (v) Catch basin clean-out, (vi) Roadside trash receptacles, (vii) Street sweeping, (viii) Inspections of vehicle repair shops, vehicle body shops, vehicle parts and accessories, gasoline stations and restaurants, (ix) Proper disposal of litter, lawn clippings, pet feces, (x) Removal of dirt, rubbish and debris by homes and businesses, (xi) Oil, glass and plastics recycling, (xii) Proper disposal of household hazardous wastes, and (xiii) Proper water use and conservation.
  - b. In November 1992, the USEPA issued guidance for submittal of Part II application for MS4s. This guidance provides clarification on specific municipal storm water program requirements that were not available to the Regional Board when Order 90-079 was adopted. This Order incorporates these requirements to be consistent with the USEPA guidance.
  - c. The Regional Board is the enforcing authority for the two statewide general permits, described in Finding 10, which are issued to facilities in Phase I of the Federal Storm Water Program (40 CFR 122.26). However, frequently, the industrial and construction sites discharge directly into storm drains and/or flood control facilities owned and operated by the Permittees. These industrial and construction sites are also regulated under local laws and regulations. Therefore, a coordinated effort between the permittees and the Regional Board is critical to avoid duplicative storm water regulatory activities and promote storm water program efficiency.

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- d. The State Board adopted a dual annual fee structure for industrial facilities in the Phase I Program. Phase I facilities located in jurisdictions with a MS4 permit are subject to a lower annual fee (\$250) than those industrial facilities in areas without a MS4 permit (\$500). The dual fee structure was adopted to allow Permittees to recover the annual fee differential or portion thereof if necessary to support the MS4 program and also provide some oversight over Phase I facilities.
- e. The ROWD indicates that the Permittees have established a subcommittee to develop an enforcement/compliance strategy for industrial and commercial facilities and construction sites. The Permittees have agreed to notify Regional Board staff of industrial and construction facilities which may not be in compliance with the storm water regulations. The ROWD also indicates that the Permittees will ensure that no grading and/or building permits are issued without proof of compliance for those projects subject to the GCASP.
- f. Each Permittee owns/operates facilities where industrial or related activities take place and/or enters into contracts with outside parties to carry out activities that may impact storm water quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, storm drain system maintenance activities and the application of herbicides and pesticides. As part of the Storm Water Management Program, each Permittee is required to assess all of the public agency related activities and facilities for potential impact to storm water quality and develop and implement BMPs to reduce pollutant discharges from these activities/facilities.

Non-storm water discharges from these facilities and/or activities also affect water quality. This Order prohibits non-storm water discharges from public facilities unless the discharges are exempt under Provision II (Requirements for Illicit Connections/Discharges) of this Order or are permitted by the Regional Board under a separate individual or General NPDES permit.

- g. USEPA review of activities conducted by the automotive service sector (including auto body shops, gas stations, auto repair, used car dealers, specialized repair, car washes, car rental, and truck rental) indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water. A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings.
- h. The USEPA sponsored a study in 1992 in California to characterize storm water from gasoline stations, and demonstrate the effectiveness of BMPs in reducing pollutants in storm water. The study indicated that pollutants build up during dry periods, and pollutant concentrations in storm water reflect the

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length of the buildup period. The study found that BMPs that address gas station conditions such as high volume vehicle traffic, and leaks and spills of vehicle fluids, to be the most effective in improving storm water quality. The Western States Petroleum Association has separately identified appropriate BMPs for implementation at gas service stations to reduce pollutants in storm water.

++x Development increases the amount of pollutants in an area and loss of pervious surfaces. Storm water transports sediment from construction sites and improperly managed construction site materials into streams and rivers destroying fish,wildlife, and natural habitats. Many pollutants also bind to sediment. In addition, increase in impervious surfaces increases the velocity and volume of storm water, which can erode stream banks, raise turbidity pollution and stream temperature, and cause flooding. Proper development planning and implementation of BMPs can reduce the impacts associated with construction activity while providing aesthetic and economic benefits (Economic Benefits of Runoff Controls, USEPA, Office of Wetlands, Oceans, and Watersheds, EPA Document No. 841-S-95-002, 1995).++

- i. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County and the experience of other California MS4s indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water.
- j. The Santa Monica Bay Restoration Project (SMBRP) was established in 1988, pursuant to Clean Water Act Section 320, when Santa Monica Bay was included in the National Estuary Program. The SMBRP, comprised of government, industry, and environmental representatives, produced a Bay Restoration Plan (BRP) to serve as a blueprint for the Bay's recovery. The Restoration Plan identifies 74 Priority Actions to be implemented to restore and protect the Bay's ecosystem, and to improve the quality of waters flowing from the Santa Monica Bay Watershed Management Area into the Bay. The BRP was approved by Governor Pete Wilson on December 7, 1994, and the USEPA on March 9, 1995. This Regional Board adopted Resolution No. R94-00510 on May 9, 1994, supporting the Restoration Plan. As a key element of the BRP, the Plan contains extensive information regarding storm water management and provides guidance to the Regional Board for development of a strong, environmentally sound storm water program. The Regional Board has the responsibility to ensure that recommended actions are implemented by Permittees in the Malibu Creek and Rural Santa Monica Bay WMA, and the Ballona Creek and Urban Santa Monica Bay WMA.
- k. The Federal District Court, Central District, ruled in NRDC vs Caltrans (C.D. Cal. 1994) that the California Department of Transportation had not substantially complied with Order No. 90-079. The court issued a separate

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Order to Caltrans to enforce compliance with the requirements of Order No. 90-079. The Court stated that in order to reduce pollutants to the "maximum extent practicable", a Permittee must evaluate and implement BMPs, except where, (i) other effective BMPs will achieve greater or substantially similar pollution control benefits; (ii) the BMP is not technically feasible; or (iii) the cost of BMP implementation greatly outweighs the pollution control benefits.

- i. The Natural Resources Defense Counsel (NRDC) filed a lawsuit against the County of Los Angeles for non-compliance with Order 90-079 in the Federal District Court, Central District, on October xx, 1994. The parties to the suit are in the process of reaching a settlement out-of-court. The NRDC settled similar lawsuits out-of-court in 1993 with the cities of Beverly Hills, Culver City, El Segundo, and Hermosa Beach.
- m. 40 CFR 122.26(d)(2)(i) requires each MS4 Permittee to demonstrate that it can implement and enforce the storm water management program pursuant to legal authority established by ordinance, statute, and/or contracts. Each Permittee must, in addition, acquire legal authority to enforce specific prohibitions which are included in this Order but were not specified in Order 90-079, to encourage countywide consistency.

**++x. Finding on RWL (see State model)++**

- 33. The Regional Board has notified each Permittee, interested agencies, and interested persons of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
- 34. The Regional Board solicited comments on early drafts of this Order from Permittees, interested agencies, and interested persons. In addition, the Regional Board staff met with representatives from Permittees, business associations, environmental groups, and other interested persons to discuss permit requirements and resolve critical issues. Regional Board staff also solicited feedback from the Santa Monica Bay Oversight Committee on early drafts of the Order, and attended Permittee watershed meetings, and public workshops to hear concerns. Regional Board staff have incorporated suggestions wherever appropriate, and addressed comments where pertinent.
- 35. The Regional Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules, including Annual Reports, Work Plans, Performance Standards, and proposed Storm Water Management Plan revisions, submitted in response to requirements of this Order and will provide them with an opportunity for a public hearing and/or an opportunity to submit their written views and recommendations. The Regional Board will consider all comments and may modify the reports, plans, or schedules or may modify this Order in accordance with the NPDES permit regulations. All submittals required by this Order conditioned with acceptance by the Executive Officer will be subject to these notification, comment, and public hearing procedures.

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- 36. A municipal storm water program companion guidance manual is being developed under contract to provide guidelines and assist Permittees in complying with this Order. Permittees who have graciously contributed funds to develop the guidance manual, include the County of Los Angeles, and the cities of Culver City, La Canada Flintridge, Los Angeles, Pasadena, Rolling Hills Estates, Santa Clarita, Santa Monica, and Vernon.
- 37. The requirements in this Order, as they are met, are in conformance with federal and state laws regulations, and guidelines developed for the implementation thereof, and water quality control plans applicable to the Los Angeles basin.
- 38. The action to adopt a NPDES permit is exempt from the provisions of the California Environmental Quality Act; Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code.
- 39. This Order may be modified or alternatively revoked or reissued, prior to the expiration date to include: changed conditions identified in technical reports; incorporate applicable requirements of statewide water quality control plans; incorporate amendments to the Basin Plan; and to comply with any applicable requirements, guidelines, or changes issued or approved under Section 402(p) of the Clean Water Act, if the requirement, guideline or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued shall also contain any other requirements of federal or state laws, regulations and guidelines applicable at that time.

The Board, in a public hearing, heard and considered all comments pertaining to the tentative waste discharge requirements, y (30) days from the date of its adoption provided the Regional Administrator, USEPA, has no objections.

IT IS HEREBY ORDERED that the County of Los Angeles and the Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder, shall comply with the following for the areas under their jurisdictions in the County of Los Angeles:

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A. DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS

I. Discharge Prohibition

Each Permittee shall, within its jurisdiction, effectively prohibit non-storm water discharges into the municipal separate storm sewer system (MS4) and watercourses, except where such discharges are ~~either~~ :

1. In compliance with a separate NPDES permit; or
  2. Identified and in compliance with Provision II.D (Requirements for Illicit Connections/Discharges: Non-storm Water Discharges), of this Order ~~(+++; or++)~~
- ~~++3. Discharges originating from federal, state or other facilities which the Permittee is preempted from regulating.~~

Compliance with this prohibition shall be accomplished by compliance with the requirements of this Order. ++

II. Receiving Water Limitations

~~++A. Receiving Water Limitations are based upon the beneficial uses, water quality objectives, and water quality standards contained in the Basin Plan (Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994) ~~and the Ocean Plan (Water Quality Control Plan, Ocean Waters of California, State Water Resources Control Board, 1990), and amendments thereto, shall serve a Receiving Water Limitations and are hereby incorporated in this Order by reference. If applicable water quality objectives are adopted and approved by the State Board after adoption of this Order, the Regional Board may revise or modify this Order, as appropriate.~~~~

~~Based on the above mentioned water quality objectives, authorized discharges under this Order shall not:~~

1. ~~Contain the following in concentrations or quantities that cause nuisance or adversely affect beneficial uses of receiving waters:~~
  - a. ~~Floating materials, including solids, liquids, foams, and scum;~~
  - b. ~~Suspended or settleable materials;~~
  - c. ~~Oils, greases, waxes, or other materials that result in a visible film or coating on the surface of the water or on objects in the water;~~
  - d. ~~Chemical constituents; and,~~
  - e. ~~Substances that increases biochemical oxygen demand.~~
2. ~~Contain toxic pollutants in concentrations or quantities that will bioaccumulate in aquatic life to levels which are harmful to aquatic life and human health.~~

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- ~~3. Contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.~~
- ~~4. Contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.~~
- ~~5. Contain taste or odor producing substances at levels that impart undesirable tastes or odors to fish flesh or other edible aquatic resources, cause nuisance, or adversely affect beneficial uses.~~
- ~~6. Cause changes in temperature and turbidity to the extent that results in nuisance or adverse effect on beneficial uses.~~
- ~~7. Cause violations of any applicable water quality objective for the receiving waters.~~

~~B. COMPLIANCE WITH DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS~~

~~I. As a functional equivalent of compliance with the above Discharge Prohibitions and Receiving Water Limitations (A.I and A.II), each Permittee shall demonstrate timely implementation of BMPs and other actions to reduce pollutants in the discharge from their municipal separate storm sewer system (MS4) to the "maximum extent practicable", in accordance with Requirement C of this Order Storm Water Management Program Requirements.~~

~~II. If an exceedance(s) of a receiving water limitation defined in A.II above, expressed as either narrative or numerical, has been identified by the Permittee or Regional Board to be caused by storm water discharges, either of the following actions shall be undertaken to ensure compliance with this Order:~~

~~1. The Permittee shall demonstrate to the satisfaction of the Regional Board that the Permittee is implementing fully and on schedule its Storm Water Management Program in accordance with Requirement C of this Order, and continued timely implementation of the Storm Water Management Program, CSWMP and/or a WMAP will prevent future exceedances of receiving water limits; or~~

~~2. If the determination in B.II.1 cannot be made or upon notice by the Regional Board, the Permittee shall initiate forthwith an investigation, and demonstrate to the satisfaction of the Regional Board that either:~~

~~a. Storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance(s); or,~~

~~b. When storm water from the Permittee's jurisdiction is determined to be the cause of the exceedance(s), the Permittee completes the investigation in a timely manner to determine the persistence, cause, culpability, and impact of the exceedance(s) on the designated beneficial uses of the receiving waters; and, based on the results of the completed investigation and at~~

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~~the direction of the Regional Board, the Permittee evaluates whether the approved CSWMP or WMAP when fully implemented will prevent future exceedance[s]; and~~

~~i. if the approved CSWMP or WMAP is adequate, the Permittee shall, depending on the persistence and impact of the exceedance[s] on the receiving water, or at the discretion of the Regional Board, accelerate the implementation schedule of BMPs designed to eliminate the exceedance[s]; or~~

~~ii. if the approved CSWMP or WMAP is inadequate, the Permittee shall develop and submit for approval by the Executive Officer, new or revised BMPs with a schedule for implementation to prevent future exceedance[s]. Upon approval, the Permittee shall implement such BMPs and document the progress of implementation and effectiveness thereof in the Annual Reports to the Executive Officer.~~

### C. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

Each Permittee shall implement within its jurisdiction the following:

1. The Storm Water Management Program provisions of this Order. Unless otherwise specified, the compliance date for all segments of the program shall be January 1, 1997.

2. The Countywide Storm Water Management Plan (CSWMP), any of its modifications, revisions or amendments, that will be developed according to the requirements of this Order.

The CSWMP, at a minimum, shall include the components of the Storm Water Management Program defined in this Order and is subject to approval by the Executive Officer of the Regional Board.

3. The applicable Watershed Management Area Plan (WMAP), any of its modifications, revisions or amendments, that will be developed according to the requirements of this Order.

Each Permittee shall participate in the development of the WMAP for its respective watershed management area through its Watershed Management Committee (WMC). The WMAP shall include the components of a Storm Water Management Program defined in this Order, the CSWMP, and any other applicable requirements to reduce to the maximum extent practicable pollutants in the discharge. Upon approval by the Executive Officer, the WMAP for a particular watershed supersedes the CSWMP, ~~and amendments thereto, and on~~ ambient water quality. They are intended to protect the beneficial uses and attain the water quality objectives contained in the Basin Plan. The discharge of storm water, or non-storm water, from a municipal separate storm sewer system (MS4) for which the dischargers are responsible shall not cause continuing or recurring impairment of beneficial uses or exceedances of water quality objectives in the receiving waters. The Permittees will not be in violation of this provision so long as they are in compliance with the requirements set forth in this Order.

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I. REQUIREMENTS FOR PROGRAM MANAGEMENT

A. Principal Permittee

1. The County of Los Angeles is designated as the Principal Permittee.
  2. The Principal Permittee shall:
    - a. Coordinate permit activities
    - b. Convene the countywide Executive Advisory Committee (EAC), constituted pursuant to Provision I.D.;
    - c. Provide personnel and fiscal resources to develop a Countywide Storm Water Management Plan (CSWMP) which may then be used to develop a Watershed Management Area Plan for each watershed;
    - d. Convene the Watershed Management Committees (WMCs) upon the designation of representatives to the WMCs, and seek appointment of a chair who will also serve on the EAC;
    - e. Provide personnel and fiscal resources for the development of the WMAPs;
    - f. Provide personnel and fiscal resources for updating and modifying the CSWMP and the WMAPs;
    - g. Provide technical and administrative support for both the EAC, and the WMCs constituted pursuant to Provision I.E.;
    - h. Provide personnel and fiscal resources to complete Annual Reports including evaluations of monitoring program data and BMP effectiveness;
    - i. Prepare and forward summaries and evaluations of program compliance for submittal to the Regional Board, upon receipt of information and materials from the WMCs;
    - j. With guidance of the EAC, act as liaison between Permittees and the Regional Board on permit issues; and
- k++,++ With guidance of the EAC, implement activities outlined in this ~~{Order for}~~ ++Order for++ a Permittee and a Principal Permittee.

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**B. Permittees**

1. Each Permittee shall ~~++~~ implement within its jurisdiction the following:++

~~fa. Participate in the development and modification where necessary of the CSWMP and jointly prepare the WMAPs through participation in the WMC;+ ++a.~~  
The storm water management program provisions of this Order. Unless otherwise specified in this Order, the compliance date for all segments of the program shall be [insert date nine months' following date of adoption of this Order].++

~~fb. Implement all requirements described in this Order for a Permittee, the CSWMP, or the WMAPs on; ++b.~~  
The Countywide Storm Water Management Plan (CSWMP), any of its modifications, revisions or amendments, that will be developed according to the requirements of this Order.

Each Permittee shall participate in the development and where necessary the modification of the CSWMP. The CSWMP, at a minimum, shall include the components of the storm water management program defined in this Order and is subject to++ approval by the Executive Officer ++of the Regional Board+++

~~e. Provide in a timely manner all information needed by the Principal Permittee for completing the Annual Reports).~~

- 2. Each Permittee shall ++participate in the development of the WMAP for its respective watershed management area through its Watershed Management Committee (WMC). The WMAP shall include the components of the storm water management program defined in this Order, the CSWMP, and any other applicable requirements to reduce to the maximum extent practicable pollutants in the discharge. Upon approval by the Executive Officer, the WMAP for a particular watershed supersedes the CSWMP and shall thereafter be implemented by each Permittee.
- 3. Each Permittee shall provide in a timely manner all information needed by the Principal Permittee for completing the Annual Reports.
- 4. Each Permittee shall++ coordinate among each Permittee's internal departments and agencies --(e.g., public works, planning, utilities, water supply); --++as appropriate. ++

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and ~~(a. Implementation of permit requirements and pollution prevention activities;~~  
~~b. Interagency and inter-departmental agreements to ensure compliance with the CSWMP and the WMAP.~~

3) ~~++5++~~. Each Permittee's City Administrator/Public Works Director shall appoint a ~~delegated authority to make decisions on storm water permit issues on behalf of the jurisdiction.~~ ++technically knowledgeable++ representative(s) to the WMC.

C. External Agency Coordination

1. The Principal Permittee will be provided an updated list of NPDES permits on a quarterly basis through the Regional Board's electronic bulletin board, which may be accessed at (213) 266-7663, for use by each Permittee to identify permitted sources of active non-storm water discharges into the MS4.
2. Each Permittee will work with other agencies, to the extent necessary, and report to the Regional Board on recommendations to resolve any conflicts which are identified between the provisions of this permit and the requirements of other regulatory agencies, if they deem it necessary. These agencies, include but are not limited to:
  - a. California Department of Fish and Game
  - b. California Department of Toxic Substances Control
  - c. California Coastal Commission
  - d. United States Environmental Protection Agency
  - e. California Department of Transportation
  - f. California Air Resources Board

D. Executive Advisory Committee (EAC)

1. The Executive Advisory Committee shall consist of a voting representative from the County of Los Angeles, the City of Los Angeles, representatives from the Malibu Creek, Santa Clara River, and Dominguez Channel WMAs, and two from the San Gabriel River, Los Angeles River, and the Ballona Creek WMAs, for a total of eleven voting members. The Regional Board Executive Officer will appoint a Regional Board representative, a member of the public, and two industry representatives as non-voting members on the EAC.
2. The Principal Permittee shall provide the EAC with the opportunity to:
  - a. Advise the Principal Permittee on the development of the CSWMP, and countywide programs to be developed by the Principal Permittee;

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- b. Coordinate implementation of storm water quality management activities of regional significance (such as watershed-wide and countywide BMPs, public outreach and education;
- c. Make recommendations on county-wide issues to each WMC;
- d. Review the WMAPs developed by each WMC and provide direction and guidance for consideration by the WMC;
- e. Assist the Principal Permittee in compiling summaries and evaluations of compliance for submittal to the Regional Board, upon receipt of information and materials from the WMCs;
- f. Guide conflict resolution among Permittees and advise the Principal Permittee on its liaison responsibilities to the Regional Board; and
- g. Coordinate the implementation of pilot projects to target pollutant sources, evaluate BMP appropriateness, and assess effectiveness.

**E. Watershed Management Committees (WMCs)**

- 1. Each Watershed Management Committee shall be comprised of a voting representative from each Permittee in the WMA. The Executive Officer of the Regional Board will appoint a Regional Board representative, a member of the public, and an industry representative as non-voting members on each WMC.
- 2. In the interest of minimizing the burden on small cities of participating in the committee process, each WMC's representative to the EAC shall be a Permittee other than the City of Los Angeles, with the largest population. In WMAs with two representatives on the EAC, the WMC as a whole shall select the second representative. Where the population of the EAC representative municipality is less than 100,000, the Principal Permittee will provide some resources to the Permittee in carrying out its role on the EAC.
- 3. The WMC's chair and secretary shall be chosen by the WMC. In the absence of volunteer Permittee(s) for the positions, the Principal Permittee shall assume those roles, until the WMC approves qualified persons.
- 4. The WMC shall under the legal authority of its member Permittees, obtained in H. below:
  - a. Establish goals and objectives for the watershed;

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- b. Prioritize pollution control efforts;
- c. Develop a WMAP ~~based on the CSWMP;~~ ++within twelve months of approval of the completed CSWMP; The WMAP shall include a schedule of implementation.++
- d. Assess the effectiveness of, prepare revisions for and recommend appropriate changes to the CSWMP and the WMAP;
- e. Coordinate and facilitate the preparation of the Annual reports on permit activities within the watershed for submittal to the Principal Permittee, and for review by the EAC before submittal to the Regional Board;
- f. Circulate a draft of the Annual report among Permittees for review and comment prior to submittal to the EAC and the Regional Board; and
- g. Facilitate implementation of this Order by Permittees in the watershed.
- ++h. Identify, as part of the Industrial/Commercial Educational source identification program, a minimum of three SIC industrial/commercial groups as priorities to be included in the database described in this Order, based on the following criteria:
  - i. Extent of exposure of the industrial/commercial activity to storm water;
  - ii. Types and quality of non storm water discharges;
  - iii. Similarity of industrial/commercial activity to industrial activity regulated under Phase I;
  - iv. Types of chemical contaminants and wastes generated that can become exposed to storm water;
  - v. Existence of duplicate regulatory programs of other agencies that emphasize waste management and minimize exposure of the industrial/commercial activity to storm water;
  - vi. Number of facilities in watersheds;
  - vii. Professional understanding of the industrial/commercial sector waste management practices;
  - viii. Experience of local agency industrial inspection programs; and,
  - ix. Any other information that indicates a significant potential for contamination of storm water.++

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F. Watershed Management Subcommittees (WMS)

1. Subcommittees may be established by the WMC and/or the EAC, where deemed necessary.
2. Each Subcommittee shall focus on specific program areas and provide more specific oversight on the development, implementation, and evaluation of selected program areas.

G. Fiscal Resources

1. The Principal Permittee in consultation with the EAC shall prepare a budget summary format for use by each Permittee to report resources available to implement the storm water management program. The budget summary shall include at a minimum, capital and operation and maintenance expenditures; funding sources, staff resources, equipment, support capabilities, contract services; cost sharing arrangements for countywide programs (e.g., Public Education, Commercial/Industrial inspections); and any foreseeable funding shortfalls.
2. Each Permittee shall submit to the Principal Permittee, an annual budget summary of resources dedicated for storm water program implementation as required under Section 402(p) of the Clean Water Act, within 30 days of budget adoption by the Permittee's elected local government. A Permittee may provide all necessary data in an alternate format which includes the same information unless directed otherwise by the Executive Officer.
3. The Principal Permittee shall submit a fiscal resources summary in its Annual Report to the Regional Board.

H. Legal Authority

1. Each Permittee shall demonstrate that it possesses legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction, in compliance with this Order. This legal authority may be demonstrated by either a single ordinance or a single guidance document containing all the statutes, ordinances, permits, contracts, orders or inter-jurisdictional agreements among Permittees which govern a Permittee's storm water management activities per guidelines in the *Guidance Manual For The Preparation Of Part 2 Of The NPDES Permit Applications For Discharges from Municipal Separate Storm Sewer Systems*, (EPA 833-B-92-002, November 1992), pages 3-4, and shall, at a minimum, as required by 40 CFR 122.26(d)(2)(i)(D):
  - a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of

storm water discharged from sites of industrial activity{+}++  
including; ++

- ++i. Prohibit discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned;
  - ii. Prohibit discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
  - iii. Prohibit to the maximum extent practicable discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is undertaken;
  - iv. Prohibit discharges to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), and unsealed receptacles containing hazardous materials;
  - v. Require placement of machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, in a manner where leaks, spills and other maintenance related pollutants are not discharged to the MS4;
  - vi. Require regular sweeping or other equally effective measures to remove debris from commercial/industrial motor vehicle parking lots with more than twenty-five parking spaces that are located in areas susceptible to or exposed to storm water;
  - vii. Require removal and proper disposal of all fuel and chemical residue, animal waste, garbage, batteries, or other types of potentially harmful materials which are located in areas susceptible to or exposed to storm water;
  - viii. Require disposal of hazardous waste at an appropriate disposal site, and not in trash containers used for municipal trash disposal; and
  - ix. Require proper disposal of food wastes by the food service and food distribution industry. ++
- b. Prohibit illicit discharges and illicit connections to the MS4 and require removal of illicit connections;

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- c. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g., industrial and commercial wastes, trash, debris, motor vehicle fluids, green waste, animal wastes, leaves, dirt, or other landscape debris) to the MS4 ;
- d. Control through interagency or inter-jurisdictional agreements among Permittees the discharge of pollutants from one portion of the MS4 to another;
- e. Require compliance with conditions in ordinances, permits, contracts or orders; and
- f. Conduct inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to the MS4.

3. Each Permittee shall:

- a. Provide to the Principal Permittee for submittal to the Executive Officer of the Regional Board within 120 days of the effective date of this Order ~~+(which are in lieu of)~~ copies of ordinances, regulations, and other legal documents establishing legal authority ~~+~~ ++, or in the alternative: ++
  - i. A statement ~~+(under penalty of perjury)~~ by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order ~~+(and)~~ ++, referencing that legal authority with specificity; and/or ++
  - ii. ~~+(A timely schedule for obtaining adequate legal authority to comply with this Order (if) ++If++ Provision 1.H.3.a.i. is only partially fulfilled-)~~ ++, a timely schedule for obtaining adequate legal authority to comply with this Order, enumerating with specificity that legal authority which remains to be obtained ++.
- b. Exercise full legal authority within its jurisdiction to require compliance with this Order, the Countywide Storm Water Management Plan, and/or the Watershed Management Area Plans.

I. Program Substitution

Any Permittee may petition the Executive Officer to:

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- a. Substitute for any BMP identified in this Order, the CSWMP, or the WMAP, if the Permittee can demonstrate through documentation and/or scientific data, that the proposed alternative BMP:
  - i. will achieve greater or substantially similar reduction in storm water pollutants; and
  - ii. will be implemented within a similar period of time.
- b. Eliminate any storm water BMP identified in this Order, the CSWMP, and/or the WMAP, for its jurisdiction if it can demonstrate through documentation and/or scientific data, that the BMP is:
  - i. Not technically feasible, or
  - ii. The cost of implementation greatly outweighs the pollution control benefits.

The Executive Officer will approve or disapprove the petition in accordance with Provision I.J (Requirements for Program Management: Administrative Review).

J. Administrative Review

The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees, prior to initiating enforcement action.

- 1. Storm water program documents, including progress reports, program summaries, and implementation and compliance schedules, developed by a Permittee under the provisions of this Order shall be submitted to the Executive Officer for approval. The Executive Officer will notify the Permittee and the Principal Permittee of the results of the review and approval or disapproval within 120 days. If the Executive Officer has not responded within 120 days, ++the submittal shall be deemed approved and if applicable,++ the Permittee shall implement the submitted ~~(CSWMP or WMAP)~~ program components without modification.
- 2. If the Executive Officer finds that a Permittee's storm water program is insufficient to meet the provisions of the Permit, the Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific findings in support of the insufficient determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.

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- a. The Permittee, upon receipt of a NIMC, shall meet and confer with Regional Board staff to clarify the steps to be taken to completely meet the provisions of this permit. The meet and confer sessions shall be for the purpose of developing additions and enhancements to the jurisdiction's storm water program. The meet and confer period shall conclude with the submittal to and acceptance by the Executive Officer of a written "Storm water Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPCA by a specified date. The NIMC shall include a date by which the Permittee must meet with Regional Board staff. Failure to submit an acceptable SPCA by the specified date shall constitute a violation of this Order.
- b. The Executive Officer will approve or reject the submitted SPCA or an amended SPCA within 120 days. Rejection of a SPCA by the Executive Officer shall state the reasons for the failure to approve the SPCA. A Permittee that receives a rejection of an SPCA shall have sixty (60) days to remedy the specified deficiency and resubmit the SPCA.
- c. The Permittee shall comply with the terms of the SPCA. The Permittee shall submit reports to the Executive Officer of progress made under the SPCA. The frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Executive Officer. Failure to comply with the terms and conditions of the SPCA shall constitute a violation of this Order and shall be cause for immediate Administrative Civil Liability as prescribed by the Executive Officer.

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**K. Public Review**

1. The Principal Permittee shall maintain a current mailing list of interested parties, organized by WMAs, for distribution of documents that require the Executive Officer's approval. The Regional Board will provide the Principal Permittee with the initial list of interested parties.
2. The Principal Permittee shall distribute for public comment the initial CSWMP, WMAPs and other storm water Program Requirements that are submitted to the Executive Officer for approval. The public comment period will run concurrently with the Regional Board's review period.
3. Interested parties wishing to comment on the initial CSWMP, WMAPs and other storm water Program Requirements in review, must submit their comments in writing to the Executive Officer no later than 45 days after the Principal Permittee has made the document available to the public. Regional Board staff will maintain a list of interested parties who have requested to receive announcements of permit reports.

CONCORD

II. REQUIREMENTS FOR ILLICIT CONNECTIONS / DISCHARGES

++[Illicit Connections / Discharges is divided into three sub-sections, Illicit connections; Illicit discharges; and Non-storm water discharges. Changes were made based on comments by Permittees on the September 15, 1995 partial draft. One Permittee suggested that this Section be reversed with the next (i.e. legal sources ahead of illegal). However, this Section includes permissible non-storm water discharges, relevant to Discharge Prohibitions of the Order. In addition, the emphasis of the Industrial/Commercial Section is on pollution prevention, as are subsequent Sections].  
Direct illicit connections to the MS4 include physical connections of sanitary, commercial, or industrial piping (or channels) carrying untreated or partially treated waste waters. Such connections are sometimes unauthorized, and may be intentional or accidental due to mistaken identification of sanitary sewer lines. Illicit connections can result in continual or intermittent non-storm water and waste water discharges contaminated with pathogens and pollutants to the MS4 (Investigation of Inappropriate Pollutant Entries into Storm Drainage systems, USEPA Document No/600/R-92/238).++

A. Illicit Connections

~~{By January 15, 1997, each Permittee shall implement a program to identify and eliminate illicit connections to the maximum extent practicable.}~~

- 1. The Principal Permittee in consultation with the EAC shall develop a model program for the elimination of illicit connections to the MS4 by ~~{July 15, 1996}~~ ++[insert date]++. The program shall include, at a minimum:
  - a. Standardized storm drain inspection procedures, and illicit connection ~~{and}~~ identification and elimination procedures;
  - b. Methods to prioritize potential problem areas, including, but not limited to old commercial/industrial areas, and areas with heavy industry listed under subchapter N of 40 CFR Parts 405 -471;
  - c. Methods to utilize results of field screening activities, and other appropriate information;

~~{d. Industrial/commercial education and outreach materials to inform businesses about the problem of illicit discharges/dumping and proper discharge/disposal practices.}~~

- ~~{e}~~ ++d++. Storm drain inspections schedule for illicit connections;
- ~~{f}~~ ++e++. Standardized record keeping to document illicit connections; and
- ~~{g}~~ ++f++. Enforcement procedures to terminate illicit connections.



2. ~~Each~~ By [insert date], each Permittee shall implement, based ~~on~~ upon the model program ~~shall implement~~ a program to identify and eliminate illicit connections ~~by January 15, 1997~~ to the maximum extent practicable.

B. ~~Illicit Dischargers~~ Discharges

The primary responsibility for cleanup and removal of illicit discharges of pollutants to the MS4 shall be with the owner/operator of the discharging facility or site. Nothing in this Order shall be interpreted to limit or in anyway prevent action by a Permittee against the party responsible for the illicit discharge.

1. The Principal Permittee in consultation with the EAC shall develop a model illicit discharges elimination program by ~~July 15, 1996~~ [insert date]. The program shall include, at a minimum:
- a. Standardized enforcement procedures, including administrative and judicial, to eliminate illicit discharges;
  - b. Standardized procedures for investigation, containment and cleanup for spills, which include a procedure to ensure that sewage treated with disinfection agents will not be discharged into the storm drain system to the extent practicable;
  - c. Prioritization of problem areas of illicit disposal where inspection, clean up, and enforcement are necessary to prevent the discharge of contaminants;
  - d. Standardized surveillance program to detect illicit discharges;
  - e. Standardized procedures to educate inspectors, maintenance workers, and other field staff to notice illicit discharges during the course of their daily activities, and report such occurrences;
  - f. Standardized record keeping system to document illicit discharges;
  - g. Standardized enforcement procedures to eliminate illicit discharges
  - h. Industrial/commercial education and outreach materials to inform businesses about the problem of illicit discharges/dumping and proper discharge/disposal practices;

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++2,++ Each Permittee shall based on the model program, as appropriate, develop and implement ++by [insert date]++ a program to identify and eliminate illicit ~~discharges by January 15, 1997~~ ++discharges++.

C++,++ Other Prohibited Activities

1. Each Permittee shall prohibit by legal authority, by July 15, 1996, any person from ++[conform with legal authority section]++:

- a. Causing or allowing illicit discharges to be made into the MS4;
- b. Establishing using or maintaining an illicit connection to the MS4;
- c. Littering~~(+)~~++;++
- d. Disposing of leaves, dirt or other landscape debris into a storm drain; ~~and~~
- e. Using any pesticide, fungicide, or herbicide whose sale has been voluntarily discontinued or is prohibited by the USEPA;
- f. Washing ~~down~~ toxic materials from paved or unpaved areas ~~into the storm drain system~~ ++which results in a discharge to the MS4++;
- g. Washing ~~down~~ impervious surfaces in industrial/commercial areas ~~into~~ ++which results in a discharge to++ the MS4, unless specifically required by ~~Health and Safety Codes~~ ++State or local health and safety codes or permitted under a separate NPDES permit++; and
- h. Washing out concrete trucks ~~off or on construction sites~~ into storm drains.

D. Non-storm Water Discharges

++Non-storm water discharges in compliance with a separate NPDES or WDR permit or granted a discharge exemption by the Executive Officer or the Regional Board or the State Board are not prohibited under this Order.++

1. Exempted Discharges

The following non-storm water discharges need not be prohibited:

- a. Flows from riparian habitats or wetlands;

- b. Diverted stream flows;
- c. Springs;
- d. Rising ground waters;
- e. Uncontaminated groundwater infiltration; and
- f. Discharges or flows from emergency fire fighting activities.

The Executive Officer, upon the presentation of evidence in accordance with Provision ~~II.C.4. (Procedures for Exemption)~~ II.D.4, may include other categories of non-storm water discharges under this sub-section.

2. Conditionally Exempted Discharges

The following non-storm water discharges need not be prohibited. However, if they are identified by either a Permittee or the Executive Officer as being significant sources of pollutants to receiving waters, then appropriate BMP's to minimize the adverse impacts of such sources shall be developed and implemented under the CSWMP or the WMAPs in accordance with Provision ~~II.C.4. (Procedures for Exemption)~~ II.D.4:

- a. Landscape irrigation;
- b. Water line flushing;
- c. Potable water sources | including flows from system failures, pressure releases, system maintenance, well development, pump testing, fire hydrant flow testing; and flushing and dewatering of pipes, reservoirs, vaults, and wells (if conducted in accordance with the industry-wide standard Pollution Prevention Practices developed by the American Water Works Association, California- Nevada Section, or equivalent document; and in compliance with any requirements established by a Permittee);
- ~~d.~~ Foundation drains;
- ~~e.~~ Footing Drains;
- ~~f.~~ ~~(d).~~ Air conditioning condensate;
- ~~g.~~ ~~(g).~~ Irrigation water;
- ~~h.~~ Lawn watering;
- ~~i.~~ ~~(f).~~ Water from crawl space pumps;
- ~~g.~~ ~~Retaining wall drains;~~ Dechlorinated swimming pool discharges (excludes filter back-wash);
- ~~h.~~ ~~(k).~~ Individual residential car washing;
- ~~i.~~ ~~Residential roof drains;~~
- ~~j.~~ ~~Residential swimming pool discharges;~~
- ~~k.~~ Hydraulic graffiti abatement; and
- ~~(l).~~ Flushing of inductive traffic loops ~~(to)~~(to be discussed).

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The Executive Officer, upon the presentation of evidence in accordance with Provision ~~H.C.4. (Procedures for Exemption)~~ II.D.4., may include other categories of non-storm water discharges under this sub-section.

3. Designated Discharges

The following non-storm water discharges have been determined by the Executive Officer to be ~~a significant source of pollutants to receiving waters~~ pollutant sources of concern. Each Permittee has one year from the effective date of this Order or in the case of a new designation, one year from the Executive Officer's date of determination to eliminate the discharge, or develop appropriate BMPs to minimize the adverse impacts to the maximum extent practicable and an associated BMP implementation schedule in accordance with Provision ~~H.C.4. (Procedures for Exemption)~~ II.D.4.

- a. ~~Street washing~~ Streetwashing
- b. Sidewalk washing

The Executive Officer, upon the presentation of evidence, may include other categories of non-storm water discharges under this sub-section.

4. Designated Exempted Discharges and Procedures for Exemption

The Principal Permittee in consultation with the EAC may identify and describe additional categories of non-storm water discharges to be ~~exempted from A. Discharge Prohibitions.1. in the Annual Report to~~ considered by the Executive Officer. ~~The criteria for exemption may include.~~ for exemption from the Discharge Prohibitions set forth in Section A above. The criteria for consideration of a request for exemption of a non-storm water discharge type include one or more of the following:

- a. Documentation that the discharges are not significant sources of pollutants to receiving waters or do not cause impairment of beneficial uses of receiving waters;
- b. Special circumstances that have been defined in which the discharges have been found not to be ~~not~~ sources of pollutants to or do not cause impairment of beneficial uses of receiving waters;
- c. ~~Prescription of specific BMPs~~ Specific BMPs, where determined feasible, that have been identified to reduce pollutants in discharges to the "maximum extent practicable" and minimize adverse impacts of such sources; ~~and~~ with an implementation schedule; or

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- d. Established procedures to ensure BMP implementation~~++~~,~~++~~ including ~~++an implementation schedule,++~~ performance standards, monitoring and record keeping.

~~++The exemption request for additional non-storm water discharge types may be submitted, beginning with the first Annual Report. The exemption for a non-storm water discharge type becomes effective on approval by the Executive Officer,++~~

E. Public Reporting

- 1. The Principal Permittee in consultation with the EAC shall develop a standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices by ~~{July 15, 1996}~~~~++[insert date]++~~.

Each Permittee shall implement the standard program to facilitate public reporting by ~~{October 15, 1996}~~~~++[insert date]++~~.

- 2. The Principal Permittee in consultation with the EAC shall develop a standard program by ~~{July 15, 1996}~~~~++[insert date]++~~, for reporting incidents of a reportable quantity of hazardous substances entering the storm drain system. The reports shall made to the State of California Office of Emergency Services (OES) at (800) 852-7550 and the Federal Hazardous Response Number at (800) 424-8802.

Each Permittee shall implement the standard program for reporting hazardous substances entering the storm drain by ~~{October 15, 1996}~~.

III. PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES

~~Each Permittee is required to develop and implement an industrial/commercial program that focuses on identification and control of storm water pollutant and non-storm water discharges from industrial/commercial sources within its jurisdiction.~~

A. Identification of Sources

~~1. The Principal Permittee in consultation with the EAC shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by October 15, 1996. This database will serve as a reference resource for the public, business, industry, local government, the Regional Board, and other public agencies on storm water program participation. The initial accuracy of the database will be dependant on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the industrial/commercial oversight program. No legal import is to be attributed to the database developed by the Permittees. The database format shall include at a minimum:~~

- ~~a. Facility name;~~

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- b. Site address;
- c. Watershed;
- d. Applicable SIC code(s); and
- e. NPDES storm water permit coverage status, if applicable.

2. Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its jurisdiction by January 15, 1997. The list of facilities shall include, at a minimum:

a. All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities);

b. Other industrial/commercial groups selected by the Principal Permittee in consultation with the EAC and/or the Regional Board from the USEPA Phase II storm water program screening list, such as nurseries, wood product wholesalers, golf courses, cattle ranches, amusement parks, and municipal vehicle service/maintenance facilities (Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA Washington, D.C., Document No. EPA-833-K-94-002) and other similar documents. The criteria for selection by the Regional Board and/or the Principal Permittee in consultation with the EAC may include:

- i. Extent of exposure of the industrial/commercial activity to storm water;
- ii. Types and quality of non-storm water discharges;
- iii. Similarity of industrial/commercial activity to industrial activity regulated under Phase I;
- iv. Types of chemical contaminants and wastes generated that can become exposed to storm water;
- v. Existence of duplicate regulatory programs of other agencies that emphasize waste management and minimize exposure of the industrial/commercial activity to storm water;
- vi. Number of facilities in watersheds;
- vii. Professional understanding of the industrial/commercial sector waste management practices;
- viii. Experience of local agency industrial inspection programs; and,
- ix. Any other information that indicates a significant potential for contamination of storm water.

The database of industrial/commercial facilities for each Permittee's jurisdiction, shall be maintained and updated annually.

3. The Principal Permittee shall compile the information submitted by each Permittee into a database of industrial/commercial facilities based on the standard format by July 15, 1997. This database will, in addition to Provision III.A.1, include:

a. For each four digit SIC Industry Number, primary activities that might impact runoff discharges (from national or commercial database sources); and

b. For each four digit SIC Industry Number, primary materials that might impact runoff discharges (from national or commercial database)

**B. Prioritization of Sources**

1. The Principal Permittee in consultation with the EAC shall rank industrial/commercial groups which have been identified in Provision III.A.2, into one of three priority groups: High, Medium and Low, by January 15, 1997. The criteria for ranking may include:

- a. Predominance of activity in watersheds;
- b. Existence of other local agency oversight programs that emphasize waste minimization and pollution prevention;
- c. Past history of industrial/commercial practices; and,
- d. Potential for contribution of significant amounts of pollutants into storm water.
- e. Proximity of activity to beneficial uses;

2. Each Permittee shall numerically rank within High, Medium and Low groups, the industrial/commercial facilities grouped by the Principal Permittee in III.B.1, in the order of storm water BMPs implementation oversight, by April 15, 1997. The criteria for ranking by each Permittee may include:

- a. Predominance of activity;
- b. Existence of other local agency oversight programs that emphasize waste minimization and pollution prevention;
- c. Past history of industrial/commercial practices;
- d. Potential for contribution of significant amounts of pollutants into storm water;
- e. Proximity of activity to beneficial use as determined by the WMC;
- f. Relationship between SIC groups and pollutants of concern as determined by the WMC.

**C. Source Control Measures**

1. The Principal Permittee in consultation with the EAC shall develop a checklist of specific storm water BMPs for use by Permittees for each industrial/commercial SIC group which has been prioritized in Provision III.B.1 by July 15, 1996. The BMPs must:

- a. Address multiple pollutants;
- b. Initially focus on BMPs such as pollutant source minimization, education, good housekeeping, and site design alternatives; and
- c. Target source areas and activities with the highest potential to generate substantial pollutant loads.

Each Permittee shall use the checklists developed by the Principal Permittee in its industrial/commercial facilities inspection program.

2. Each Permittee shall require through its legal authority by July 15, 1996:

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~~a. No discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned;~~

~~b. No discharge of untreated wastewater from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations into the MS4;~~

~~c. No repair of machinery and equipment in areas exposed to storm water, including motor vehicles, which are visibly leaking oil, fluid or antifreeze;~~

~~d. Storage away from areas susceptible to or exposed to storm water, of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), and unsealed receptacles containing hazardous materials;~~

~~e. Placement of machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, in a manner where leaks, spills and other maintenance related pollutants are not discharged to the MS4;~~

~~f. Regular sweeping to remove debris from commercial/industrial motor vehicle parking lots with more than twenty five parking spaces that are located in areas susceptible to or exposed to storm water;~~

~~g. Removal and proper disposal of all fuel and chemical residue, animal waste, garbage, batteries, or other types of potentially harmful materials which are located in areas susceptible to or exposed to storm water;~~

~~h. Disposal of hazardous waste at an appropriate disposal site, and not in trash containers used for municipal trash disposal; and~~

~~i. Proper disposal of food wastes by the food service and food distribution industry;~~

~~Programs and activities to encourage the above BMPs shall be made part of the CSWMP and the WMAPs.~~

**D. Source Inspection**

~~1. Each Permittee shall develop and implement an industrial/commercial facilities inspection program by October 15, 1996. The inspection shall at a minimum include:~~

~~a. For Phase 1 facilities (40 CFR 122.26), site visits to:~~

- ~~i. Consult with a representative of the facility to explain applicable local storm water codes, regulations and ordinances;~~
- ~~ii. Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;~~
- ~~iii. Discuss appropriate BMPs and distribute educational materials;~~

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~~iv. Note that an NOI has been submitted to the State Water Resources Control Board, that a copy of a SWPPP is available on-site, and to notify the Regional Board if an NOI has not been submitted or a SWPPP is not available; and,~~  
~~v. Identify and report problematic facilities to the Regional Board, when deemed necessary by the Permittee.~~

~~b. For all other facilities, site visits to:~~

- ~~i. Consult with a representative of the facility to explain applicable local storm water codes, regulations and ordinances;~~
- ~~ii. Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;~~
- ~~iii. Discuss appropriate BMPs and distribute educational materials;~~
- ~~iv. Follow up and take action against problematic or recalcitrant facilities; and,~~
- ~~v. Identify and report problem facilities to the Regional Board, when deemed necessary by the Permittee.~~

~~2. Each Permittee shall submit a schedule for inspection of industrial/commercial facilities prioritized in Provision III.B.2 by October 15, 1996. The schedule with frequency shall include:~~

~~i. Phase I facilities in categories (i) through (ix) and (xi) which have an industrial waste discharge permit or a pretreatment permit, once a year;~~

~~ii. Phase I facilities in categories (i) through (ix) and (xi) which do not have an industrial waste discharge permit or a pretreatment permit but have obtained coverage under the GISP, once in five years;~~

~~iii. Phase I facilities in categories (i) through (ix) which do not have an industrial waste discharge permit, a pretreatment permit or GISP coverage, twice in five years;~~

~~iv. Phase I facilities in category (xi) without an industrial waste discharge permit, a pretreatment permit, or GISP coverage; contact by phone, mail out or other similar method, to inform the facilities of notice of intent (NOI) requirements and encourage good storm water quality control measures, once in five years;~~

~~v. Vehicle repair shops, vehicle body shops, vehicle parts and accessories (SIC Industry Major Group 75); three times in five years;~~

~~vi. Gasoline stations (SIC Industry Number 5541); twice in five years;~~

~~vii. Restaurants (SIC Industry Number 5812), twice in five years; and,~~

~~viii. Three or more additional SIC industrial/commercial groups identified by each WMC in consultation with the Principal Permittee/EAC, twice in five years for High, and once in five years for Medium and Low as prioritized in Provision III.B.2.}++[insert date], ++~~

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~~1- INSPECTION PROGRAM INSPECTION SCHEDULE~~

~~(Inspection / Years) Phase I, (i) (ix) and (x) with waste discharge or pretreatment permit 5 / 5 Phase I, (i) (ix) and (x) with no waste discharge or pretreatment permit but with GISP 1 / 5 Phase I, (i) (ix) with no waste discharge or pretreatment permit, and no GISP 2 / 5 Phase I (x) with no GISP 1 / 5 Vehicle repair shops, vehicle body shops, vehicle parts and accessories facilities 3 / 5 Gas stations 2 / 5 Restaurants 2 / 5 Facilities selected by WMCs High 2 / 5  
-Medium 1 / 5  
-Low 1 / 5~~

~~3. A Permittee may petition the Executive Officer with scientific bases to substitute the industrial/commercial inspection program with an alternative industrial/commercial oversight program that will achieve greater or substantially similar reduction in pollutants released into storm water from industrial/commercial activity, and which will be implemented within a similar period of time. The criteria for the Executive Officer to consider an alternative industrial/commercial oversight program include:~~

- ~~a. Discharge pollutant characterization data; or~~
- ~~b. Other quantified measures of pollutant reduction; or~~
- ~~c. Results of special studies / pilot projects~~

~~4. The Principal Permittee in consultation with the EAC shall develop a framework and general guidelines for an enhanced inspection program for industrial/commercial facilities by October 15, 1997. The enhanced inspection program shall be performed by each Permittee at problem and/or recalcitrant facilities as determined by the Permittee. The inspection program shall include, but is not limited to:~~

- ~~a. Procedures for enhanced facility inspections;~~
- ~~b. Procedures for enhanced outreach on pollution prevention, waste minimization, and storm water quality management;~~
- ~~c. Procedures to require corrective action be undertaken by non-complying facilities;~~
- ~~d. Procedures to follow up on violations of municipal standards;~~
- ~~e. Procedures for enforcement action against non-complying facilities; and,~~
- ~~f. Training for program staff.~~

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**IV) ++III++. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING / CONSTRUCTION**

~~{Development increases the amount of pollutants in an area and loss of pervious surfaces. Storm water transports sediment from construction sites and improperly managed construction site materials into streams and rivers destroying fish, wildlife, and natural habitats. Many pollutants also bind to sediment. In addition, increase in impervious surfaces increases the velocity and volume of storm water, which can erode stream banks, raise turbidity, pollution and stream temperature, and cause flooding. Proper development planning and implementation of BMPs can reduce the impacts associated with construction activity while providing aesthetic and economic benefits (Economic Benefits of Runoff Controls, USEPA, Office of Wetlands, Oceans, and Watersheds, EPA Document No. 841-S-95-002, 1995).}~~

**A. DEVELOPMENT PLANNING**

~~1. Prioritization of Development Projects~~

~~For unitized development, the common plan of development or sum of all units shall be considered in determining the priority rating of the development.~~

~~Requirements for development projects shall be established according to the following categories:~~

~~a. High Priority Projects are development and redevelopment projects with a disturbed area of five acres or more; or development projects creating an impervious area 100,000 square feet or more; or development projects (other than residential accessory building or addition of less than 25 percent of the existing floor area) in designated Biological Habitats (BIOL) in the Water Quality Control Plan, Los Angeles Region, which includes, but not limited to, Significant Ecological Areas designated by Los Angeles County and Areas of Special Biological Significance (ASBS) designated by the Regional Board; or a hillside area where the natural slope exceeds 25 percent; or redevelopment of projects meeting the above criteria where the value of the improvements exceeds 50 percent of the value of the existing development. [or ... some physical criterion as opposed to economic. See BIAs comments.]~~

~~b. Priority Projects are development and redevelopment projects with a disturbed area of two or more acres but less than five acres, or projects creating an impervious area of 40,000 square feet or more but less than 100,000 square feet; or any residential accessory building or addition of 25 percent or less of the existing floor area in designated Biological Habitats (BIOL) in the Water Quality Control Plan, Los Angeles Region, which includes, but is not limited to, Significant Ecological Areas (SEA) designated by Los Angeles County and Areas of Special Biological Significance (ASBS) designated by the Regional Board; or hillside area where the natural slope exceeds 25 percent; or redevelopment of projects meeting the above criteria where the value of improvements exceeds 50 percent of the value of the existing development; and~~

~~c. Limited Priority Projects are development and redevelopment projects with a disturbed area less than two acres, and an impervious area less than 40,000 square feet, which the Public Works Director (or equivalent municipal authority) determines to potentially significantly~~

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~~effect storm water quality or runoff volume, or any project requiring a grading permit. The Director of Public Works (or equivalent municipal authority) shall develop a documented system, such as a checklist, for determining "potentially significantly effect."~~

~~(2.)~~ ++1.++ Countywide Guidelines

- a. The Principal Permittee in consultation with the EAC shall develop, as part of the Countywide ~~{Plan, guidelines to encourage watershed protection considerations}~~ ++Storm Water Management Plan (CSWMP), recommended Best Management Practices (BMPs) for use++ during planning and permitting of all development projects ++requiring discretionary approval by (18 months after permit adoption). The BMPs shall include:++ ~~(by October 15, 1996. Guidelines shall be developed to:~~
  - i. ~~Preserve or restore to the extent feasible, areas that provide water quality benefits, such as riparian corridors and wetlands, and promote the design of development to protect the biological integrity of drainage systems and water bodies;~~
  - ii. ~~Avoid development of areas particularly susceptible to erosion or sediment loss and/or establish development guidance that identifies these areas and protects them from erosion and sediment loss. Such areas include steep slopes, highly erodible soils, intense rainfall zones, and areas of poor re-vegetative capability;~~
  - iii. ~~Promote the integration of storm water quality protection into the design of development projects, including the preservation of native vegetation, the maximization of pervious areas, and the incorporation of cost effective treatment control measures; and~~
  - iv. ~~Maintain peak runoff rates at pre-development levels for development projects and reduce peak runoff rates for redevelopment projects wherever practicable.~~

~~b. The Principal Permittee in consultation with the EAC shall develop minimum recommended requirements consistent with the Guidelines for:~~

- i. Site planning practices;
- ii. Post-construction best management practices; and
- iii. Redevelopment and infill ++practices.

The recommendations shall consider the type of development and the potential for storm water pollution when determining the applicability of BMPs. Cost effectiveness, ease of maintenance and consistency with other environmental mandates may be considered.

For utilization where increased runoff rates will result in an increase in downstream erosion potential, the recommendations shall include BMPs which can be used to

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maintain peak runoff rates at predevelopment levels to the maximum extent feasible.

- b. The Principal Permittee in consultation with the EAC shall develop by (6 months after Executive Officer approval of the BMPs in IV.A.1.a.) Standard Urban Storm Water Mitigation Plans and guidelines for their preparation. The Plans shall incorporate the appropriate elements of the recommended BMPs in the Countywide Guidelines. At the minimum, standard plans and guidelines shall be prepared for the following development categories: i) a 100+ home subdivision, ii) a 10-home subdivision, iii) a 100,000+ square-foot commercial development, iv) an automotive repair shop, v) a retail gasoline outlet, vi) a restaurant, and vii) a hillside-located single-family dwelling.

**2. Prioritization of Development Projects**

- a. Priority Projects are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines may have a potential significant effect on storm water quality.
- b. Exempt Projects are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines will not have a potential significant impact on storm water quality.

As part of the CSWMP, the Principal Permittee, in consultation with the EAC, shall develop a documented system, such as a checklist, for determining "potential significant effect" as well as a list of specifically exempt projects by (18 months after permit adoption). Each Permittee shall incorporate a substantially similar system into their procedures by (6 months after Executive Officer approval).

The documented system shall consider location of the project with respect to designated environmentally sensitive areas and the slope and erosion potential of the site and surrounding areas++.

**3. Planning Process**

In order to integrate storm water management considerations into ++discretionary++ development projects at the time that they are first proposed to jurisdictions, and to support other provisions of this Order:

- a. The Principal Permittee in consultation with the EAC shall develop, (as part of the CSWMP Plan, guidelines for

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~~consideration by each Permittee to use in preparing/reviewing EIRs, and in linking EIR mitigation conditions to local permit approval by October 15, 1996.~~

~~Each Permittee shall incorporate the guidelines in their internal procedures by April 15, 1997.~~

~~b. The Principal Permittee in consultation with the FAC shall develop, as part of the Countywide Plan, a model CEQA checklist form that explicitly addresses watershed, water quality, and nonpoint source pollution impacts by October 15, 1996) ++storm water management guidelines to use in preparing/reviewing CEQA documents, and in linking storm water quality mitigation conditions to local discretionary project approvals by (18 months after permit issuance).~~

The guidelines shall address the presentation or restoration of areas that provide water quality benefits such as riparian corridors and wetlands and promote protection of the biological integrity of drainage systems and water bodies++.

~~Each Permittee shall use the model CEQA checklist or incorporate its provisions into their existing procedures by April 15, 1997) ++review the Guidelines for the purpose of making appropriate modifications in their internal procedures by (6 months after Executive Officer approval of Guidelines)++.~~

~~(e) ++b++.~~ Each Permittee shall ~~(incorporate)~~ ++include++ watershed and storm water management considerations ++in the process++ whenever a Permittee engages in a significant rewrite of the Permittee's General Plan elements for:

- i. Conservation; or
- ii. Open space; or
- iii. Land-use; or
- iv. Public utilities~~(, )++~~; or++
- ++v. Infrastructure.++

4. Planning Control Measures

~~(e.)~~ Each Permittee shall ++develop a program to implement planning control measures consistent with the CSWMP by (6 months after approval of the CSWMP by the Executive Officer):++ ~~(implement a program by January 15, 1997, to inform developers about:~~

- ~~i. Storm water management;~~
- ~~ii. Permittee's legal authorities;~~
- ~~iii. Maximization of pervious areas and storm water (where geology and topography permit);~~

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- ~~iv. Improved infiltration (where geology and topography permit); and~~
- ~~iv. Cost effective storm water treatment and control measures.~~

The program shall provide specific guidance on selecting BMPs to reduce pollutants in storm water discharges from urbanized areas, and include appropriate BMPs, educational materials and reference the Construction Best Management Practices Handbook, California Storm Water Quality Task Force, Sacramento, CA, 1992, its revisions, and similar manuals.

~~b. Limited)~~

Priority ~~(Projects)~~ ++Project++: For projects that meet the criteria in Provision ~~IV.A.1.e)~~ ++IV.A.2.a.++ for a ~~(limited)~~ Priority Project, each Permittee shall ~~(be required by January 15, 1997, that the development plans)~~ ++requires that an Urban Storm Water Mitigation Plan be submitted and approved prior to the issuance of any grading or building permit. The Urban Storm Water Mitigation Plan shall++ incorporate by detail or reference appropriate post-construction BMPs to ~~(minimize non-storm water discharges from the completed project site.)~~ ++i++

~~(The Permittee shall refer applicants to the Construction Best Management Practices Handbook, California Storm Water Quality Task Force, Sacramento, CA, 1992, its revisions, and similar manuals for specific guidance on selecting post-construction BMPs for reducing pollutants in storm water discharges.~~

~~e. Priority Project: For projects that meet the criteria in Provision IV.A.1.b for a Priority Project, each Permittee shall require January 15, 1997, in addition to the requirements listed above for Limited Priority Project, a Storm Water Mitigation Plan to be submitted and approved prior to the issuance of any grading or building permit. The Storm Water Mitigation Plan shall:)~~ ++i

Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the CWA, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies.++

- ~~(i)~~ ++ii++. Maximize, to the ++maximum++ extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;
- ~~(ii)~~ ++iii++. Minimize, to the ++maximum++ extent practicable, the amount of storm water directed to impermeable areas and to the MS4;
- ~~(iii)~~ ++iv++. Minimize, to the ++maximum++ extent practicable, parking lot pollution through the use

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of appropriate BMPs such as retention, infiltration~~++~~ and ~~treatment; and~~ ++good housekeeping; ++

~~++~~ ++. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil~~+~~ ++; ++

~~+~~ +. High Priority Project: For projects that meet the criteria in Provision IV.A.1.a for a High Priority Project, each Permittee shall require by January 15, 1997, in addition to the requirements listed above for a Priority Project, that the Storm Water

Mitigation Plan also provide for ++v.

Provide for appropriate++ permanent controls to reduce storm water ~~discharge volumes and~~ pollutant load produced by the development site~~.~~ Controls may include, but are not limited to:

- ~~i. Detention ponds, sediment ponds or infiltration pits;~~
- ~~ii. Dikes, swales, filter berms or ditches;~~
- ~~iii. Roof drainage oriented towards permeable areas on site to the extent practicable;~~
- ~~iv. Lot drainage oriented towards permeable areas to the extent practicable; and~~
- ~~v. Storm water from parking lots directed to permeable areas to the~~ ++to the maximum++ extent practicable.

++The Permittee may refer applicants to the Best Management Practices Handbooks, California Storm Water Quality Task Force, Sacramento, CA, 1992, their revisions, the Countywide Storm Water Management Plan, Document No. EPA 840 B 92-002 (1993), and similar manuals for specific guidance on selecting post-construction BMPs for reducing pollutants in storm water discharges.

**5. Developer Information Program**

The Principal Permittee shall develop a model program by (18 months after permit issuance) to inform developers seeking discretionary approvals about:

**a. Development and construction storm water management;**

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- b. Maximization of pervious areas and storm water infiltration (where geology and topography permit);
- c. Cost effective storm water pollution control measures.

The program shall provide specific guidance on selecting BMPs to reduce pollutants in storm water discharges from urbanized areas, and include appropriate BMPs, educational materials and reference the *Best Management Practices Handbooks, California Storm Water Quality Task Force, Sacramento, CA, 1992, their revisions, the Countywide Guidelines, and similar materials.*

Each Permittee shall implement a developer information program consistent with the model by (6 months after approval by the Executive Officer). Each Permittee's program shall include information about its legal authorities. Permittees are encouraged to engage in joint efforts.++

**B. DEVELOPMENT CONSTRUCTION**

~~(I. Identification of Development Construction Sites~~

~~a. Each Permittee shall develop a database listing active High Priority and Priority Development Projects within their jurisdiction by January 15, 1997. The initial accuracy of the database will be dependant on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the development oversight program. No legal import is to be attributed to the database developed by the Permittees. The database shall be updated quarterly and include at a minimum:~~

- ~~i. Contractor name, address, and telephone number;~~
- ~~ii. Site address and telephone number;~~
- ~~iii. Type of construction activity;~~
- ~~iv. Area of development in square feet;~~
- ~~v. Cubic yards of grading;~~
- ~~vi. Project category: High Priority, Priority;~~
- ~~vii. Project sensitivity: if in designated Biological Habitats); and,~~
- ~~viii. Project credibility: if in a hillside area.~~
- ~~ix. NPDES storm water permit coverage status, if applicable.)~~

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~~(2.)~~ 1. Countywide Guidelines

a. The Principal Permittee in consultation with the EAC shall develop by ~~(October 15, 1996)~~ (14 months after permit adoption), as part of the ~~(CSWMP)~~ Countywide Plan, minimum recommended requirements and ~~(BMPs for the High Priority, Priority, and Limited Priority)~~ Best Management Practices (BMPs) for all development project construction activities. Requirements and BMPs appropriate for ~~each category~~ various activities shall be developed along with checklists for use in design and inspection. The ~~requirements and BMPs~~ Countywide Guidelines shall:

i. ~~Include~~ Include construction BMPs:

~~ii. Include~~ erosion and sediment control practices;

~~iii.)~~ ii.) Address multiple construction activity related pollutants;

~~iv.)~~ iii.) Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;

~~v.)~~ iv.) Target construction ~~(activity-source)~~ areas and activities with the potential to generate ~~(substantial)~~ significant pollutant loads;

~~vi. Retention)~~ v. Require retention on the site, to the maximum extent practicable, of sediment, construction waste and other pollutants from construction activity;

~~vii. Management)~~ vi. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment ~~(escape)~~ that escapes to streets, drainage facilities, or adjoining properties;

~~limited to:)~~ vii. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site.

~~ix. Detention ponds, sediment ponds, or infiltration pits;~~

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- b. ~~Dikes, filter berms or ditches;~~
- c. ~~Downdrains, chutes or flumes;~~
- d. ~~Silt fences;~~

ix. ~~Containment~~ ++viii. Require, to the maximum extent practicable, containment++ of non-storm water from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

~~{3. Best Management Practices (BMPs)}~~ ++2. Construction Control Measures++

~~{i}~~ ++a++. Each Permittee shall develop a regulatory program ~~{by January 15, 1997}~~ for construction activities consistent with the Countywide Guidelines ++by (6 months after Executive Officer approval of IV.B.1.a.)++. The Program shall require, prior to the issuance of any ++building or grading permit, preparation++ ~~{construction permit for a development project}~~

~~a. Limited Priority Projects:~~

~~i. Preparation}~~ of appropriate wet weather erosion control ++and storm water pollution prevention plans which include, by detail or reference, all appropriate construction++ ~~{plans for all projects requiring grading permits, regardless of size, when grading will occur or remain incomplete between October 1 and April 30}~~

~~ii. Inclusion or reference in grading and building plans all appropriate}~~ BMPs contained in the Countywide Guidelines.

~~{b. Priority Projects and High Priority Projects: }~~ ++Priority Project plans must include a narrative discussion of the reasons used for selecting or rejecting the BMPs. In lieu of a narrative, the project architect or engineer of record may sign a statement on the plan to the effect: As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities. ++

~~{Preparation of a Storm Water Mitigation Plan which incorporates in detail:}~~ ++b. Each Permittee shall implement a procedure by (6 months after permit issuance) whereby the Permittee shall not issue a grading permit for

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developments with disturbed areas five acres or greater unless the applicant can show that 1) a Notice of Intent (NOI) to comply with the State Construction Activity Storm Water Permit has been filed and 2) a Storm Water Pollution Prevention Plan (SWPPP) has been prepared.

~~fi. Erosion control during and after construction including BMPs to prevent sediment and other construction related pollutants from being transported off site by storm water; and~~

~~ii. All appropriate BMPs contained in the Countywide Guidelines.~~

4. ~~Source~~ ++3, Site++ Inspection

a. The Principal Permittee~~++~~ ++ in consultation with the EAC~~++~~ ++ shall develop a model construction activity inspection program, which includes checklists, by ~~October 15, 1996. Each Permittee shall implement an inspection program based on the model by January 15, 1997. The inspection~~ ++(14 months after permit adoption). The model ++ program shall include~~++~~ but not be limited to:

- i. Procedures for construction site inspections;
- ii. ~~Frequency of construction site inspections;~~

~~iii. Procedures for construction and building industry outreach on pollution prevention, waste minimization, and storm water quality management;~~

~~iv.) Procedures to require corrective action be undertaken by contractors at (non-complying) ++noncomplying++ sites;~~

~~v. Procedures to follow up on violations of municipal codes;~~

~~++i) ++iii++.~~ Procedures for enforcement action against noncomplying construction activity; and

~~++vii) ++iv++.~~ Appropriate training for program staff.

b. ~~During inspection of sites which meet the criteria in Provision IV.A.1.a for a High Priority Project and with a disturbed area of five acres or greater, inspectors shall request to see a copy of the SWPPP. If no SWPPP is available, the Regional Board shall be notified. In addition, each Permittee shall report problem construction sites to the Regional Board.) ++Each Permittee shall implement a construction activities inspection program containing all elements of the model by (6 months after Executive Officer approval of the model program). The program may be integrated with the Permittees regular~~

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Program of construction inspection for maximum efficiency.

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~~(V)~~ IV. PUBLIC AGENCY REQUIREMENTS

A. Public Agency Model Program

The Principal Permittee in consultation with the EAC shall evaluate existing public agency activities and develop a model program to reduce the impact of public agency activity on storm water quality by ~~January 15, 1997~~ [insert date].

B. Permittee Public Agency Programs

Each Permittee shall develop a Public Agency Program based on the model program developed by the Principal Permittee in consultation with the EAC, and including an implementation schedule, by [insert date].

C. Program Requirements

Both the model program and the Permittee programs ~~(The program)~~ shall at a minimum include:

(A) 1. Sewage Systems Operations

(1) a. Procedures to keep sewage spills or leaks from facilities operated by a Permittee from entering the MS4 to the maximum extent practicable;

(2) b. Procedures to identify, repair, and remediate sanitary sewer blockages, exfiltration, overflow, and wet weather overflows from sanitary sewers operated by a Permittee to the MS4;

(3) c. Procedures to respond to overflows, follow-up tests, and investigate complaints; and

~~(4. Procedures, if applicable, to insure that field personnel who operate and/or maintain sewer systems have been trained in)~~ d.

Procedures to insure that the Permittee is able to investigate any suspected connections or cross connections from the sanitary sewer systems to the MS4, using techniques such as field screening, sampling, smoke/dye testing, and TV inspection, if appropriate; and

~~(5. Procedures to insure that field personnel are trained to investigate any suspected connections or cross connections from the sanitary sewer systems to the MS4.~~

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**B) ++2++. Public Construction Activities Management**

- ++ ++a++. Storm water management requirements for the design and construction of public facilities comparable to requirements for private development;**
- ++ ++b++. Procedures to seek coverage, as an option, under this Order for construction activity listed in Provision ~~++V.A.1.a+~~ ++III.A.2.a++, with a disturbed area of five acres or more (Phase I, 40 CFR 122.26) which are owned and operated by a Permittee if the Principal Permittee in consultation with the EAC develops:
 
  - ++ ++i++. A process for notifying the Regional Board of public construction activity owned or operated by the Permittee;**
  - ++ ++ii++. A checklist of construction activity BMPs using BAT/BCT criteria for public construction activity;**
  - ++ ++iii++. A procedure to verify implementation of construction activity BMPs;**
  - ++ ++iv++. A requirement to prepare and retain site specific SWPPPs;**
  - ++ ++v++. A procedure for each Permittee to report annually on the effectiveness of SWPPPs at public construction activity, and certify compliance with this Order.****

~~Each Permittee may seek coverage under this Order for public construction activity in Phase I (40 CFR 122.26), which is owned or operated by the Permittee, in accordance with the procedures developed by the Principal Permittee with the guidance of the EAC. The Executive Officer may exclude any public construction activity identified by a Permittee from coverage under this Provision, if it is determined that the public construction activity is more appropriately covered under a separate individual or general NPDES permit.~~

**C) ++3++. Vehicle Maintenance/Material Storage Facilities Management**

- ++ ++a++. Model pollution prevention plan for public vehicle maintenance/material storage facilities which have the potential to discharge or discharge pollutants into storm water. A public vehicle maintenance/material storage facility is any Permittee-owned or operated facility or portion thereof that:
 
  - ++ ++i++. Conducts industrial activity, operates equipment, handles materials, and provides services similar to Federal Phase I facilities;****

- (b) ++ii++. Performs fleet vehicle maintenance on ten or more vehicles including repair, washing, and fueling;
- (c) ++iii++. Performs maintenance and/or repair of heavy industrial machinery/equipment; ++and++
- (d) ++iv++. Stores chemicals, raw materials or waste materials in quantities that require a hazardous materials business plan or a spill prevention, control and counter measures plan and ++, ++

(2) ++b++. BMPs to improve site specific pollutant control including, but not limited to:

- (a) ++i++. Good Housekeeping practices;
- (b) ++ii++. Material storage control;
- (c) ++iii++. Vehicle leaks and spill control; and
- (d) ++iv++. Illicit discharge control;
- (e) ++v++. Training for employees ~~(and contractors)~~ on proper outdoor loading/unloading of materials;

~~(f. Structural treatment methods for vehicle)~~ ++vi. Vehicle++ and equipment washing (areas such as oil/water separators, sumps, sanitary sewer diversions, and equivalent;) ++area control:++

(g) ++vii++. Regular maintenance of treatment structures such as sumps, oil/water separators, and equivalent; and

(h) ++viii++. Proper waste handling disposal.

~~(D. Parks and Recreation)~~ ++4. Landscape and Recreational ++ Facilities Management

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- ~~(1)~~ ++a++. Procedures for application of pesticides, herbicides, and fertilizers that will include:
  - i. List of approved pesticides and preferred use;
  - ii. Product and application information;
  - iii. Application equipment use and maintenance; and
  - iv. Record keeping.
- ~~(2)~~ ++b++. Procedures to minimize storm water pollution by pesticides and fertilizers used for landscape maintenance;
- ~~(3)~~ ++c++. Procedures to prevent the disposal of landscape waste into the MS4; ~~and~~
- ~~(4)~~ ++d++. Procedures to encourage retention and planting of native vegetation to reduce water, fertilizer, and pesticide needs ~~++e++~~
- ~~(5)~~ ++e++. BMPs to reduce exposure of fertilizers and pesticides to storm water during storage, to include,
  - i. Storage indoors or under cover on paved surfaces;
  - ii. Secondary containment;
  - iii. Reduction in storage and handling of hazardous materials;
  - iv. Regular inspection of storage areas;
  - v. Integrated Pest Management (IPM) techniques; ~~++and++~~
  - vi. Treatment of wash waters prior to discharge to the MS4.
- ~~(6)~~ ++f++. Guidelines to schedule irrigation and fertilization to minimize:
  - i. Chemical application during wet season and terminate chemical application during storm events; and~~(+)~~
  - ii. Over watering and nutrients/ pesticides entrainment.
- ~~(7. Procedures to ensure discharge of commercial/municipal) ++g. Procedures to seek coverage, as an option, under this Order for discharges of municipal++ swimming pool water into the MS4 (only under separate NPDES permit);~~

(b) (4) (b) BMPs to minimize trash, debris, and other pollutants from entering Permittee owned recreational water bodies, to include:

- i. Routine trash collection along, on, and/or in, water bodies, where feasible; and
- ii. Public outreach to educate the public about impacts of illicit disposal.

(b) (5) Storm Drain Operation and Management

(4) (a) BMPs for Inlet Maintenance to be implemented including but not limited to:

(a) (4) Inspection and cleaning of catch basins between May 1 and September 30 of each year;

(b) ~~Maintenance as is necessary~~ (4) Additional cleaning of catch basins as necessary between October 1 and April 30;

(a) (4) Record keeping of catch basins cleaned; and

(a) (4) Recording of the quantity of catch basin waste collected.

(2) (b) BMPs for Storm Drain Maintenance to be implemented including but not limited to:

(a) (4) Proper disposal of material removed;

(b) (4) Removal of trash and debris from open channel storm drains at least annually between May 1 and September 30 of each year;

(a) (4) Surveillance for debris buildup in open channels during the rainy season.

(3) (c) Waste Management program to include:

(a) (4) Procedures to identify ~~and rank~~ problem areas of illicit discharge for regular inspection; and

(b) (4) Procedures to ~~prevent~~ minimize to the maximum extent practicable the discharge of contaminants during MS4 clean up to maintain channel optimum capacity.

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(+) ++d++. Program to investigate the feasibility of dry weather flow diversion from the MS4 to municipal waste water treatment plants where appropriate.

(E) ++g++. Streets and Roads Maintenance

(+) ++a++. Program to sweep curbed streets (+) ++at a targeted frequency of:++

(+) ++i++. At least monthly; and

(+) ++j++. Where feasible, areas generating significant refuse more frequently.

(2) ++b++. Streets and roads maintenance program including:

(+) ++k++. BMPs for existing saw-cut management and paving practices to include but not limited to:

(i) ++a++. Avoidance during wet weather; and

(ii) ++b++. Material storage away from drainage areas to prevent storm water pollution.

(+) ++l++. Good housekeeping practices to insure proper management of any waste products that are generated;

(+) ++m++. Collection, transport and disposal of maintenance waste at appropriate disposal facilities in accordance with applicable federal, state, and local laws and regulations;

(+) ++n++. Management of concrete materials and wastes including but not limited to:

(i) ++a++. Washout of concrete trucks off- or on-site in designated areas and not into storm drains, open ditches, streets, or

(ii) ++b++. Material storage under cover, away from drainage areas; and

(iii) ++c++. Avoidance of excess mixing of concrete or cement on-site.

(+) ++v++. Employee Training to:

(i) ++a++. Promote a clear understanding of the potential for maintenance activities to pollute storm water; and

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~~+++ ++b++~~. Identify and select appropriate BMPs;

~~f. Flood Control Maintenance~~

~~f. Flood Control Maintenance program to include:~~

- ~~a. Procedures to assess the impact(s) of new flood management projects on the quality of receiving waters;~~
- ~~b. Pilot projects/studies to determine the applicability of altered structural flood control system elements to provide pollutant removal in storm water;~~
- ~~c. Construction BMPs to reduce pollutants; and~~
- ~~d. Review of current maintenance activities such as desilting/sediment removal, vegetation management, and waste management to assure that appropriate storm water management measures are being utilized.~~

~~g) ++7++~~. Parking Facilities Management

~~++ ++a++~~. Parking Facilities Management to include:

- ~~(a) ++++~~. Periodic hardscape and catch basin cleaning on Permittee owned parking lots with twenty-five or more parking spaces which are exposed or susceptible to storm water, to reduce oil and grease, suspended particulates, metals, and petroleum byproducts.

++[This Section was moved from the Industrial/Commercial, and is included for the benefit of small cities that may have bus facilities, small airports, and such which are covered under Phase I]

~~8++ ++H)~~. Public Industrial Activities

~~++ ++a++~~. Procedures to seek coverage, as an option, under this Order for ++Phase I++ industrial facilities ~~(in Provision III.A.2.c. (Phase I facilities))~~ which are owned or operated by a Permittee ++, ++ if the Principal Permittee in consultation with the EAC develops:

- ~~(a) ++++~~. A process for notifying the Regional Board of public industrial facilities owned or operated by the Permittee;
- ~~(b) ++ii++~~. A checklist of BMPs using BAT/BCT criteria for public industrial facilities;

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- (\*) ++iii++. A procedure to verify implementation of industrial facility BMPs;
- (\*) ++iv++. A requirement to prepare and retain site specific SWPPPs; and
- (\*) ++v++. A procedure for each Permittee to report annually on the effectiveness of SWPPPs ++and the results of the facility monitoring programs++ at public industrial facilities, and certify compliance ~~-(with)~~ ++Section IV.C.8.a. of++ this Order.

~~{Each Permittee may seek coverage for industrial activity in Provision III.A.2.a (Phase I facilities) which is owned or operated by the Permittee, in accordance with the procedures developed by the Principal Permittee in consultation with the EAC. The Executive Officer may exclude any public industrial activity identified by a Permittee from coverage under this Provision, if it is determined that the public industrial activity is more appropriately covered under a separate individual or general NPDES permit.} ++2, Emergency procedures++~~

~~{Each Permittee shall develop and implement a Public Agency Program based on the model program developed by the Principal Permittee in consultation with the EAC by July 15, 1997, that includes: (i) Sewage Systems Operation (if appropriate); (ii) Public Construction; (iii) Vehicles Maintenance/Material Storage; (iv) Parks and Recreation/Facilities Management; (v) Storm Drain Operation and Management; (vi) Streets and Roads Maintenance; (vii) Flood Control Maintenance; (viii) Parking Facilities Management; and (ix) Public Industrial Activities (optional).} ++Procedures for addressing emergency repairs of essential public services and infrastructure and responding to natural disasters.++~~

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~~IV~~ V. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION

To reach as many Los Angeles County residents as possible, a comprehensive educational outreach approach shall be undertaken under this permit. In recognition of the importance of public education to effective storm water management solutions, this order calls for immediate permittee public outreach efforts at a specified minimum level as well as a longer term effort to develop an integrated, comprehensive outreach program. As part of the immediate effort, each Permittee is expected to choose an appropriate combination of outreach tools and activities to raise public awareness of storm water issues and improve water quality in their own individual jurisdictions, with efforts at a prescribed minimum level as described below. As part of the longer term effort, each permittee is expected to contribute a "fair" share and to work ~~collaboratively~~ collaboratively to develop a comprehensive outreach/education program countywide and within their watersheds.

There are two main objectives of the public education program over both the short and longer term. The first objective is to measurably increase the knowledge of the target audiences regarding: a) the MS4, b) the locations and significance of Los Angeles County watersheds, c) the impacts of storm water pollution on receiving waters, and d) solutions by the target audience to the problems caused. The second objective is to measurably change the behavior of target audiences in implementing appropriate solutions.

A. Immediate Outreach

I. By ~~October 15, 1996.~~ [insert date] each Permittee shall, at a minimum, have available for distribution or reference as appropriate the following:

a. Written Material

i. Written materials (minimum of three pieces in addition to those listed below for specific audiences) to convey pertinent information to meet program objectives. Examples of written materials include flyers, brochures, door-hangers, newspaper articles, mail-inserts, and newsletters;

ii. Documentation that a reasonable effort was made to list pertinent City phone numbers under the government pages of phone directories. This should be updated as necessary and should include telephone numbers for reporting clogged catch basin inlets and/or illegal discharges/dumping, and a general number for storm water management program information. These phone numbers may be city-specific or county-wide.);

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- iii. Training materials for educating Permittee employees regarding the storm water permit;
  - iv. An accurate, up-to-date listing of contractor and developer storm water management training programs available in the area;
  - v. An up-to-date checklist and a brochure explaining contractor and developer needs as it relates to Provision IV (Development Planning / Construction) of this Order for use at a Permittee's planning/ permitting counter; and
  - vi. Education materials (a minimum of three pieces) for targeted business sector audiences for use in site visits as per Provision III (Industrial / Commercial Sources) of this Order.
- b. **Audio Material**
- i. Documentation that a reasonable effort was made by each permittee or on behalf of a group of Permittees to obtain radio broadcast public service announcements to convey information regarding storm water management. Examples of audio materials include radio advertisements, public service announcements, and informational recordings.
- c. **Visual Material**
- i. A catch basin labelling program, including label installation and maintenance schedules, to educate the public on the ultimate destination of storm drain flows; and
  - ii. At least One storm water management informational video (either produced or acquired) and documentation that either it has been distributed or shown to appropriate community groups or that it has been shown on televised public service stations and cable access programs on a regular basis.
2. Each permittee shall demonstrate by January 15, 1997, that they are:
- a. Distributing the above outreach materials to the general public, or targeted audiences such as schools, community groups, contractors and developers at the appropriate public counters and public events (e.g., fairs, festivals, public meetings, libraries, community events, school assemblies, and workshops), and,

- b. Training the appropriate Permittee employees (those whose jobs or activities may contribute to storm water pollution, or those who respond to questions from the public) regarding the requirements of the storm water permit. In particular, where applicable for fire and erosion prevention training, mowing shall be encouraged as opposed to disking.
- 3. By January 15, 1997, each Permittee shall complete an analysis of the residents and the businesses in their municipality to assist in identifying public education and outreach goals and target audiences for their municipality in the context of watershed-wide and countywide outreach and education.

**B. 15 Year Storm Water Public Education Strategy ++Industrial/Commercial Educational Program**

Each Permittee shall develop an industrial/commercial site visit program. The purpose of such site visits will be solely educational and to provide industrial/commercial facilities with information regarding the Permittee's storm water program and to provide advice when requested, to industrial/commercial facilities in understanding and complying with the Permittee's storm water regulations. An individual Permittee may contract with existing fire department, health department, industrial waste and/or other inspection programs to conduct site visits and need not institute new and separate site visit programs. The program shall contain the following components:

**I. Identification of Sources**

- a. The Principal Permittee in consultation with the EAC shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by [insert date]. This database will serve as a reference resource for the public, business, industry, local government, the Regional Board, and other public agencies on storm water program participation. The initial accuracy of the database will be dependant on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the industrial/commercial oversight program. No legal import is to be attributed to the database developed by the Permittees. The database format shall include at a minimum:

- (1) Facility name;
- (2) Site address;
- (3) Watershed;
- (4) Applicable SIC code(s); and

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(5) NPDES storm water permit coverage status, if applicable.

b. Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its jurisdiction by [insert date]. The list of facilities shall include, at a minimum:

- (1) All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities) as identified by the Executive Officer.
- (2) Motor vehicle repair shops, motor vehicle body shops, motor vehicle parts and accessories facilities, gas stations and restaurants.
- (3) A minimum of three additional SIC industrial/commercial groups identified as priorities by each WMC pursuant to this Order.

c. The Principal Permittee shall compile the information submitted by each Permittee into a database of industrial/commercial facilities based on the standard format by [insert date]. This database will include:

- a. For each four digit SIC Industry Number, primary activities that might impact runoff discharges (from national or commercial database sources); and
- b. For each four digit SIC Industry Number, primary materials that might impact runoff discharges (from national or commercial database)

2. Educational Site Visits

a. Each Permittee shall implement an industrial/commercial facilities educational site visit program in accordance with the following schedule:

- (1) Phase I facilities in categories [i] through [ix] and [xi] which have an industrial waste discharge permit or a pretreatment permit, once a year;
- (2) Phase I facilities in categories [i] through [ix] and [xi], which do not have an industrial waste discharge permit or a pretreatment permit but have obtained coverage under the GISP, once in five years;

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- (3) Phase 1 facilities in categories [i] through [ix], which do not have an industrial waste discharge permit, a pretreatment permit or GISP coverage, once each twenty-four months;
- (4) Phase 1 facilities in category [xi] without an industrial waste discharge permit, a pretreatment permit, or GISP coverage. In lieu of a site visit contact by phone, mail-out of questionnaire and educational materials or other similar method, to inform the facilities of notice of intent (NOI) requirements and encourage good storm water quality control measures (non-responders to be identified in annual report), once in five years;
- (5) Vehicle repair shops, vehicle body shops, vehicle parts and accessories (SIC Industry Major Group 75); once every twenty-four months;
- (6) Gasoline stations (SIC Industry Number 5541); once every twenty-four months;
- (7) Restaurants (SIC Industry Number 5812), once every twenty-four months; and,
- (8) Any additional SIC industrial/commercial groups identified by the WMC for the watershed in which the Permittee is located, once in thirty-six months.++

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<b>**SITE VISIT PROGRAM</b>	<b>EDUCATION SCHEDULE (No. of contacts / Time period)</b>
Phase 1, (i)-(iii) and (iv) with waste discharge or pretreatment permit	1 / 12 months
Phase 1, (i)-(iii) and (iv) with no waste discharge or pretreatment permit but with C/INP	1 / 5 years
Phase 1, (i)-(iii) with no waste discharge or pretreatment permit, and no C/INP	1 / 24 months
Phase 1 (iv) with no C/INP	1 / 5 years*
Vehicle repair shops, vehicle body shops, vehicle parts and accessories facilities	1 / 24 months
Gas stations	1 / 24 months
Restaurants	1 / 24 months
Facilities selected by WMCs	1 / 24 months
	**

\*\* See exception in text above chart

**b. Each Permittee shall:**

- (1) Consult with a representative of the facility to explain applicable storm water regulations;
- (2) Distribute and discuss applicable BMP and educational materials, including information regarding the Codes, regulations and ordinances applicable to the category of facility;
- (3) Identify Phase 1 facilities where a SWPPP is not available on-site or an NOI has not been submitted to the Regional Board or other appropriate agencies within ninety days; and
- (4) Follow-up with facilities as deemed necessary and appropriate by the Permittee to provide advice in complying with the Permittee's storm water regulations.

**3. Source Control Measures**

- a. The Principal Permittee in consultation with the EAC shall develop a checklist of specific storm water BMPs for use by Permittees for each industrial/commercial SIC group requiring educational site visits under this Order by [insert date nine months after adoption]. The BMPs must:

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- (1) Address multiple pollutants;
- (2) Initially focus on BMPs such as pollutant source minimization, education, good housekeeping, and site design alternatives; and
- (3) Target source areas and activities with the highest potential to generate substantial pollutant loads.

After the BMP lists are developed by the Principal Permittee and approved by the Executive Officer, each Permittee shall use the checklists as part of the outreach measures conducted during site visits under its industrial/commercial facilities education program.

Programs and activities to encourage the above BMPs shall be made part of the CSWMP and the WMAPs.

**4. Alternative Programs**

A Permittee may petition the Executive Officer to substitute the industrial/commercial source education program with an alternative industrial/commercial educational program that will achieve greater or substantially similar educational goals and which will be implemented within a similar period of time.

**C. 5 Year Storm Water Public Education Strategy++**

All reasonable efforts to coordinate public outreach efforts shall be undertaken. This may include coordinating with environmental groups and public agencies (e.g., California Coastal Commission, Department of Beaches and Harbors, Resource Agencies, the Metropolitan Water District of Southern California).

- 1. The Principal Permittee shall develop by January 1, 1997 with the guidance and review of a permittee public education committee and the EAC, a 5-year countywide storm water education strategy which addresses education/outreach issues by watershed as well as countywide. This strategy shall include a schedule for implementation. The intent of the strategy shall be as described in the introduction to this section on page \_\_\_\_\_.

At a minimum, the 5-Year Storm Water Education Strategy shall include a full range of outreach tools, from sophisticated media to simple brochures. The strategy will also identify each permittee's responsibilities for implementation and the correlation of each permittee's analysis of target audience with the overall strategy. The strategy shall also include specific quantifiable objectives for changing knowledge and behavior in each of the targeted audiences.

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At a minimum, the 5-Year Storm Water Education Strategy shall include actions for:

- a. The identification of land uses and activities that have a higher potential for storm water pollution will include and/or accomplish the following:
  - i. Pollutants: The reduction of targeted pollutants of concern in a particular watersheds ;
  - ii. Activity-specific: Activity-specific outreach programs shall be developed and implemented using written, audio, or visual outreach tools.

The strategy shall include activity-specific outreach programs that inform residents about the problem of illicit discharges and dumping and that promote, publicize, and facilitate public reporting of these activities. The program shall also include continuing operation, maintenance, and promotion of the county-wide reporting hotline.

- b. Emphasize the importance of pollution prevention for a variety of audiences, including local residents, school-aged children, businesses and public employees whose job functions and daily lives may impact storm water quality and will include and/or accomplish the following.

- i. For Residents
  - a. Educate residents on recycling options and household hazardous wastes. The program shall provide information on collection services, including locations and schedule, provide outreach materials on source reduction and proper use, storage, and, disposal methods for household hazardous wastes; and continue to encourage residents to recycle (e.g., oil, antifreeze, glass, plastics, batteries);
  - b. Encourage watershed residents to participate in specific storm water outreach programs. Residents shall be informed of and provided with the opportunity to share ideas and comments about the programs. Each ~~Permittee shall~~ Permittees shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed.
  - c. Educate Do-it-yourselfers regarding pollution prevention strategies. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed or region.

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d. Promote public participation through cooperative programs to foster awareness and identification of storm water pollution issues among residents in the a watershed. Catch basin labelling and other established sign programs are excellent examples of this type of cooperative effort. One example for cooperative outreach is an "Adopt-A- " program. Residents can "adopt" highways, storm drains, catch basins, or streams, to monitor, restore and protect them.

ii. For K-12 School Children

School programs shall include information on MS4s, the difference between sanitary sewers and storm drains, the importance of preventing storm water pollution, and also address, illicit discharges/disposal and reporting procedures, source minimization, and general pollution prevention.

iii. For Businesses

a. An education and outreach program shall be developed for business operations identified under the inspection programs as having greater potential of discharging pollutants into the MS4. The program shall encourage employee training on, and the effectiveness of storm water pollution prevention practices. In addition to written, audio, and visual materials, other possible means of focused outreach may include: conducting workshops, mass mailings, submitting informational articles to trade/industry magazines. Each Permittee shall provide outreach materials through business license renewal counters and/or make efforts to outreach through professional and business associations.

b. Construction

An education program shall be developed for construction contractors, owners, builders, and Do-it-yourselfers on proper BMP implementation and

maintenance, and pollution prevention.

~~++iv. Permittee  
Employee++~~

~~{iv. Permittee Employees}~~

Permittee employees shall be trained on storm water management and pollution prevention practices and the training must involve employees on many different levels

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- from program managers to field personnel. Training programs shall include, but are not limited to, articles in city newsletters, training classes, checklists for field personnel, and interdepartmental forums or committees. Materials developed for other audiences may also be used in Permittee employee training programs. Appropriate public agency employees shall be trained in:

- a. Emergency spill cleanup procedures;
- b. Environmentally sensitive alternative products;
- c. Good housekeeping practices; and,
- d. NPDES Permitting requirements.

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~~(H)~~ ~~(VI)~~ **REQUIREMENTS FOR MONITORING PROGRAM**

The overall goal of the monitoring program is to develop and support effective watershed monitoring. The objectives include to~~+~~: i. Track water quality status, pollutant trends, pollutant loads, and pollutants of concern; ii. Monitor and assess pollutant loads from specific land uses and watershed areas; iii. Identify, monitor, and assess significant water quality problems related to storm water discharges within the watershed; ~~iv. Identify~~ ~~iv.~~ **Identify** sources of pollutants in storm water runoff to the maximum extent possible (e.g., atmospheric deposition, contaminated sediments, other nonpoint or point sources); v. Identify and eliminate illicit discharges; vi. Evaluate the effectiveness of existing management programs, including scientific estimation of pollutant reductions achieved by structural and nonstructural BMPs; and vii. Assess the impacts of storm water runoff on receiving waters. (This may be a coordinated effort among point source dischargers, SCCWRP, State Storm Water Quality Task ~~Force~~ ~~Force~~, and other Regional entities).

**A. PLAN**

The ~~(Principal)~~ ~~(Principal)~~ **Permittee shall prepare and retain a Monitoring Plan** which will include, at a minimum, description of:

1. **Methods for the collection, analysis and interpretation of existing data from monitoring programs within Los Angeles County. These and other data from local, regional or national sources should be utilized to characterize different storm water sources; to determine pollutant generation, transport and fate; to develop a relationship between land use, development size, storm size and the event mean concentration of pollutants; to determine spatial and temporal variances in storm water quality and seasonal and other bias in the collected data; and to identify any unique features of the watershed management areas in the County of Los Angeles. The Permittees are encouraged to use data from similar studies, if available.**
2. **Rationale for selection of monitoring locations, parameters, number and frequency, and analytical methods.**
3. **A description of the monitoring program shall include at a minimum:**
  - a. **The number and location of monitoring stations;**
  - b. **Targeted monitoring indicators (e. g., ecosystem, biological diversity, in stream toxicity, habitat, chemical, sediment, stream health) chosen for monitoring;**
  - c. **Parameters selected for field screening and for laboratory work and their detection limits;**

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- d. Sample collection, handling, storage, and analyses methods in accordance with 40 CFR 136;
  - e. Total number of samples for statistical significance to be collected from each station, receiving water and major outfall monitoring, frequency of sampling during dry weather and short or long duration storm events, type of samples (grab, 24-hour composite), and the type of sampling equipment;
  - f. Uniform guidelines for quality control, quality assurance, data collection and data analyses; and
  - g. Data storage and transfer format, accessibility.
- 4. Methods for interpreting the results including an evaluation of the effectiveness of the management practices, and need for any refinement of the management practices.
  - 5. A description of the responsibilities of all the participants in this program including cost sharing.
  - 6. A description of computer software and modelling programs that will be utilized to assess data, interpret information
  - 7. A description of how data will be utilized for feedback into the storm water management program.

**B. MONITORING PROGRAM**

**1. Land Use Station Monitoring**

Evaluation of Land Uses

The Principal Permittee will evaluate the location of the land use monitoring stations using a methodology which is described in Attachment B. The methodology is intended to produce a marginal cost-benefit analysis for identifying the most important land uses for monitoring in the Los Angeles county. The Principal Permittee will monitor (subject to the station event limitations set forth in Section II(B)(3) below) stations reflecting land uses that are identified through the marginal cost-benefit analysis as appropriate for monitoring. The Principal Permittee will include for monitoring at least five land uses before determining whether there is a point beyond which monitoring would not meet the marginal cost-benefit analysis. Existing land use stations which need to be relocated, based on the methodology, will be relocated. The Principal Permittee will decommission land use monitoring stations which are, as a result of the cost-benefit analysis, not required to be monitored or which reflect duplications.

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Land Use Monitoring Methodology

**Sampler Type**

The Principal Permittee will monitor the land uses selected by the analysis described in Section 1(A) above using the same automatic samplers used under the current permit.

**Constituents**

The Principal Permittee will analyze samples taken in the automatic samplers for the constituents that were analyzed for automatic samplers under the existing permit. If a constituent is not found, at the method detection limit, in more than 25% of the samples after the first ten sampling rounds (and if it is found in the first ten rounds, thereafter on a rolling basis), it will no longer regularly be analyzed for (unless the few observed occurrences show unusually high concentrations and are cause for concern.). Also, once sufficient storms have been sampled to allow the establishment of an event mean concentration ("EMC") at an error rate of 25% for a constituent at a given location, that constituent will no longer be analyzed for at that location. In addition, the Principal Permittee will conduct annual confirmation sampling for the non-detected constituents for as long as the land use monitoring station remains open (i.e., until all constituent of concern EMCs are calculated or the station is otherwise closed). The land use station shall be operated until the permit term is concluded or until EMCs are derived, at the 25% error rate, for the following detected constituents of concern: PAHs (total); chlordanes; Cadmium; Copper; Nickel; Lead; Chromium; Silver; Zinc; Total Suspended Solids; Total Nitrogen; Total Phosphorus

At the time of the closure of a station, EMCs will be calculated for all constituents which have been detected during the operation of the station, although EMCs for non-constituents of concern need not be calculated at the 25% error rate. The list of constituents of concern may be amended by the Regional Board through addition or deletion of constituents; however, if a constituent of concern is added following the end of the first year of monitoring at the land use stations, the Principal Permittee will [LANGUAGE TO COME]

**Frequency of Monitoring**

The Principal Permittee will monitor at the land use stations at the frequency of a total of 100 station events (defined as the number of stations times the number of storm events monitored) in the first full rainy season after the commencement of the permit, 200 station events in the second full rainy season and 200 station events in the third full rainy season. These station events represent both minimum and maximum numbers, such that the County commits to monitoring at that rate, but not beyond, so long as there are sufficient monitorable storm events. Monitoring after the first three rainy seasons will continue (subject to a maximum 200 station event cap) until EMCs are established for constituents of concern which have been found in the samples or until the permit term ends. (Data from land use monitoring stations under the

Order 90-079 that continue to be used as monitoring stations under this Order will be used for establishment of the EMCs; however, use of the data will not reduce the frequency of station events in the first three years of the permit.) When EMCs are determined, monitoring at the land use stations will be ended. Dry weather monitoring will not be conducted at the land use stations, unless such monitoring is required for a special study.

2. **Mass Emission Station Monitoring**

Stations to be Monitored

The Principal Permittee will monitor four mass emission stations, those presently existing on Ballona Creek and Malibu Creek, the Los Angeles River at Wardlow Road and the San Gabriel River. These stations represent the four major drainage points for the watersheds which discharge into the ocean from Los Angeles County. All other existing mass emission stations will be decommissioned.

Monitoring Methodology

**Sampler Type**

The automatic samplers currently installed at the four mass emission stations will continue to be used.

**Constituents**

In addition to the constituents being monitored by the automatic samplers, grab samples will be taken at the mass emission stations to obtain samples for the analysis of constituents being analyzed for grab samples taken under the Order 90-079.

**Frequency of Monitoring**

The Ballona Creek and Malibu Creek stations will be monitored during the current rainy season (1995-96) and the 1996-97 rainy season at the rate of up to ten events per station per year, for a total of twenty station events per year. This monitoring will include dry weather samples. The Los Angeles River and San Gabriel River stations will be monitored during the following two full rainy seasons (1997-98 and 1998-1999) at the rate of up to ten events per station per year, for a total of twenty station events per year.

**Carryover Monitoring**

In order to use data from mass emission stations on Ballona Creek and Malibu Creek to assist the carrying out of a receiving waters study in the current rainy season, the Principal Permittee will focus its efforts on those stations and will discontinue monitoring at other mass emission stations.

**Wide Channel Study**

The Principal Permittee also will assess the accuracy of single sample ports in wide channels by conducting a study at one wide channel comparing the automatic sampler results with samples from grab sampling. If the wide

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channel study reveals that there are differences in constituent concentrations depending on the location of the sampling point, it will develop adjustment factors to deal with this variability.

3. Storms to be Monitored

The Principal Permittee will set the automatic samplers to monitor storms of down to .25 inches in size. In addition, the Principal Permittee will, as a pilot study, set one land use sampler to record storms of down to 0.1 inch in size. Based upon an assessment of: i) the operational effectiveness of the sampler; ii) the feasibility and effectiveness of samples retrieval and transport; and iii.) the ability to reprogram and maintain this setting at other samplers, a decision will be made as to whether to set some or all of the remaining samplers to sample storms of down to 0.1 inch in size.

4. Pollutant Loads Study

The monitoring of mass emission and land use stations is intended to provide input into a loads assessment model to estimate loadings of various pollutants. The pollutant loading information will be used by the Permittees and the Regional Board to better develop the stormwater management program under the upcoming permit and future permits and to support a receiving waters study. The model to be used for the loads assessment will be the EPA Simplified Method. The increased frequency of sampling set forth in this monitoring program is intended to provide EMCs for the constituents found in the watershed runoff to be used in a loads assessment model that will be run at the end of the third year of the permit.<sup>1</sup>

5. Critical Source/BMP Monitoring

The critical sources monitoring program shall evaluate: i. pollutants of concern and sources, and, ii. specific structural storm water control measures such as, oil/water separators, infiltration, detention, biofilters, and other control measures. The structural control measures must be evaluated as to: effectiveness in reducing toxic pollutants and pollutants of concern; ease of maintenance; current frequency of use; feasibility and cost-effectiveness; and possible methods to ensure implementation if necessary.

Participation

~~+~~ The Principal Permittee shall conduct critical sources/ BMP monitoring to evaluate for industrial/commercial categories, construction activity, and other ~~land use~~ land use activity, for five critical source types over six rainy seasons. After the third rainy season, the Principal Permittee will evaluate progress by other municipal entities in California in evaluating critical sources, any monitor three additional critical sources if necessary.

<sup>1</sup>In addition to samples taken under the new permit, samples taken at the four mass emission stations and land use stations under the existing permit which will continue to be monitored under the new permit also will be used to develop the loads assessment model.

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~~(b. Other Permittees. Medium (population >100,000 but less than 250,000) and large (population 250,000 or more) shall conduct monitoring for five additional critical sources on a watershed basis over five rainy seasons that are not evaluated by the Principal Permittee for the Ballona Creek and urban areas WMA, Los Angeles River WMA, San Gabriel River WMA, Malibu Creek and rural areas WMA, Dominguez Channel WMA, and Santa Clara River WMA.)~~

Selection of Critical Sources to be Studied

The first phase of the program will be the selection of priority critical sources to be studied. The selection will be made using the following steps:

Step 1: The Principal Permittee first will develop an initial list of candidate critical sources, including industrial and commercial sources that are regulated under the state's General Industrial Activities Permit ("General Permit") and those which are not.

Step 2: The Principal Permittee next will develop a list of criteria for prioritizing the candidate critical sources developed pursuant to Step 1, including the following: number and/or total area associated with each critical source; runoff pollutants associated with each source; the impact of ~~(nonstormwater)~~ non storm water discharges associated with each source; whether or not the source is regulated under the General Permit; and, ease of implementation of monitoring and BMPs.

Step 3: The Principal Permittee next will prioritize the candidate critical sources based on the selection criteria develop under Step 2.

Step 4: The Principal Permittee next will conduct a literature review and contact other State municipal stormwater programs to identify what critical sources have been (or are planned in the next five years) to be studied elsewhere. Where studies have been conducted or are planned to be conducted elsewhere, such studies will be reviewed to assess whether the hydrologic conditions in the study area are representative of those in Los Angeles County, the quality of the study and any conclusions from already-conducted studies. This evaluation would be coordinated with the State Stormwater Quality Task Force.

Step 5: The Principal Permittee next will take the list developed up to Step 3 and refine and finalize it based upon the review conducted pursuant to Step 4.

Study Design

The Principal Permittee shall examine five critical source types over six rainy seasons. The other Permittees shall examine five additional critical source types. Following selection of the candidate sources, and during the 1996-97 rainy season, storm water from the first critical source type will be

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characterized. The Principal Permittee and other Permittees will seek six similar examples of each critical source type, so as to reduce the amount of variability inherent in sampling only a single example. (Depending upon the availability of finding sufficient examples that can be sampled in a single day with a single crew, the number of test and control sites may be less than three apiece.) Sheetflow from the six sites will be split into two "pools" reflecting three control and three test sites. Sheetflow from each pool, as collected during a targeted five storm events, will be composited into a single sample for analysis. The samples will be analyzed for those pollutants anticipated to be found in the critical source runoff and such analytes will be partitioned, as appropriate, to determine the dissolved and undissolved portions.

Based upon the first year of characterization data, appropriate BMPs will be selected and installed at the test sites. Sheetflow from a target ten storms from the control sources will again be composited and analyzed. With respect to the test sources, one or a variety of non-structural or, possibly, structural BMPs will be instituted at all or some of the test sites. Sheetflow from a targeted ten storm events will be collected and analyzed. (If a structural BMP were installed, only the inlet and outlet of the BMP will be sampled and sheetflow from that location would not be collected.) This comparison will allow a direct study of the effectiveness of the BMPs at the test sites.

A similar program will be instituted with respect to the other nine candidate critical source types, with the intent to finish all sampling by the end of the sixth rainy season after the effective date of this Order.

In addition, the Principal Permittee will reevaluate, after the third rainy season, the progress made by other entities in California to evaluate the critical sources determined by the Principal Permittee to be significant pursuant to the process described in Section V(A) above. If, following that determination, the County determines that there are additional significant critical sources which require monitoring (because they have not been monitored and there are no commitments by other municipal stormwater programs to conduct such monitoring) or if it determines that monitoring of a significant critical source did not include evaluation of BMPs associated with such monitoring, it will commit to monitor up to three additional critical sources commencing in the fourth rainy season and concluding by the end of the eighth complete rainy season following the effective date of the permit. If the Principal Permittee's review determines that a significant critical source had been monitored, but that there was not (and is not planned to be) an evaluation of associated BMPs, the Principal Permittee will undertake a BMP evaluation only for that critical source and will not conduct the first year characterization study.

6. Receiving Waters

The Principal Permittee will fund the largest part of a receiving waters study that will be a joint effort of the University of Southern California, the University of California at Santa Barbara and the Southern California Coastal Water Research Project

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("SCCWRP"). In addition, the study will be done in cooperation with an ongoing toxicity study by investigators at UCLA. Co-funding, either direct or in terms of vessel support, also will be provided by the federal government through the Sea Grant program, by the City of Los Angeles and through SCCWRP. The scope of that study may be affected by the availability of non-County funding sources, as is discussed below.

Study Outline

The receiving waters study includes a plume study to determine the dispersion of stormwater runoff and associated sediment, a study of the benthic environment near two principal storm drains, Malibu and Ballona Creeks and an assessment of the toxicity of storm drain waters and affected sediments near Malibu and Ballona Creeks. The plume study will be carried out by the USC Sea Grant program, and the benthic and toxicity studies will be carried out by SCCWRP.

The plume study will be carried out over two storm seasons, with the third year used for analysis of the data obtained in the previous years. The Principal Permittee will spend up to a maximum of \$145,000 to support the plume study. Additional funds will be supplied by the federal Sea Grant program, with research vessel time to be provided by the City of Los Angeles. The benthic study will also be carried out over at least two storm seasons. The Principal Permittee will spend up to a maximum of \$205,000 for the benthic study, plus up to an additional \$80,000 for a third year of study, if it is the consensus of the project scientists that a third year of research is appropriate. Finally the County will commit up to a maximum of \$118,500 for a study of the toxicity of storm water and affected sediments, with an additional up to \$80,500 for a third year of the study if it is the consensus of the project scientists that a third year of research is appropriate. Each element of these studies is outlined below.

Plume Investigation

The plume study will examine the following issues, among others: i. Mapping the spatial and temporal structure of the runoff plumes from Ballona and Malibu Creeks as they flow into Santa Monica Bay following strong winter storms; ii. Examining the interaction between the runoff plume and ocean processes as they affect the advection, dispersion, and mixing of the plume; iii. Evaluating the impact of storm runoff plumes on beneficial uses of the coastal ocean; iv. Characterizing the optical properties of the suspended particulate material ("SPM") and dissolved organic material ("DOM") associated with runoff sources; v. Examining the effects of DOM and SPM on the water column optics and the distribution of nutrient concentrations, as the same may affect phytoplankton productivity; and, vi. Helping to establish appropriate locations for benthic study stations.

Benthic Investigation

The benthic study will measure the following parameters: i. Water quality (dissolved oxygen, salinity, density, temperature, light transmissivity and pH); ii. Sediment grain

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size, sediment organic concentrations and sediment contaminant concentrations; and iii. Structure of the benthic invertebrate community. The benthic study will employ the same methods used in studies of dry weather impacts in river discharge areas carried out by SCCWRP in 1994 and 1995 in the Southern California Bight.

Toxicity Study

The toxicity study will involve the following proposed annual elements:

Water Column Toxicity: i. 30 sea urchin fertilization tests taken during two storm and one dry weather event off each of Ballona and Malibu Creeks (including reference sites); ii. 3 Phase I TIE tests on up to 3 samples showing toxicity in the sea urchin fertilization tests;

Sediment Toxicity: i. Amphipod survival tests of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 1; ii. Amphipod survival tests of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 2; iii. Sea urchin growth tests will be conducted for chronic toxicity in sediment samples from 6 stations, plus 1 reference site, with the locations to be determined by project scientists based on existing data and best scientific judgment. Biological effects only (survival, growth, sediment avoidance) will be measured for all sites in Year 2; iv. Chemical analysis of sea urchin growth test tissue samples (gonad) will be conducted for organics and metals. Duplicate samples from 4 stations (including one reference) will be analyzed in Year 2; v. Phase I TIE tests using sea urchin fertilization of interstitial water from up to 4 stations identified to be toxic in amphipod survival tests (4 samples total) will be conducted in Year 2; and vi. Additional interstitial water testing coordinated with the UCLA.

Project Flexibility

The exact parameters of Year 2 (and Year 3, if necessary) testing will be determined by a review of the project scientists of the results of Year 1 and Year 2 testing. Thus, certain of the steps outlined above may be modified following the reviews.

Coordination with UCLA Toxicity Investigation

Researchers from UCLA are involved in an ongoing Santa Monica Bay Restoration Project study of the toxicity of storm water runoff in Ballona and Malibu Creeks. The Principal Permittee's receiving waters study will be coordinated, to the extent possible, with the UCLA study to maximize the utility of the information obtained by both studies.

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Los Angeles and San Gabriel River

The Principal Permittee will take a total of three (two storm weather and one dry weather) water samples taken at each of the Los Angeles and San Gabriel River mass emission stations during each of the two years that those stations will be monitored. The samples will be analyzed using the sea urchin fertilization tests.

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~~{VIII}~~ ++VII++. PROGRAM EVALUATION AND REPORTING

~~The Principal permittee in consultation with the EAC shall develop a program to standardize evaluation and reporting by each Permittee by October 15, 1996. The Principal Permittee in consultation with the EAC shall develop performance indicators, criteria, or standards; perform evaluation of compliance and effectiveness based on the performance criteria; establish schedules and mechanism for internal record keeping and reporting; and submit Annual Reports to the Regional Board using a standardized format. Each Permittee is encouraged to work cooperatively with AML programs from other areas of the state or country in order to be more effective, efficient, and consistent.~~

~~Each Permittee shall collect data needed for program evaluation, conduct self-evaluations, and report the results of the evaluations through the Principal Permittee to the Regional Board in Annual Reports. The results reported to the Regional Board shall include both the collected data and analysis of the data. Annual Reports shall include explanations on how the evaluations were conducted; how and why provisions of the permits are not being met; how the effectiveness of BMPs is determined or is not, and should a problem arise, how it will be corrected.~~

A. DEMONSTRATION OF COMPLIANCE

1. Each Permittee is responsible for demonstrating that the required BMPs and other actions as prescribed under this ~~permit~~ ++Order applicable to such Permittee++, as well as BMPs and actions included in the CSWMP and WMAPs ++applicable to such Permittee++, are implemented ~~to reduce pollutants~~ to the maximum extent practicable.

~~{2. The Permittees within the WMCs are responsible for demonstrating the effectiveness of watershed specific BMPs by conducting and reporting the results of pilot/demonstration projects for evaluating the effectiveness of BMPs in the watershed.~~

~~3. The degree and the effectiveness of BMP implementation shall be evaluated and reported by each Permittee {using environmental and/or administrative indicators whenever possible. When environmental indicators are not readily and/or easily available, administrative indicators shall be used}. These shall include indicators prescribed under relevant provisions of this permit, and/or other indicators deemed appropriate by the WMCs, the EAC, and/or ultimately the Regional Board. (Examples of quantitative indicators include the number of inspections conducted, number of staff, number of audience reached through public education, waste recycled, water conserved, hazardous waste collected, oil recycled, and catch basin waste removed.) Quantitative indicators of environmental conditions shall also be reported if they can be linked to the effectiveness of BMP implementation.~~

~~{4} ++2++~~. In order to yield comparable results for year to year evaluation on the success, the progress, and/or the failure in BMP implementation, and comparable results from area to area, a uniform data collection methodology shall be established for each of the required BMPs. The uniform data collection methodology shall be developed by the Principal Permittee in

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consultation with EAC. Subsequently, each report on BMP implementation shall provide comparison with the implementation status during the previous reporting period and the scheduled implementation timeline for the current and future reporting periods, based on data collected using the uniform collection methodology.

**B. INTERNAL REPORTING AND RECORD KEEPING**

1. In order to facilitate the preparation of the Annual Report, the Principal Permittee in consultation with the EAC shall develop standard forms for internal reporting to be used by all Permittees within the watershed. The forms shall be used to collect all the information essential to the preparation of the annual reports and to the needs of other management actions by the WAC, WMCs and/or the Permittees. Reported information shall be quantifiable and specific for each program area and/or BMP. The dates for submitting the internal reports shall allow sufficient time for compilation and analysis by the WMCs and/or the Principal Permittee/EAC for the preparation of the Annual Report due to the Regional Board.
2. All records shall be retained by each Permittee for a period of 5 years unless directed otherwise by the Regional Board or the USEPA.

**C. PROGRAM REPORTING**

The Principal Permittee shall collect, compile, and analyze information from each Permittee within the watershed prior to preparation of the Annual Report. The Annual Report shall include a summary table illustrating the levels of implementation for each Permittees by watershed. Tables shall be developed for each program element listing all the participating Permittees and describe the status of implementation for each Permittee.

The Principal Permittee shall include in the Annual Report submitted to the Regional Board:

1. Program Management
  - a. Compiled budget summary of resources dedicated for storm water program implementation submitted by Permittees;
  - b. ~~+(A statement under penalty of perjury by each Permittee's representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, and/or a schedule for obtaining adequate legal authority (1996 Annual Report only);) ++Status of each Permittee's obtaining adequate legal authority described in Section I.H.1 of this Order; ++and~~
  - c. Progress on obtaining any residual legal authority, if full legal authority was not certified in Provision VIII. C. 1.b., above.

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- 2. **Illicit Connections/Discharges**
  - a. Summary of illicit connections eliminated. The summary shall include by category:
    - i. Type of illicit connection;
    - ii. Type of contaminants or chemical waste;
    - iii. watershed;
    - iv. Ranges of estimated length of time the practice was on-going;
    - v. remedial action taken;
    - vi. Number eliminated and number in process of elimination;
    - vii. Number subject to legal enforcement actions;
    - viii. Comments as appropriate.
  - b. Summary of illicit discharge practices reported through the standardized public reporting system. The summary shall include by category:
    - i. Type of illicit discharge/disposal practice;
    - ii. Type of contaminant waste spilled/disposed;
    - iii. watershed;
    - iv. Range of estimated quantity of waste;
    - v. Range of estimated length of time the practice was on-going;
    - vi. Remedial action taken;
    - vii. Number eliminated;
    - viii. Number subject to legal enforcement actions;
    - ix. Comments as appropriate.
- 3. **Industrial/Commercial Activity**
  - a. Summary of progress of the industrial/commercial activity program
  - b. Database compiled in Provision III.A.3. when requested by the Regional Board. A Permittee may also be requested to provide the industrial/commercial database information for its municipality in Provision III.A. in an appropriate format.
- 4. **Construction Activity**
  - a. Summary of progress of the development planning/construction program;
  - b. ~~Construction activity database developed in Provision {IVB.1}~~ ++IV.B.1++ in an appropriate format when so requested by the Regional Board.
- 5. **Public Agency Activity**
  - a. Summary of progress on the Public Agency Program in the areas of: (i) Sewage Systems Operation (if appropriate); (ii) Public Construction; (iii)

Vehicles Maintenance/ Material Storage; (iv) Parks and Recreation/ Facilities Management; (v) Storm Drain Operation and Management; (vi) Streets and Roads Maintenance; (vii) Flood Control Maintenance; (viii) Parking Facilities Management; and (ix) Public Industrial Activities (optional).

- 6. Public Education / Public Participation
  - a. Summary of the Public education / Public participation program. The summary shall include:
    - i. Activities undertaken throughout the year;
    - ii. Samples of educational materials distributed or otherwise made public throughout the year;
    - iii. Results of the comparison between performance standards and the Permittees' Public Information and Participation programs; and,
    - iv. A workplan for any changes to the 5 year strategy.
  - b. Results of a public education survey undertaken within a representative area of the County of Los Angeles during fiscal year 1997-1998 (1999 Annual Report only).

D. PROGRAM EVALUATION

The Principal Permittee in consultation with the EAC shall, in the Annual Report submitted to the Regional Board, evaluate progress in the storm water program, propose any proposed modifications to be made to the storm water program (e.g., delays, changes), and analyze any problems encountered during the implementation and propose solutions. The Program Evaluation shall include proposed changes to storm water program components for the following year, based on the analysis.

The Program Evaluation shall utilize the information provided by each Permittee, and assess program effectiveness in the areas of:

- 1. Program Management
- 2. Illicit Connections/Discharge
- 3. Industrial/Commercial Activity by review of:
  - a. Industrial/commercial sources listing;
  - b. ~~(On-)~~ ++Educational++ site ~~(inspections)~~ ++visits++;
  - c. Checklists of storm water BMPs implemented; and,
  - d. Results from the critical sources monitoring program in
- 4. Construction Activity by review of:
  - a. BMPs implemented based on site inspection results; and

- b. Results from the critical source monitoring program.
- 5. Public Agency Activity by review of:
  - a. Sewage Systems Operation (if appropriate);
  - b. Public Construction;
  - c. Vehicles Maintenance/ Material Storage;
  - d. Parks and Recreation/ Facilities Management;
  - e. Storm Drain Operation and Management;
  - f. Streets and Roads Maintenance;
  - g. Flood Control Maintenance;
  - h. Parking Facilities Management; and
- 6. Public Education / Public Participation by review of:
  - a. Storm water/non-storm water pollution prevention public education programs within the County of Los Angeles and recommendations on future public education efforts.

**E. PERFORMANCE STANDARDS**

- 1. The CSWMP and subsequent WMAPs shall be revised to adopt and incorporate Performance Standards developed by the Principal Permittee in consultation with the EAC. Performance Standards are defined as the level of implementation necessary to demonstrate the control of pollutants in storm water to the "maximum extent practicable". Performance Standards shall be established for implementing BMPs contained in this Order and the CSWMP and the WMAPs. Performance Standards shall be developed through a process which includes opportunities for public participation and include appropriate criteria for the applicability, economic feasibility, design, operation, and maintenance or otherwise implementation of BMPs so as to achieve pollutant reduction or pollution prevention benefits to the "maximum extent practicable". Performance Standards may be based upon special studies or other activities conducted by the a Permittee, literature review, or special studies conducted by other programs.
- 2. Performance Standards shall include countywide components to be accomplished and the method to be used to verify that the Performance Standard has been achieved. Following the addition of a Performance Standard to the CSWMP or WMAP acceptable to the Executive Officer, each Permittee for which the Performance Standard is applicable shall adhere to its implementation. Performance Standards shall be established for all appropriate BMPs identified in the CSWMP by July 15, 1997, or otherwise, a proposed schedule for completing or omitting the establishment of Performance Standards with justification acceptable to the Executive Officer must be

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submitted by January 15, 1998. Such time schedules shall not extend beyond the term of this permit.

- 3. Each Permittee shall incorporate newly developed or updated Performance Standards, approved by the Executive Officer, in each revision to the CSWMP or the WMAP.

~~+~~ + ~~+~~ + ANNUAL REPORTS

- 1. **Annual Report**  
The Annual Report shall include both a summary of the progress and status of CSWMP and WMAP implementation, a summary on status of compliance with all Permit provisions, a report on the evaluation of program effectiveness, and a summary of recommendations for permit provision modifications.
  - a. The Principal Permittee in coordination with the EAC shall submit an Annual Report to the Regional Board no later than March 31 of each year. The first Annual Report shall be due April 15, 1997;
  - b. The Principal Permittee shall submit a separate Monitoring Annual Report due no later than August 15 of each year. The first Monitoring Annual Report shall be due August 15, 1996; and
  - c. The Principal Permittee in consultation with the EAC shall identify in the Annual Report, Performance Standards which will be developed for the upcoming fiscal year.

The Principal Permittee in consultation with the EAC may recommend and request revisions to the CSWMP and the WMAPs through documentation in the Annual Reports.

Recommended revisions to the CSWMP and WMAPs will be considered by the Executive Officer if it is demonstrated that: (i) the changes will lead to improvement of the effectiveness of this program; (ii) the changes will result in positive impacts to beneficial uses; and (iii) the current measures have been implemented to reduce pollutants to the "maximum extent practicable". Any recommended revisions shall not take effect until approved by the Executive Officer.

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**IX. ADDITIONAL PROVISIONS**

1. The initial storm water management program, as delineated in the CSWMP or WMAPs may need to be modified, revised, or amended from time-to-time to respond to changed conditions and to incorporate more effective approaches to pollutant controls. Minor changes may be made at the direction of the Executive Officer. Minor changes requested by the Discharger shall become effective upon written approval of the Executive Officer. If proposed changes imply a major revision in the overall scope of effort of the program, such changes must be approved by the Regional Board as permit amendments.
2. This Order may be modified, revoked, or reissued, prior to the expiration date as follows:
  - a. To address changed conditions identified in the required technical reports or other sources deemed significant by the Regional Board;
  - b. To incorporate applicable requirements or statewide water quality control plans adopted by the State Board or amendments to the Basin Plan;
  - c. To comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the Clean Water Act, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable; or
  - d. Any other Federal or State Laws or Regulations become effective which necessitate changes.
3. The issuance of this permit is not intended to, and does not, absolve any Permittee of liability for conduct which may have constituted a violation of the previous Board Order 90-079 (CA0061654, CI 6948) adopted by this Regional Board on June 18, 1990.
4. All reports or submittals made to the Regional Board shall include the following signed certification:

"I certify 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 manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



- a. The certification shall only be valid if made by either: a principal executive officer; or a ranking elected official.
- b. A certification may be accepted by this Regional Board if signed by a duly authorized representative only if:
  - i. The authorization is made in writing by a person described in 4.a above;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the Permittee's storm water management program, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the Permittee, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
  - iii. The written authorization is submitted to the Executive Officer of the Regional Board.

5. This Order expires on (five years from the date of reissuance.) The Principal Permittee and Permittees must submit complete Reports of Waste Discharge (ROWD) in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements. The ROWD shall consist of watershed specific WMAPs.

I, Robert P. Ghirelli, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on (date of reissuance).

\_\_\_\_\_|+++  
ROBERT P. GHIRELLI, D.Env. ++  
Executive Officer

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**ATTACHMENT A  
NPDES STORM WATER PERMIT  
WATERSHED MANAGEMENT AREAS**

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Santa Monica Bay

Malibu Creek and Other Rural

Agoura Hills  
\*Calabasas  
**Los Angeles County**  
Malibu  
Westlake Village

Ballona Creek and Other  
Urban

Beverly Hills  
**++Caltrans++**  
Culver City  
El Segundo  
Hermosa Beach  
**Los Angeles**  
**Los Angeles County**  
Manhattan Beach  
Palos Verdes Estates  
Rancho Palos Verdes  
Redondo Beach  
Rolling Hills  
Rolling Hills Estates  
\*Santa Monica  
West Hollywood

Dominguez Channel/  
Los Angeles Harbor Drainage

Carson  
Gardena  
Hawthorne  
Inglewood  
Lawndale  
Lomita  
**Los Angeles**  
**Los Angeles County**  
\*Torrance

Los Angeles River

Alhambra  
Arcadia  
Bell  
Bell Gardens  
Burbank  
Commerce  
Compton  
Cudahy  
El Monte  
Glendale  
Hidden Hills  
Huntington Park  
La Canada Flintridge  
\*Long Beach  
**Los Angeles**  
**Los Angeles County**  
Lynwood  
Maywood  
Monrovia  
Montebello  
Monterey Park  
Paramount  
Pasadena  
Rosemead  
San Fernando  
San Gabriel  
San Marino  
Sierra Madre  
Signal Hill  
South El Monte  
South Gate  
South Pasadena  
Temple City  
Vernon

San Gabriel River

Artesia  
Azusa  
Baldwin Park  
Bellflower  
Bradbury  
Cerritos  
Claremont  
Covina  
Diamond Bar  
Downey  
Duarte  
Glendora  
Hawaiian Gardens  
Industry  
Irwindale  
La Habra Heights  
La Mirada  
La Puente  
La Verne  
Lakewood  
\*Long Beach  
**Los Angeles County**  
Norwalk  
Pomona  
Pico Rivera  
San Dimas  
Santa Fe Springs  
Walnut  
West Covina  
Whittier

Santa Clara River  
**Los Angeles County**  
Santa Clarita

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*Italicized agencies are present in more than one watershed. \* Indicates City with the largest watershed population other than the County of Los Angeles and the City of Los Angeles*

## ATTACHMENT B

### LAND USE SITE SELECTION PROCESS OUTLINE

The data compiled during the site selection activities set forth below will enable the County to select the most effective monitoring sites. In addition, this information can be used by the County to extrapolate the monitoring results across the whole drainage area through use of loads assessment modeling.

#### Step 1

The County will take the Southern California Association of Governments ("SCAG") categories listed below as an initial list of land use categories. The County will use its best efforts to obtain overlays (or similar information) for use in the land use selection process. However, these overlays or information must be usable County-wide in the SCAG database and the County shall not be required to look for or use overlays or information which cannot be so used. The County also shall not be required to create overlays. Some of these categories may not be important (very small area represented in study area, and/or known very low EMC or runoff mass). The initial number of categories will be reduced at this step.

For each remaining category, the County will identify eight (8) representative locations. The eight (8) locations in each category would be relatively small areas, such as a square block for residential areas, a single school or church, a few blocks of strip commercial, etc. These sites would be selected, where possible, over a wide geographical area of the study area to include a range of topographical characteristics such as distance from ocean, etc.

#### Step 2

In this step, the County should perform a site survey of ground conditions. For each of the eight (8) locations identified for each category, the County should collect information, to the extent such information is available, including type of roof connections, type of drainage, age of development, housing density, type of landscaping, condition of pavement, soils, and existing stormwater control practices.

These are simple field surveys that can be completed by a team of two people at the rate of about 5-6 (maximum) locations a day, depending on navigation problems, traffic delays, and the proximity of the sites. Several photographs should be made of each site and archived with the field sheets for future reference.

#### Step 3

In this step, currently available aerial photographs taken in the past five years are used to measure the percent impervious area associated with rooftops, streets, driveways, sidewalks, parking areas, storage areas, decks and sheds, swimming pools, alleyways, and other paved areas. Photographic prints for each of the homogeneous neighborhoods examined on the ground in step 2 are needed. The actual measurements require about an hour per site.

#### Step 4

In this step, the County would compile the information collected in the previous steps and use it to determine which land use categories should be monitored. This refinement step would result in a final list of categories to be examined, based on the actual measured values.

Some of the sites selected for field measurement may actually belong in another category and would be reassigned to that category before the data were evaluated. In addition, development characteristics and areas of important elements may indicate greater variability within an initial category than between other categories in the same land use. If there is no other reason to suspect differences that would affect drainage quality or quantity, these areas could be combined to reduce the total number of individual land use categories used in subsequent evaluations.

On the basis of Step 2 and Step 3, the County will measure the percent of directly connected impervious area for each of the eight neighborhoods surveyed. The County will then compare the percent of impervious area using simple non-parametric statistics to see how differences within a

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single land use category compare with differences between land use categories. Based on this analysis, the County will aggregate or subdivide land use categories as appropriate. Subdivisions of land use categories shall correspond to those in the SCAG database.

**Step 5**

Next, the County will rank the selected land use categories according to their predominance and pollutant generation. As part of its analysis, the County would perform a marginal cost/benefit analysis as to which land use categories should be monitored.

For each land use category the following will be estimated based on existing data: drainage area, runoff quantity and an EMC value for each of four indicator pollutants (preliminarily, copper, pyrene, total suspended solids and diazinon). The product of runoff quantity and EMC is the estimated total annual pollutant loading associated with each land use category and indicator pollutant. These sums are then ranked, from the largest to the lowest, and an accumulated percentage contribution is then produced for each pollutant. These accumulated percentage values are plotted against the number of land use categories. The graph will be relatively steep initially and then level off as it approaches 100%. A marginal cost-benefit analysis can then be used to select the number of land uses that should be monitored, which will take into account all four of the indicator pollutants.

The list of County-wide land use categories to be evaluated in Step 5 will be reviewed for each of the six watersheds in the Permit area. If there is a monitorable land use category in an individual watershed which is in the top five land uses in terms of total area in the watershed and which is known or reasonably believed to have a significant impact on stormwater runoff quality, but which would not be monitored based on the County-wide marginal cost-benefit analysis, up to two such land uses shall be monitored after the first year of the monitoring program, subject to the station event cap.

Attached as Exhibit 1 is a document setting forth how the cost benefit analysis would work. [document to be reviewed and approved for attachment as Exhibit]

**Step 6**

The County will take the top ranked land uses and if the total number of categories exceed ten, select ten monitoring sites for monitoring the first year. All of the remaining top-ranked land uses will need to be monitored in future years, subject to the station event cap. In selecting those sites for initial monitoring, the County should look for homogeneous areas that are self-contained in a drainage area. In addition, monitoring locations will need to be selected along storm drains that are able to accommodate the sampling equipment, have sampling access, no safety problems, etc.

**Step 7**

Next, the monitoring stations are installed. The monitoring equipment will include automatic water samplers and, if surcharging flow problems are anticipated, flow sensors measuring velocity and depth of flow. The samples collected at the automatic samplers should all be flow-weighted composites, requiring only one sample to be analyzed per event at each monitoring station. Each sampler site will need to be visited periodically to ensure that everything is ready to sample.

**Step 8**

The County should continue down the list of priority land use categories and install additional monitoring stations in subsequent years. At some point, the marginal benefit from monitoring an additional land use category will not be sufficient to justify the cost, as determined from the marginal cost-benefit analysis in step 5, and no additional sites will need to be installed. The land use sampling program will end when sufficient storms have been sampled to obtain the desired error level in the EMC values for the constituents of concern.

**SCAG LAND USE CLASSIFICATIONS**

- Single Family Residential
- High Density
- Low Density
- Multi-Family Residential

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Mobile Homes and Trailer Parks  
 Mixed Residential  
 Rural Residential  
 General Office Use  
 Retail Stores and Commercial Services  
 Other Commercial  
 Public Facilities  
 Special Use Facilities  
 Educational Institutions  
 Military Installations  
 Light Industrial  
 Heavy Industrial  
 (Mineral) Extraction  
 Wholesaling and Warehousing  
 Transportation  
 Communication Facilities  
 Utility Facilities  
 Maintenance Yards  
 Mixed Transportation  
 Mixed Transportation and Utility  
 Mixed Commercial and Industrial  
 Mixed Urban  
 Under Construction  
 Golf Courses  
 Local Parks and Recreation  
 Regional Parks and Recreation  
 Cemeteries  
 Wildlife Preserves and Sanctuaries  
 Specimen Gardens and Arboreta  
 Beach Parks  
 Other Open Space and Recreation  
 Urban Vacant  
 Irrigated Cropland and Improved Pasture Land  
 Non-Irrigated Cropland and Improved Pasture Land  
 Orchards and Vineyards  
 Nurseries  
 Dairy and Intensive Livestock, and Associated Facilities  
 Poultry Operations  
 Horse Ranches  
 Abandoned Orchards and Vineyards  
 Other Agriculture  
 Vacant Undifferentiated  
 Vacant with Limited Improvements

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ATTACHMENT C  
GLOSSARY OF TERMS

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**40 CFR:** Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

**Annual Report:** A report, submitted to the Regional Board at the end of each permit year, that includes a summary of the progress and status of stormwater management program implementation, a summary on status of compliance with all permit provisions, and report on program effectiveness, and a summary of recommendations for revisions to the NPDES stormwater permit. [Consistency issue: this definition is consistent with the language in the draft permit. Below is a definition based on 40 CFR §122.42(c). It is recommended that the permit based definition be used unless the permit language is modified to read like 40 CFR §122.42(c).]

[**Annual Report:** A report, submitted yearly to the Regional Board by the anniversary of the date of the issuance of the NPDES storm water permit, that includes (1) the status of implementing the components of the storm water management program that are established as permit conditions; (2) proposed changes to the storm water management programs that are established as permit conditions; (3) revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application; (4) a summary of data, including monitoring data, that is accumulated throughout the reporting year; (5) annual expenditures and budget for year following each annual report; (6) a summary describing the number and nature of enforcement actions, inspections, and public education programs; and (7) identification of water quality improvements or degradation. [Consistency issue: see discussion above.]

**Authorized Discharge:** Any discharge that is authorized pursuant to an NPDES permit or meets the exemptions set forth under II.C.1. and II.C.2. of this NPDES storm water permit.

**Basin Plan:** The Water Quality Control Plan, Los Angeles Region(4), Santa Clara River and Los Angeles River Basins, adopted by the Regional Board on June 13, 1994 or as subsequently amended.

**Beneficial Uses:** Existing or potential uses of receiving waters in the permit area as designated by the Regional Board in the Basin Plan. *Examples of beneficial uses may include municipal and domestic supply; agricultural supply; industrial process supply; industrial service supply; ground water recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; aquaculture; warm freshwater habitat; cold freshwater habitat; inland saline water habitat; estuarine habitat; wetland habitat; marine habitat; wildlife habitat; preservation of biological habitats; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting.*

**BAT/BCT Criteria:** Treatment-based standards for reducing the discharge of pollutants, as defined in 40 CFR subchapter N, for specific categories of industrial facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards. Effluent limitations have been defined in 40 CFR for the reduction of toxic pollutants using Best Available Technology Economically Achievable (BAT), and for the reduction of conventional pollutants using Best Conventional Pollutant Control Technology (BCT).

**Best Management Practice (BMP):** Activities, practices, facilities, and procedures that when implemented prevent or reduce the pollution of waters of the state. *Examples of BMPs include treatment facilities, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.*

**Bioaccumulate:** The build up of a substance in the tissues of an organism to a higher concentration than in the surrounding environment, generally as a result of the organism's ingestion and internal storage of the substance over time.

**Biostimulatory:** An agent, action, or condition that arouses, elicits or accelerates physiological or organic activity. *For example, the introduction of excessive nutrients to an aquatic ecosystem has a biostimulatory effect which manifests itself as excessive growth of aquatic life.*

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**California Storm Water Best Management Practice Handbooks:** The technical manuals prepared under direction of the Storm Water Quality Task Force, representing California members of the American Public Works Association (APWA). *Comprising three volumes—Municipal, Industrial, and Construction—they provide guidance for selecting BMPs to reduce pollutants in storm water discharges. These manuals are available from Blue Print Service, 1700 Jefferson Street, Oakland, CA 94612, (510) 444-6771 or Fax (510) 444-1262.*

**Clean Water Act (CWA):** The Federal Water Pollution Control Act enacted in 1972 by Public Law 92-500 and amended by the Water Quality Act of 1987. *The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless said discharge is in accordance with an NPDES permit. The 1987 amendments include guidelines for regulating municipal, industrial, and construction storm water discharges under the NPDES program.*

**Construction Activity:** Clearing, grading, or excavation that results in soil disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to protect public health and safety.

**Countywide Storm Water Management Plan:** A comprehensive plan for implementation of the permit requirements described in Sections C.I through C.VIII of the NPDES storm water permit that are applicable to all Permittees and all Watershed Management Areas. *The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance from the EAC and participation from the Permittees, according to the schedule prescribed in the permit. This shall be used as a tool to develop a watershed specific storm water management plan.*

**Development:** The placement or erection of any solid material or structure on land, in or under water; grading, removing, dredging, mining or extraction of any materials, change in the density or intensity of use of land including, but not limited to, subdivisions pursuant to the Subdivision Map Act Government Code §66410 et seq.), any other division of land, including lot splits, construction, reconstruction, demolition or alteration of the size of any structure. *Development does not include any of the described activities not regulated by the local municipality. [Consistency issue: Is the last sentence necessary since this is implied in all sections of the permit?]*

**Discharge:** Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance.

**Effectiveness:** A measure or indicator of how well a program, plan, or best management practice achieves its intended purpose. *Measures or indicators of effectiveness include, but are not limited to, detailed accounting of program accomplishments, funds expended, staff hours utilized, and results of quantitative monitoring.*

**Erosion:** The wearing away of land surface primarily by wind or water. *Erosion occurs naturally as a result of weather or runoff but can be intensified by clearing, grading, or excavation of the land surface.*

**Executive Advisory Committee (EAC):** A committee composed of representatives of the County of Los Angeles (chair), the City of Los Angeles, and the six Watershed Management Areas. *Duties include assisting in development of the Countywide Storm Water Management Plan; reviewing Watershed Management Plans and providing direction and guidance to the Watershed Management Committees; preparing and forwarding unified submittals to the Regional Board; mediating conflict among permittees; coordinating the implementation of pilot programs, and evaluating BMP appropriateness and assessing effectiveness.*

**Executive Officer:** The Executive Officer of the California Regional Water Quality Control Board, Los Angeles Region, or an authorized representative.

**Good Housekeeping Practice:** A common practice related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. *Examples include purchasing only the quantity of materials to be used at a given time, use of alternative and less harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.*

**Hazardous Material:** Any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code. This includes any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

**Hazardous Substance:** Any substance determined to be a hazardous substance pursuant to Section 311(b)(2) of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.). Hazardous substance does not include any of the following: (1) nontoxic, nonflammable, noncorrosive stormwater runoff drained from underground vaults, chambers, or manholes into gutters or storm sewers; (2) any pesticide which is applied for agricultural purposes or is applied in accordance with a cooperative agreement authorized by Section 2426 of the Health and Safety Code, and is not discharged accidentally or for purposes of disposal, the application of which is in compliance with all applicable state and federal laws and regulations; (3) any discharge to surface water of a quantity less than a reportable quantity as determined by regulations issued pursuant to Section 311(b)(4) of the Federal Water Pollution Control Act.

Examples of hazardous substances include any substance or chemical product for which one or more of the following applies:

- A material safety data sheet (MSDS) is required
- The substance is listed as radioactive by the Nuclear Regulatory Commission
- The substance is listed as hazardous by the U.S. Department of Transportation
- The material is listed in Labor Code §6382(b).

**Illicit Connection:** Any man-made conveyance that is connected to the storm drain system without a permit. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

**Illicit Discharge:** Any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all non-storm water discharges except discharges pursuant to an NPDES permit and discharges that are exempted or conditionally exempted in accordance with Sections II.C.1 and II.C.2 of the NPDES storm water permit.

**Impact:** Any actual or potential impelling or compelling negative effect caused either directly or indirectly by the discharge of pollutants to the municipal storm drain system.

**Impervious Surface:** Man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial/Commercial Facility:** Any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facility includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

**Integrated Pest Management (IPM):** A philosophy of pest management that considers the whole ecosystem when determining the pest control strategies. This philosophy emphasizes use of a hierarchy of controls, with a preference for mechanical controls (e.g., mowing) and biological controls (e.g., beneficial insects, pheromones) before chemical controls (e.g., pesticides).

**Legal Authority:** The ability of a Permittee to impose and enforce statutes, ordinances, and regulations to require control of pollutant sources and regulate the discharge of pollutants to the storm drain system, and to enter into interagency agreements, contracts, and memorandums of understanding. These powers are granted to the Permittees by the Constitution of the State of California and the General Laws of the State (for General Law Cities/Counties) or individual constitutions (for Charter Cities/Counties). These powers are promulgated by the Permittee through their municipal codes, ordinances, and statutes duly adopted by their governing body.



**Maximum Extent Practicable (MEP):** A performance-based standard for the reduction of pollutants through the development and implementation of a program of Best Management Practices under the County-Wide Storm Water Management Plans and Watershed Management Plans. This means selecting all practicable BMPs taking into account factors including pollutant removal effectiveness, regulatory compliance, public acceptance, implementability, cost and technical feasibility. BMPs identified through this process do not have to be implemented if it is found that (1) other effective BMPs will achieve greater or substantially the same pollution control benefits; (2) the BMP would not be technically feasible; or (3) the cost of implementation would greatly outweigh the pollution control benefits. The entity(s) responsible for developing and implementing each plan shall have the burden of showing that it has met the "maximum extent practicable" standard in proposing or rejecting BMPs for implementation.

**National Pollutant Discharge Elimination System Storm Water Permit (NPDES storm water permit):** A permit issued pursuant to the Clean Water Act that requires the discharge of pollutants to Waters of the United States from storm water be controlled. NPDES permits can be issued for single point discharges such as wastewater treatment plants, or for municipal storm drain systems which effectively consist of multiple point discharges of water originating as non-point sources.

**Non-storm water Discharge:** Any discharge to a municipal storm drain system that is not composed entirely of storm water.

**Nuisance:** Anything which meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) occurs during, or as a result of, the treatment or disposal of wastes.

**Permittee(s):** Any agency named in the NPDES storm water permit as being responsible for permit conditions within its jurisdiction. Permittees to the NPDES storm water permit include the County of Los Angeles and the cities of (Agers) **Agoura Hills**, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Canada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, **Paramount**, **Paramount**, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier.

**Pervious:** Natural or man-made surfaces that allow the entry of water into the underlying soil, resulting in less runoff from the surface when compared to impervious surfaces. Examples of pervious surfaces include vegetated areas, most undeveloped areas, uncompacted earth surfaces, and lattice type modular pavements.

**Pollutant:** Any substance introduced into the environment that may directly or indirectly result in adverse effects on the beneficial uses of a resource. Examples of pollutants are as follows:

- Artificial materials, chips or pieces of natural or man-made materials (such as plastics, wood or metal shavings),
- Household waste (such as trash, paper, plastics, lawn clippings and yard waste; animal fecal materials; excessive pesticides, herbicides and fertilizers; used oil and fluids from vehicles, lawn mowers and other common household equipment),
- Commercial and industrial waste (such as packaging, raw materials, finished materials, waste products, fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge),

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■Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals such as phosphorus and arsenic,

■Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease),

■Excessive eroded soils, sediment and particulate materials,

■Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, show facilities),

■Substances having characteristics such as pH less than 6 or greater than 9, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus, or enterococcus,

■Waste materials and wastewater generated by construction activities (such as painting or staining; use of sealants, glues, limes; excessive pesticides, fertilizers or herbicides, use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cleanup wash water or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents),

■Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon,

■Materials which contain base/neutral or acid (extractible) ++extractible++ organic compounds,

■Those pollutants defined in §1362(6) of the federal Clean Water Act,

■Any other constituent or material that may interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the state.

**Pollutant Loading:** The quantity of a pollutant found in runoff expressed in mass per unit of time. Pollutant loadings are commonly expressed in units of tons/year or pounds/year.

**Pollutants of Concern:** Pollutants that exhibit one or more of the following characteristics:

■Current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water,

■Elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or

■The detectable inputs of the pollutant are at a level high enough to be considered potentially toxic to humans and/or flora and fauna.

*Pollutants of concern may be different for each receiving water.*

*Pollutants of concern for the Santa Monica Bay Watershed Management Area include, DDT, PCBs, PAHs, Chlordane, TBT, cadmium, chromium, copper, lead, nickel, silver, zinc, pathogens, TSS (sediment), nutrients, trash and debris, chlorine, oxygen demanding substances, and oil and grease.*

**Pollution Prevention:**

**Principal Permittee:** The agency named in the NPDES storm water permit to serve as permit coordinator, responsible for general administration of the permit, and coordinating cooperation by other Permittees, including but not limited to the implementation of local self-monitoring programs and BMPs, and preparation and submittal of reports required by the permit. *The Principal Permittee to the NPDES storm water permit is the County of Los Angeles.*

**Public Agency Vehicle Maintenance/Material Storage Facility:** Any Permittee-owned and/or operated facility that is: used for vehicle or equipment maintenance, repair, washing, or fueling; and/or is required to prepare a hazardous materials business plan.

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**Regional Board:** The state agency with primary responsibility for the coordination and control of water quality. This means the California Regional Water Quality Control Board, Los Angeles Region for the area covered by the NPDES storm water permit. The Los Angeles region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainage to the divide between Sheep Creek and San Gabriel River drainage.

**Receiving Waters:** All surface water bodies within the permit area that are identified in the Basin Plan.

**Secondary Containment:** Structures, usually dikes or berms, surrounding tanks or other storage containers to catch spilled or leaked materials.

**Sediment:** Organic or inorganic material that is carried by or suspended in water and that settles out to form deposits in the storm drain system or receiving waters.

**Source Minimization:** Operational practices that reduce the amount of materials stored at a site.

**Standard Industrial Classification (SIC):** The statistical classification standard, organized by industry, underlying all establishment-based federal economic statistics. The SIC of a particular industry is determined using the latest Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget.

**Storm Drain System:** Streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by any Permittee and used for the purpose of collecting, storing, transporting, or disposing of storm water.

**Storm water:** Water which originates from atmospheric moisture (rainfall or snowmelt) and that falls onto land, water, or other surfaces.

**Storm Water Pollution Prevention Plan (SWPPP):** A plan required by and for which contents are specified in the General Permit for Storm Water Discharges Associated with Industrial Activities, and the General Permit for Storm Water Discharges Associated with Construction Activities. The purpose of the plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges.

**Storm Water Runoff:** That part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the storm drain system or receiving waters. Examples of this phenomenon include: the water that flows from a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). When all other factors are equal, runoff increases as the perviousness of a surface decreases.

**Storm Water Runoff Mitigation Plan:** A plan, to be submitted prior to the submittal of an application for the first planning or building approval for a new development project, that sets forth storm water pollution controls to be incorporated into development projects. The plan must shall:

be designed to reduce the runoff volume from the site and the pollutant load contributed by the site through incorporation of design elements and practices that address each of the following goals:

-maximize, to the extent practicable, the percentage of permeable surfaces in order to allow more percolation,

-minimize, to the extent practicable, the amount of runoff directed to impermeable areas to the storm drain system,

-maximize, to the extent practicable, storm water filtration and storage for reuse through the use of sediment traps, cisterns or other means,

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-minimize, to the extent practicable, parking lot pollution through the use of porous materials to allow percolation of storm water, through the installation of appropriate treatment controls, or through other means.

**Toxic Pollutant:** A pollutant present in levels above certain concentrations, known as the toxicity threshold, such that it is poisonous to human, plant, animal, or aquatic life.

**Waste Minimization:** Operational practices that reduce the amount of waste materials generated. Practices may include recycling and reuse.

**Watershed Management Area (WMA):** Any one of the six general watersheds covered by this NPDES storm water permit consisting of the Malibu Creek, Santa Clara, Dominguez Channel, San Gabriel River, Los Angeles River, and Ballona Creek watersheds.

**Watershed Management Committee (WMC):** A committee composed of representatives from each Permittee in a Watershed Management Area. Duties include establishing goals and objectives for the Watershed; prioritizing pollution control efforts; developing a specific Watershed Management Plan; coordinating and facilitating annual reports for the watershed, and facilitating compliance by Permittees in the watershed.

**Watershed Management Plan (WMP):** A plan for implementation of permit requirements that is based on the Countywide Storm water Management Plan but further addresses specific issues, pollutants of concern, and BMPs that are unique to the Watershed Management Area. The following terms are defined in the NPDES storm water permit. The question is: "Should they also be defined in the glossary?"

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A PROFESSIONAL CORPORATION

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HARRY L. GERSHON  
DOUGLAS W. ARBUE  
MARI L. LAMSON  
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DANIEL L. ROSS  
LISA M. SOHO  
WYNNE TSEH  
JENNIFER L. HART  
REBEKAH M. SHAW

April 26, 1996

RICHARD RICHARDS  
(1910-1988)  
  
THIRTY-EIGHTH FLOOR  
282 SOUTH HOPE STREET  
LOS ANGELES, CALIFORNIA 90071-1429  
(213) 620-6600  
FACSIMILE (213) 620-6675  
  
OF COUNSEL  
WILLIAM K. FRAMER  
  
1311699  
OUR FILE NUMBER  
C1380-00980

**VIA FACSIMILE AND MAIL**

Xavier Swamikannu  
Water Resource Control Engineer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Re: Waste Discharge Requirements For Municipal Storm Water Discharges Within The County Of Los Angeles

Dear Xavier:

Yesterday, I forwarded to you the combined comments to the Findings section of the proposed permit for Municipal Storm Water Discharges within the County of Los Angeles submitted by this firm, the County of Los Angeles and the City of Los Angeles. At that time, neither the City nor the County had had a full opportunity to review and approve the document. However, I understand that the City of Los Angeles concurs in the suggested changes set forth in the red-lined version which I sent to you yesterday.

Although our discussions with Catherine Tyrrell, the County, the City of Los Angeles and Heal-The-Bay have been quite productive, time considerations prevented us from discussing all of the sections of the draft permit. Accordingly, I am enclosing a red-lined version of the most current draft of the permit, containing our suggested additional modifications.

While we will undoubtedly review and comment upon the tentative permit (which we understand will be issued quite soon), we thought it would be helpful to forward our additional proposed changes to you as soon as possible. I presume that both the County of Los Angeles and the City of Los Angeles will be sending any additional comments under separate cover.

2-7-96

RICHARDS, WATSON & GERSON

Xavier Swamikannu  
April 26, 1996  
Page 2

I am for your convenience enclosing a diskette containing a clean version of the permit including our changes, along with a red-lined version.

Please do not hesitate to contact me if you have any questions regarding the enclosed.

Very truly yours,

  
John J. Harris

JJH:la  
131449  
Enclosures

cc: John Wiss (w/encls.)  
Sharon Perlstein (w/encls.)  
Catherine Tyrrell (w/encls.)  
Donald L. Wolfe (w/encls.)  
Gary Hildebrand (w/encls.)  
Barbara Garrett (w/encls.)  
Dr. Mark Gold (w/encls.)

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ENCLOSURE

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RICHARDS, WATSON LAW FIRM

213 626 0078 P.01/05

**RICHARDS, WATSON & GERSHON**

ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION  
333 SOUTH HOPE STREET, 38th FLOOR  
LOS ANGELES, CALIFORNIA 90071-1469

Switchboard (213) 626-8484

Fax (213) 626-0078

**FAX COVER SHEET**

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TO:

✓	NAME	FAX #	COMPANY/DEPARTMENT	VOICE #
1	Catherine Tyrrell	(213) 266-7600	California Regional Water Quality Control Board/Los Angeles Region	
2	Xavier Swamikannu	(213) 266-7600	Water Resource Control Engineer	
3				
4				
5				

FROM:

JOHN J. HARRIS	213 626-0078	213 626-8484
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DATE: 05/09/96 OUR FILE NO.: C1380.00980 TOTAL PAGES (INCLUDING THIS PAGE): 5

SUBJECT: NPDES Permit  
DOCUMENT(S) TRANSMITTED: Modifications of Program Evaluation section  
MESSAGE: Please call if you have any questions.

4-7-96

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ATTORNEYS AT LAW  
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May 9, 1996

RICHARD ROEDERS  
(194-1432)  
  
THIRTY-NINTH FLOOR  
800 SOUTH HOPE STREET  
LOS ANGELES, CALIFORNIA 90071-1400  
OFFICE 213-626-0078  
FACSIMILE 213-626-0079  
WILLIAM H. STRASSER  
  
1311713  
WATER FILE NUMBER  
C1380-00980

- DAVID S. BISHOP
- WILLIAM F. BISHOP
- ROBERT E. BISHOP
- DAVID S. BISHOP
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- DAVID S. BISHOP
- WILLIAM F. BISHOP
- ROBERT E. BISHOP

VIA FACSIMILE AND MAIL

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Re: Program Evaluation and Reporting Section Of Draft  
NPDES Permit

Dear Catherine:

I took the liberty of forwarding to Gary Hildebrand the proposed Program Evaluation and Reporting portion of the draft NPDES permit, which you sent to me by telecopy last week. Unfortunately, my travel out of town on other business has prevented me from responding sooner. I apologize for the delay.

After discussing the proposed section, we suggest that the attached additional changes be made in this section of the permit.

I should mention that we have suggested the deletion of certain subsections, as indicated (i.e., Subsections (h) and (i)), because we thought that they were either covered elsewhere in the permit or they were matters which could not be fully performed within a year and which could more feasibly be addressed in the subsequent report of waste discharge.

We have also suggested, at this point, that the filing date for annual reports, at least, be linked with the anniversary date of the permit, as provided in 40 CFR § 122.42(c). However, I believe that the reports might be more useful if filed within 90 days after the anniversary date, so that a full year of data

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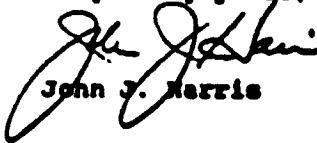
May 9, 1996  
Page 2

(which probably would not be available before the anniversary date) could be collected and reviewed. Otherwise, the report would only contain data for a partial year.

I should also mention that it appears that the information gathering requirements of Section 122.43(c) may not have been approved by the OMB under The Paperwork Reduction Act, so a question may arise as to the enforceability.

Please contact me if you have any questions regarding the enclosed suggestions. We look forward to receiving the revised tentative draft of the permit.

Very truly yours,

  
John J. Harris

JJH:jjh  
11173

cc: Xavier Svamikannu (via telecopy)  
John Wiss  
Sharon Perlstein  
Gary Hildebrand  
Barbara Garrett

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PROPOSED CHANGES  
TO  
PROGRAM EVALUATION AND REPORTING PROGRAM  
PORTION OF DRAFT NPDES PERMIT

May 7, 1996

1. The Principal Permittee in coordination with the Permittees shall submit an Annual Report to the Regional Board ~~{by April 15 of each year}~~ ++ on or before each anniversary date of this Order ++. The first Annual Report is due ~~{on April 15, 1997}~~ ++ one year from the effective date of this Order ++. The Annual Report shall comply with ++ 40 CFR ++ § 122.42(c)(3) and include:
  - a. The implementation status of program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
  - b. The status of, or statement of completion of all ~~{deliverables and}~~ milestones described in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
  - c. Results of program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
  - d. Program accomplishments by each Permittee;
  - e. ~~{Known spill incidents that resulted in a discharge to the storm drain system or any waters of the United States, including but not limited to: the date, type, quantity, quality, source of spill, name of receiving water(s) impacted, and remedial/corrective actions implemented;~~
  - ~~f.} Public education activities;~~
  - ~~{g} ++ f ++ .~~ The names, titles, and telephone numbers of personnel responsible for supervising implementation of the program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
  - ~~{h} --- A report assessing the effectiveness of BMPs and other activities contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee including information gathered to qualitatively and quantitatively evaluate the ability of the BMPs and other activities to reduce pollutants;~~
  - ~~i. --- A discussion of the adequacy of legal authority and/or legal controls for implementing and carrying out the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;}~~
  - ~~{j} ++ g ++ .~~ An overall evaluation of the CSWMP, and/or WMAP, as applicable to each Permittee; and

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~~{\*} + + h + +~~. Any recommended changes and/or modifications to the Permit, CSWMP, and/or WMAP, as applicable.

- 2. The Principal Permittee shall submit a separate Monitoring Annual Report by ~~{August 15 of each year}~~ + + the anniversary of the date of this Order + +. The first Monitoring Annual Report is due ~~{August 15, 1996}~~ + + one year from the effective date of this Order + +.

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DUFF MURPHY  
EDWARD W LEE  
ROGER W SPONGER  
MARY L MCMASTER  
ARTHUR J HAZARABEDIAN  
JUDITH FAYE ROBERTS  
BRADLEY E WOMENBERG

THE PARK  
201 S FIGUEROA STREET  
SECOND FLOOR  
LOS ANGELES, CALIFORNIA 90007  
(213) 621-2000  
  
FACSIMILE  
(213) 621-2200

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May 6, 1996

VIA FACSIMILE AND U.S. MAIL  
(213) 266-7600

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

Re: Draft NPDES Permit

Dear Ms. Tyrrell:

Thank you again for meeting with interested City Attorneys to discuss the draft permit. I thought the meeting was helpful and interesting. This office represents the Cities of Covina, Bell, South Pasadena and Calabasas. Consequently we are very interested in the contents of the permit.

I am writing because I have been informed that Mr. Xavier Swamikannu will be out of the Country on the date of the next scheduled workshop on May 29, 1996. It is our understanding that Mr. Swamikannu is an essential point person for the Agency on many of the issues that will no doubt come up at that meeting. Consequently we ask that the meeting be moved forward or back to allow for Mr. Swamikannu's attendance at the meeting. We are concerned that discussion on important issues will be limited without Mr. Swamikannu's participation.

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OLIVER, VOSE, SANDIFER, MURPHY & LEE

Ms. Catherine Tyrrell  
May 6, 1996  
Page 2.

Thank you in advance for your consideration of this request.

Very truly yours,



Mary L. McMaster  
of OLIVER, VOSE, SANDIFER,  
MURPHY & LEE

MLM:crn

cc: Jorge A. Leon, Senior Staff Counsel  
Charles Redding, City of Covina  
Carlos Alvarado, City of Bell  
Jim Van Winkle, City of South Pasadena  
Steve Craig, City of Calabasas  
Charles S. Vose, Esq.  
Edward W. Lee, Esq.  
Lisa Peskay Malmsten, Esq.  
Rufus C. Young, Esq.  
John Harris, Esq.  
Herberto Diaz, Esq.  
Mark Steres, Esq.  
David Huff, Esq.  
J. David Fitzsimons, Esq.

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*CF WJ, XS  
What do you think?*

LAW OFFICES  
OLIVER, VOSE, SANDIFER,  
MURPHY & LEE  
A PROFESSIONAL CORPORATION

CHARLES S. VOSE  
CONNIE COOKE SANDIFER  
DUFF MURPHY  
EDWARD W. LEE  
ROGER W. SPRINGER  
MARY L. MCMASTER  
ARTHUR J. HAZARABEDIAN  
JUDITH FAYE ROBERTS  
BRADLEY E. WOLLENDERS

THE DASH  
221 S. FLORENZA STREET  
SECOND FLOOR  
LOS ANGELES, CALIFORNIA 90012  
TEL: 213-200-2000

FACSIMILE  
TEL: 213-200-2000

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FACSIMILE

DATE: May 7, 1996

TIME:

PLEASE DELIVER THE FOLLOWING 3 PAGES (including this page)

TO: Ms. Catherine Tyrrell

FAX NUMBER: (213) 266-7600

FROM: Mary L. McMaster

MESSAGE: Re: Draft NPDES Permit

If you do not receive any and/or all of the pages, please call our office at (213) 621-2000 and ask for the undersigned.

NAME: Cynthia

Client: OV

Matter: NPDES

CONFIDENTIALITY NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address by the U.S. Postal Service. Thank you.

1-882-00



**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone (818) 458-5100

HARRY W. STONE, Director

January 24, 1996

ADDRESS ALL CORRESPONDENCE TO  
P.O. BOX 1468  
ALHAMBRA, CALIFORNIA 91803-1468  
LOS ANGELES REGION

IN REPLY PLEASE  
REFER TO FILE EP-3

Dr. Robert Ghirelli, Executive Officer  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Mr. Ghirelli:

**EXECUTIVE ADVISORY COMMITTEE COMMENTS  
DECEMBER 18 DRAFT NPDES PERMIT**

The Executive Advisory Committee (EAC) wishes to thank the Board staff for their long hours spent in developing the draft five-year National Pollutant Discharge Elimination System Permit and for soliciting our input into the process. However, the EAC has some serious concerns with the current draft and we have identified more than 20 important issues which all Permittees believe require extensive modification prior to adoption of the final permit by the Regional Board. A summary of these concerns is enclosed for your review and response.

Please be aware that the enclosed summary only reflects joint Permittee comments identified by the EAC and should not be construed as the collective comments of the Permittees. Each Permittee will be submitting its own comments and suggestions. We request that the Board consider and respond to all comments submitted by individual agencies, Permittees, and other interested parties.

All cities within Los Angeles County are environmentally conscious and are desirous of implementing and enforcing the provisions of the Clean Water Act. However, the current draft of the Permit is not conducive to the efficient use of our limited resources to accomplish our goals. To assist in resolving these issues, the EAC is willing to meet with your staff and develop Permit language which is acceptable to all parties.

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Dr. Robert Ghirelli  
January 24, 1996  
Page 2

The enclosed summary has been provided to all the Co-Permittees for their use in formulating their own comments on the draft Permit. Please incorporate this letter, and others which will be forwarded directly by other Permittees, into the administrative record of the Permit.

If you have any questions, please contact me at (818) 458-4014, or Gary Hildebrand at (818) 458-5948, Monday through Thursday, 7:00 a.m. to 5:30 p.m.

Very truly yours,



DONALD L. WOLFE  
Chairman, Executive Advisory Committee

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Enc.

cc: Permittees

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Major items of concern regarding the December 18 Draft Permit, as identified by the Executive Advisory Committee.

a) **GENERAL**

1. Unknown requirements to be imposed in the future
  - Many programs in the Countywide Program/Watershed Management Plan are "to be developed" with unknown requirements imposed in the future.
  - Too many levels of plans could impose undue requirements on the Permittees.
2. The Permit is too lengthy and complex.
  - Detailed requirements belong in the Watershed Management Plan, not in the Permit.
3. The Permit exceeds Clean Water Act authority.
4. The Permit should clearly state that the Permittee should only be required to meet the requirements of the Permit. If the Permit does not meet all requirements of the Clean Water Act, Permittees should not be held accountable.
5. The outline headings sequence should be consistent throughout the Permit.
6. Compliance dates are not realistic.
  - The Permit should use periods of time after Permit adoption, instead of dates, for completion
  - Too short
  - Inappropriate deadline sequences which could impact action effectiveness, e.g., inspection before outreach to inform industries
7. Permit demonstrates lack of understanding for local government decision-making and budgeting process.

b) **FINDINGS**

1. Findings should be limited to those relevant to stormwater quality enhancement.
2. Some information presented as factual is not correct.
3. No. 20 (page 5), "other entities," should be clearly identified and included as Co-Permittees

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4. Findings should not give any implication of wrong doing by any agency.
5. Findings should not be self serving or biased.
6. Findings should not repeat what is contained in the requirements.
7. Pollutants of Concern are not adequately identified and referenced.
8. Major land areas are exempted from the Permit which may have significant discharge/runoff
  - Universities, State, and Federal Hospitals
  - School Districts
  - State and Federal facilities and lands

c) **DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS SECTION**

Receiving water limits

- Unachievable  
Permittees will be in violation immediately upon issuance of the Permit
- Water quality objectives should be goals and not compliance standards
- Compliance of permit should not be related to exceeding any water quality objectives, but should only be evaluated based on implementation of programs

d) **REQUIREMENTS FOR PROGRAM MANAGEMENT SECTION**

1. Budget requirements are too detailed.
2. Makeup of Executive Advisory Committee
  - Members should be limited to permittees
  - Mandating members are not acceptable
  - Permittees should determine membership on Executive Advisory Committee
3. The Program Substitution requirements (page 26) are too burdensome on individual Permittees.
4. The appeal process is not acceptable.
  - Administrative review process (page 26) should state that the Permittees are not in violation until the review process is completed.

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5. The time period given to Board staff to respond to submittals from Permittees is too long.
6. The time needed for the Board staff to review submittals should be included in the time allowed for plan implementation.
7. Joint powers/inter-jurisdictional agreements (page 25) requirement are not achievable by Permittees.

**e) REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES SECTION**

**Exempted Nonstormwater Discharges**

- Other discharges, such as commercial roof drains, should be included.

**f) REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES SECTION**

**Industrial/Commercial Inspections**

- How priorities are established that target certain industrial activities for inspection are not clear.
- The "Enhanced" Inspection Program (page 41) is not much different from the inspection program on page 39, therefore, it should be deleted.
- The Permit should allow for the public outreach program to inform industries to be implemented prior to beginning inspections.

**g) REQUIREMENTS FOR DEVELOPMENT PLANNING/CONSTRUCTION SECTION**

- The Director of Public Works' discretion on limited priority projects requires more definition.
- Post-development runoff requirement is not achievable.
- Changes to the California Environmental Quality Act requirements should be limited to addressing stormwater pollution and not watershed management or other water quality concerns.
- Do not lump planning and construction together because they have separate requirements.
- Need to provide a correlation between types of construction projects to pollutants of concern.

**h) REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION SECTION**

Public education and the development of Stormwater Management Plans do not include public participation.

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i) **REQUIREMENTS FOR MONITORING PROGRAM SECTION**

1. **Co-Permittee Water Quality Monitoring**

- An arbitrary number of critical sources have been selected for monitoring by other than the Principal Permittee without data to support the need for them.

2. There is no relationship between Water Quality Monitoring and the Stormwater Management Plans. Monitoring results should be used to refine plans.

j) **PROGRAM EVALUATION AND REPORTING SECTION**

1. **Best Management Practice Effectiveness**

- Pilot studies cannot be undertaken for every best management practice in the Permit.

2. Requirement (page 82) to demonstrate Maximum Extent Practical standard for best management practices is not achievable.

3. Delete performance standards development requirements (page 87).

k) **ADDITIONAL PROVISIONS**

Certification requirements by Principal Executive Officer (page 90) for reporting are not practical

l) **GLOSSARY OF TERMS**

Needs to be expanded

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Dr. [unclear]

Major items of concern regarding the December 19 Draft Permit, as identified by the Executive Advisory Committee.

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l) **GLOSSARY OF TERMS**

Needs to be expanded

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HARRY W. STONE, Director

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone (818) 456-3100

ADDRESS ALL CORRESPONDENCE TO  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91803-1460

IN REPLY PLEASE  
REFER TO FILE EP-3

January 29, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Dr. Ghirelli:

**COUNTY OF LOS ANGELES (PRINCIPAL PERMITTEE)  
COMMENTS ON DECEMBER 18, 1995 DRAFT NPDES STORMWATER PERMIT**

We appreciate the opportunity offered us and the Permittees to review and comment on the draft Permit. We have reviewed the draft, and, while we believe we have in it the framework of an effective permit, we have serious concerns with the details. Our comments are enclosed for your consideration.

We look forward to continuing our joint effort over the next few weeks to resolve the concerns and issues of the interested parties. If you or your staff have any questions concerning our comments, please contact me at (818) 458-4014 or Gary Hildebrand at (818) 458-5948, Monday through Thursday, 7:00 a.m. to 5:30 p.m.

Very truly yours,

HARRY W. STONE  
Director of Public Works

*Donald L. Wolfe*  
DONALD L. WOLFE  
Deputy Director

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Los Angeles County Department of Public Works  
Comments on December 18, 1995  
Draft NPDES Stormwater Permit

**FINDINGS**

**#21**

A significant portion of Orange County (86 sq. miles) drains into Los Angeles County through Coyote Creek. There is no acknowledgment of this fact in the findings nor any statement as to how it will be insured that this portion of Orange County will be in compliance with the requirements of this Order.

**#27**

Though the guidelines developed by the Urban Runoff Task Force were presented to the Stormwater Quality Task Force for comment, the guidelines have never been endorsed by the Task Force. The finding leaves the mistaken impression that the Task Force agrees with the guidelines.

**#28**

This finding states that the Stormwater Management Plans submitted as part of the Report of Waste Discharge (ROWD) were determined to be "incomplete and inadequate". Our records do not indicate any such determination being made by the Regional Board. Therefore, this reference should be deleted.

**#29**

This finding states that Order No. 90-079 required an evaluation of stormwater impacts on receiving waters. This was not required by the Order.

**#32a**

The ROWD does not state that a subcommittee has been established nor that all Permittees have agreed to perform the activities described in the finding.

**#32k**

This finding states that the court ruling in the Caltrans Case regarding the definition of "maximum extent practicable" is relevant to a "Permittee". In reality this court ruling applies only to that case and to Caltrans. It is not binding to the other Permittees. This finding should be deleted.

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#321

The filing of a lawsuit against a Permittee that is ultimately settled out of court with no finding of liability any court does not have any bearing on this Permit and thus should not be mentioned in a finding.

#35

It is unclear throughout the Permit as to which plans, reports, etc., developed by the Permittees must be submitted to the Executive Officer for approval. The Permit must clearly identify each plan, report, etc., that must go through this process.

### AII. Receiving Water Limitations

The Receiving Water Limitations as presently written are not acceptable and would result in immediate non-compliance during the first storm event. Compliance with water quality objectives should be a goal of the stormwater program that is achieved through implementation of BMP's to the maximum extent practicable.

#### B. Compliance with Discharge Prohibitions and Receiving Water Limitations

Implementation of the CSWMP described in this Permit should be considered compliance with the receiving water limitations. It will take some time for the effects of the CSWMP to be evidenced, therefore, exceedence of any water quality objective during this Permit that has been identified as being caused by stormwater should not result in any investigation(s) by the Permittees.

The California Stormwater Quality Task Force is working with the SWRCB to resolve the receiving water limitations and compliance issues equitably for all stormwater programs which currently have Permits up for renewal. We strongly encourage the inclusion of the results of this effort in this Permit.

As written, this section provides an "open checkbook" requirement of endless monitoring, testing, analysis, and implementation of trial BMPs by the Permittees. This type of open ended, undefined requirement is not acceptable.

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C. Stormwater Management Program requirements

General

The relationships between the Countywide Stormwater Management Plan (CSWMP), the Storm Water Management Program provisions of the Order, and the Watershed Management Area Plan (WMAP) is not clear. Also the development sequence for the CSWMP and the WMAP is not clear.

Our understanding of the development process is as follows: The Stormwater Management Program requirements described in provisions C.I. through C.VII., when fully developed and approved, will constitute the CSWMP. The Permittees will proceed with implementing the CSWMP during the term of the Permit. As part of the ROWD, the Permittees will evaluate the implementation of the CSWMP and the results obtained through the monitoring program. If warranted based on this evaluation, the ROWD would propose a WMAP for each watershed which would be based on modifications to the CSWMP.

The compliance dates identified in the Permit are not achievable given the number of Permittees (86) and other industry and public interest groups who will be involved in developing the programs identified in the Permit. Even though the Permit has the Principal Permittee together with the Executive Advisory Committee (EAC) developing proposed programs, these programs must include input from all Permittees since all Permittees will be required to implement them upon Executive Officer approval.

Also, implementing new or expanded programs will require additional resources that will need to be budgeted. Permittees need sufficient time to go through the budget process to acquire needed resources. This will vary from Permittee to Permittee. Therefore, we strongly recommend rewording all tasks which provide for a specific date for Permittee implementation of the task to the Permittee submitting a schedule for implementing the task. Without such rewording, a date by which full implementation must occur by a Permittee would need to be 18 to 24 months or more after plan approval by the Executive Officer to address the above concerns. We have enclosed a list of proposed compliance dates that allows for a more realistic timeframe for development and implementation.

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CI. Requirements for Program Management

A.2.k.

The Principal Permittee does not need guidance from the EAC in implementing our Permittee obligations. Please modify to delete this statement.

B.1.

No one individual in any agency would have this authority. Also, the level of individual sent to represent a Permittee on the Watershed Management Committee (WMC) will be at the discretion of the Permittee. The Permittee will need to determine the level of individual needed based on its assessment of the charge of the WMC.

C.2.

The United States Army Corp of Engineers should be added to this list of agencies since their requirements greatly impact storm drain and flood control operations.

D.1.

Beyond program development, the EAC will serve other roles, such as developing and advocating positions on the Clean Water Act (CWA) reauthorization, strategies for dealing with stormwater program issues impacting the Permittees, and future Permit renewal. These are items for which the Permittees on the EAC need to meet without the presence of the Regional Water Quality Control Board (RWQCB) or other interest groups. Either limit the EAC membership to Permittees or allow for the holding of "closed sessions" for voting members only.

E.1.

Same comments as D.1. above.

E.2.

The County will not be providing funding to any Permittee to carry out its role on the EAC or the WMC's. The Regional Board does not have the authority to order a reallocation of public funds between municipalities.

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G.1.

Budget information requested from each Permittee should be limited to that which is requested in 40 CFR 122.26(d)(2)(vi) Fiscal Analysis, to minimize the additional burden on each Permittee to provide this information. Also, it is not clear as to how this information will be used to assess each Permittee's compliance with the Permit. We believe that reporting on the level of implementation of Permit programs will be far more relevant in assessing compliance. The detail of the reporting requirements as now written, show little budget insight into the municipal budgeting process and the interrelation of the multiple tasks undertaken by municipalities.

G.2.

Submittal of annual budget information is not required by Section 402(p) of the CWA.

H.1.d.

Given the number of Permittees and the issues involved such as responsibility for discharges, funding of cleanup activities, etc., it would be nearly impossible for such an agreement to be developed. Therefore, more clarification is needed as to the expectations of the RWQCB in complying with this item. One solution would be to view the CSWMP as the "agreement" among Permittees.

H.3.a.i.

Delete the wording "under penalty of perjury" as indicated by your legal counsel Jorge Leon.

I.1.

For clarity, the Permit needs to specify throughout the various chapters, which documents are subject to this review and approval. Also, it must be recognized that this 120-day review and approval period needs to be included when establishing compliance dates. Permittees will make only limited movement towards preparing for implementation of a proposed program until it has been approved by the Executive Officer.

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I.b.ii.

The word "greatly" should be deleted from this sentence, since the issue here should only be one of whether or not the cost outweighs the benefit.

II. REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES

A.

The first sentence under Section A is redundant with A.2. and should be deleted.

A.1.a.

A storm drain inspection schedule should not be part of the model program. This is Permittee specific and should be included under A.2.

B.1.c.

Modify the wording to read: "Methods to prioritize problem areas of illicit disposal...".

B.1.d.

Establishment of a separate surveillance program would not be practical or cost effective given the large County area and the diffuse sources for illicit discharges. The program described in B.1.e. using existing field staff would be far more effective. Therefore B.1.d. should be deleted.

B.1.g.

This item is redundant with B.1.a. and should be deleted.

C.1.h.

This item is out of place in this section and should be moved to Chapter IV. B. Development Construction.

D.2.i.

It is not clear why commercial roof drains have been excluded. This exemption must be reinstated.

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D.4.d.

The wording for this item should be revised to read as follows: "Established procedures to report on the implementation of the BMPs described in II.D.4.c in accordance with Chapter VIII Program Evaluation and Reporting Requirements".

III. PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES

A.

With the level of specificity in Section D. Source Inspection, as to the facilities to be inspected, the need to develop such a large all encompassing database of industrial/commercial facilities is questionable. The development of the database as described herein will not enhance the ability of each Permittee to conduct site visits to the facilities identified in Section D. Therefore, the scope of this database should be limited to facilities described in Section D. and used by each Permittee in managing/tracking its inspection of these facilities.

B.

Again, with the level of specificity in Section D. Source Inspection as to the industries to be inspected and the frequency of inspection, this prioritization process serves no real purpose and should be deleted.

C.

BMP checklists should only be developed for those facilities identified in III.D.2.

D.1.

The purpose of the initial round of site visits for industrial facilities under the Permit should be educational as opposed to regulatory. Therefore, to avoid any misinterpretation of the intent of these inspections, D.1.a.ii. and D.1.b.ii. should be deleted. These two items would require a regulatory approach as opposed to educational, which would not serve the best interests of the program.

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Page 8

D.1.b.

Item should be reworded to read: "For all other facilities listed in III.D.2. site visits to:".

D.2.

This section proposes an ambitious new inspection program that will require significant additional resources on the Permittees.

Therefore, to make the program more manageable for the Permittees, we request the following changes:

- 1.) For all Phase 1 facilities in categories [I] through [ix] and [xi] that do not have an industrial waste discharge permit or pretreatment permit, the Permittees should only be required to comply with D.2.iv.
- 2.) Delete D.2.viii.

These changes will allow the Permittees to maximize the use of existing inspection programs and minimize the need for additional resources. This is very important at this early stage of the program so that we can gain experience with this program prior to embarking on any broader scale implementation.

D.4.

The focus of the initial inspections to be undertaken during this Permit will be educational as opposed to regulatory. Therefore, any "problem" facilities would not become evident until two or more visits to such facilities. Given the inspection frequency in this Permit, this would not occur until the last two years of this Permit with the exception of facilities described in D.2.i. Given this fact, it is premature to develop a distinct "enhanced" program. The main focus of the "enhanced" program - corrective action at problematic or recalcitrant facilities - can easily be handled under D.1.b.iv. Therefore, delete this section.

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**IV. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING/CONSTRUCTION**

**A.2.a. and A.3.b.**

Delete the wording "as part of the Countywide Plan" since it should be understood that all elements developed by the Principal Permittee and the EAC as required by the Permit will constitute the CSWMP.

**A.3.b.**

The purpose of the NPDES Stormwater Program is to reduce the impacts to receiving waters of nonpoint source pollution in stormwater from urbanized areas. The inclusion of the words "watershed" and "water quality" in this item are very general terms which can be interpreted to address issues beyond nonpoint source pollution from stormwater. Therefore, they should be deleted.

**A.4.c.iii.**

Add the words "or routine maintenance" after the word "treatment".

**B.1.a.viii.**

"Project erodibility" is not defined. If defined, we assume a special consultant report would be required to determine the factor and question the cost/benefit of such a study.

**B.1.a.ix.**

This item should be revised to state "NPDES General Construction Activities Stormwater Permit coverage status, if applicable."

**B.2.a.viii.**

Reword this item to say "As necessary, use of drainage controls such as:".

**V. PUBLIC AGENCY REQUIREMENTS**

The first sentence under the Chapter states that "The Principal Permittee, in consultation with the EAC shall evaluate existing public agency activities...". The County cannot agree to commit to performing a formal evaluation of the Permittees existing practices

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and procedures. This would be a very costly and time-consuming effort. This wording must be deleted. In developing the model program, if we elect to conduct a limited or focused assessment of existing activities, that should be at our discretion.

Also, the reference to evaluating existing activities prior to developing a model program appears nowhere else in the Permit. Therefore, it should not appear here.

**B.2.**

The County does not accept the responsibility for coordinating the Permittees compliance with the General Construction Activities Stormwater Permit. Therefore, this section needs to be reworded to say "Procedures to seek coverage... which are owned and operated by a Permittee, if the Permittee develops:".

**C.1.b.**

It is unclear how the "ten or more vehicles" criteria is used. Does this mean per day, per hour, at the same time, or number of service bays? We recommend the wording apply to number of vehicles regularly assigned to and serviced at a yard.

**D.5.v.**

Integrated Pest Management has nothing to do with the proper storage of fertilizers and pesticides. More appropriate under D.2.

**D. Storm Drain Operation and Management**

Lettering from this section on needs to be revised beginning with letter "E" for this section.

The "storm drain system" and the "flood control system" are the same. Therefore, these two separate sections should be combined.

**E.3.a.**

This item is handled under II.B.1.c. and should be deleted here.

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**VI. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION**

Page 62, second paragraph, Item (b), "the location and significance of the Los Angeles County watersheds" - should be deleted as an objective.

**A.1.**

It is unclear as to what this analysis is to consist of. Why must this be done by every Permittee. Why not representative areas throughout the County?

**B.**

The "Department of Beaches and Harbors" is part of the County, which is a Permittee. Therefore, delete reference to it here.

**B.1.**

Page 66, second sentence, in the second paragraph, change "each Permittee's" to "all Permittees" and delete "and the correlation of each Permittees analysis of target audience with the overall strategy."

Page 66, third sentence, in the second paragraph, delete "in each target audience."

**B.1.a.i.**

Page 67 (I), second sentence should be watershed not watersheds.

**B.1.b.i.c.**

This item redundant with B.1.b.iii.b. (pg.69) and should be deleted.

**B.1.b.i.d.**

This item is essentially no different than B.1.b.i.b. (pg. 68) and should be deleted.

**VII. REQUIREMENTS FOR MONITORING PROGRAM**

**A.1.**

The County cannot agree to collect, analyze, and interpret existing data from monitoring programs within Los Angeles County. This is the responsibility of the Regional Board. If, during our evaluation of stormwater quality under this Permit, we elect to utilize data other monitoring programs, this will be done at our discretion as we deem appropriate. The item must be revised to reflect this.

**B.5.**

The wording in this section focuses the BMP evaluation to be done solely on structural BMPs. This is not the intent of the Critical Source/BMP Monitoring Program. Once a critical source has been characterized, all appropriate BMPs will be considered for evaluation, both source control/good housekeeping practices and structural measures. Emphasis will be placed on source control/good housekeeping practices over structural measures, unless these practices have already been determined ineffective for the pollutants of concern.

We have enclosed language for your use in the monitoring chapter of the Permit. It reflects our monitoring obligations for the new Permit as described in our agreement with NRDC. We have proposed completion dates that assume a May 1996 Permit adoption. If this does not occur, then these dates will need to be adjusted.

**VIII. PROGRAM EVALUATION AND REPORTING**

**A.2**

Why are watershed specific BMPs being held to a higher standard for demonstration of effectiveness than Countywide BMPs? This will discourage watersheds from recommending BMPs in addition to, or in modification thereof, from those found in the CSWMP.

**C.2.a.**

This section requests a large amount of detailed information which will require significant resources from all Permittees

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to track and compile. Limited Permittee resources would be better spent on a more focused summary with more implementation. Therefore, the summary should be limited to the following information:

- a) Amount of storm drain system inspected
- b) Total number of illicit connections discovered and general categories
- c) Number removed from system
- d) Any enforcement action taken

C.2.b.

See comments for C.2.a. above. Summary should be limited to:

- a) Number of incidents reported and general categories
- b) Remedial action taken (spill cleanup, investigation, etc.)
- c) Any enforcement action taken

C.6.b.

What is the value of conducting a public education survey in the second year of the Permit? The survey should be conducted during year four after programs developed under this Permit will have been implemented. The results should be included in the ROWD.

D.

The programs developed under this Permit will take considerable time to fully implement. Therefore, assessing the effectiveness of each program on an annual basis is far too frequent. Also, the nature of these programs is such that any measurable effectiveness will not be evidenced until after a number of years of implementation. The programs should be implemented over the term of the Permit with an assessment of effectiveness for each program to be performed as part of the ROWD.

The Annual Report should be limited to providing the information described in the first paragraph of this section, for the various program areas of the CSWMP.

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CSWMP

**E. Performance Standards**

The successful development and implementation of the CSWMP by all Permittees during the term of this Permit will be a very ambitious undertaking, requiring the focus and attention of each Permittee's resources towards this effort.

The development of Performance Standards as described in this section, though a good concept, is far beyond the scope of what can be successfully accomplished during this permit term. Developing Performance Standards for every BMP in the CSWMP would be a tremendous effort, and consideration of such should be deferred until the next Permit.

**E. Annual Reports**

See comments under Section D. above. Again, assessment of effectiveness should be done as part of the ROWD and not in the Annual Report.

**IX. ADDITIONAL PROVISIONS**

**1.**

Paragraph 1 should contain a "force majeure" clause which allows for relief from deadlines due to unanticipated events, such as flood, fire, earthquake, etc. We suggest the following language:

Should there be a natural disaster or other event, including without limitation, earthquake, flood or fire, ("Force Majeure Event") which delays or prevents any Permittee's compliance with the terms of this Permit or the terms of any report, document, workplan or submittal made thereunder, such Permittee shall not be in violation of the terms of this Permit or any report, document, workplan or submittal made thereunder to the extent that the Force Majeure Event delays or prevents the performance of such obligation.

If a Force Majeure Event occurs, any affected Permittee shall meet with the Executive Officer to discuss and agree upon adequate and reasonable alternative approaches to compliance with the Permittee or report, document, workplan or submittal made thereunder. The Permit may be modified to address such alternative approaches. Any

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affected Permittee shall provide prompt notice (within ten (10) business days) to the Executive Officer of the occurrence of the Force Majeure Event.

3.

This item leaves the impression that certain Permittees are in violation of the expired Permit. This language is not necessary for this new Permit and should be deleted.

4.

As Principal Permittee, the County could not sign such certification since the program-wide reports we will prepare will be based solely on information provided by each Permittee. We have no control over the staff used by each Permittee to compile the information nor can we certify its accuracy.

#### Glossary

Maximum Extent Practicable: delete the wording "BMP's identified through this process...greatly outweigh the pollution control benefits." This wording does not further the interests of this Permit (see our comments to Finding #32k).

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LOS ANGELES COUNTY STORMWATER PERMIT  
PROPOSED COMPLETION DATES

TASK	IMPLEMENTOR	COMPLETION DATE	
		# of Months After Permit Adoption	# of Months from E.O. Approval
<b>I. REQUIREMENTS FOR PROGRAM MANAGEMENT:</b>			
<b>G. Fiscal Resources</b>			
2. Submit an annual budget summary of resources to the Princ. Permittee	Each Permittee	Within 60 days of budget adoption	—
3. Submit a fiscal resources summary in its Annual Report to the Regional Board	Princ. Permittee	By the end of each Permit year	—
<b>H. Legal Authority</b>			
1. Demonstrate that it possesses legal authority	Each Permittee	4	—
3. a) Provide a statement that the Permittee has obtained all necessary legal authority	Each Permittee	4	—
a) Provide a timely schedule for obtaining adequate legal authority	Each Permittee	4	—
<b>II. REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES</b>			
<b>A. Illicit Connections</b>			
1. Develop a model program for the elimination of illicit connections to the MS4	Princ. Permittee/EAC	8	—
2. Submit a schedule of implementation to identify and eliminate illicit connections based on the model program	Each Permittee	—	4
<b>B. Illicit Discharges</b>			
1. Develop a model illicit discharges elimination program	Princ. Permittee/EAC	8	—
4. g) Submit a schedule of implementation to identify and eliminate illicit discharges based on the model program	Each Permittee	—	4
<b>D. Non-Storm Water Discharges</b>			
3. Eliminate the designated discharges or develop appropriate BMPs to minimize the adverse impacts in accordance with Provisions II.C.4.	Each Permittee	12	Executive Officers date of determination

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**LOS ANGELES COUNTY STORMWATER PERMIT  
PROPOSED COMPLETION DATES**

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TASK	IMPLEMENTOR	COMPLETION DATE	
		# of Months After Permit Adoption	# of Months from E.O. Approval
<b>E. Public Reporting</b>			
1. Develop a standard program to promote, publicize, and Facilitate public reporting of illicit discharges and illicit disposal practices	Princ. Permittee/EAC	8	—
Submit a schedule to implement the standard program to facilitate public reporting	Each Permittee	—	4
2. Develop a standard program for reporting incidents of a reportable quantity of hazardous substances entering the storm drain system	Princ. Permittee/EAC	8	—
Submit a schedule to implement the standard program for reporting hazardous substances entering the storm drain	Each Permittee	—	4
<b>PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES</b>			
<b>A. Identification of Sources</b>			
1. Develop a Database format for listing Industrial/Commercial Facilities by four digit SIC Industry Numbers	Princ. Permittee/EAC	6	—
2. Collect information to identify Industrial/Commercial Facilities in each city jurisdiction	Each Permittee	12	—
3. Compile the information submitted by each Permittee into a Database of Industrial/Commercial Facilities.	Princ. Permittee/EAC	16	—
<b>C. Source Control Measures</b>			
1. Develop a checklist of specific storm water BMPs for use by Permittees in each Industrial/Commercial SIC Group Listed in III.D.2.	Princ. Permittee/EAC	10	—
2. Require mandatory source control measures through legal authority	Each Permittee	According to Schedule in I.H.3.a.ii	—
<b>D. Source Inspection</b>			
1. Develop an Industrial/Commercial Facilities Inspection Program	Each Permittee	10	—
2. Each Permittee shall submit a schedule for inspection of Industrial/Commercial Facilities in III.D.2.	Each Permittee	12	—

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**LOS ANGELES COUNTY STORMWATER PERMIT  
PROPOSED COMPLETION DATES**

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TASK	IMPLEMENTOR	COMPLETION DATE	
		# of Months After Permit Adoption	# of Months from E.O. Approval
<b>IV. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING/ CONSTRUCTION</b>			
<b>A. Development Planning</b>			
<b>2. Countywide Guidelines</b>  Develop guidelines to encourage watershed protection considerations during planning and permitting of all development projects.	Princ. Permittee/EAC	18	—
<b>3. Planning Process</b>			
a) Develop guidelines for each Permittee to use in preparing, reviewing EIRs, and linking EIR mitigation conditions to local permit approval.  Each Permittee shall incorporate the guidelines in their internal procedures.	Princ. Permittee/EAC  Each Permittee	18  —	—  6
b) Develop a model CEQA Checklist Form that explicitly addresses watershed, water quality, and nonpoint source pollution impacts.  Each Permittee shall use or incorporate the model CEQA Checklist provisions into their existing procedures.	Princ. Permittee/EAC  Each Permittee	18  —	—  6
<b>4. Planning Control Measures</b>			
a) Each Permittee shall submit a schedule to implement a program to tell developers about:	Each Permittee	—	4
i. Stormwater Management			
ii. Permittees legal authorities			
iii. Maximization of pervious areas and stormwater			
iv. Improved infiltration			
v. Cost effective stormwater treatment and control measures.			
b) Limited Priority Projects - Require that by detail or reference that the development plans incorporate appropriate post-construction BMP's to minimize non-stormwater discharges from the completed project site.	Each Permittee	—	6*

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\* From Executive Officer approval of IV.A.2.

**LOS ANGELES COUNTY STORMWATER PERMIT  
PROPOSED COMPLETION DATES**

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TASK	IMPLEMENTOR	COMPLETION DATE	
		# of Months After Permit Adoption	# of Months from E.O. Approval
c) Priority Project - Require, in addition to that listed above for a limited project, that a stormwater mitigation plan be submitted and approved prior to the issuance of any Grading or Building Permit.	Each Permittee	—	6*
d) High Priority Project - Require, in addition to that listed above for a priority project, that the stormwater mitigation plan provide for permanent controls to reduce the stormwater discharge volumes and pollutant loads produced by the development site.	Each Permittee	—	6*
<b>B. Development Construction</b>			
1. Identification of Development Construction Sites			
a) Develop a database listing active high priority and priority development projects in their jurisdiction. The database shall be updated quarterly.	Each Permittee	12	—
2. Countywide Guidelines			
a) As part of the CSWMP, develop minimum recommended requirements and BMP's for high priority, priority, and limited priority development project construction activities.	Princ. Permittee/EAC	14	—
3. Best Management Practices (BMP's)			
a) Limited priority projects			
i. Develop a regulatory guideline for wet weather erosion control plans for all projects when grading will occur or remain incomplete between October 1 and April 30.	Each Permittee	—	4**
ii. Include or reference all appropriate BMP's in Grading/Building Plans.	Each Permittee	—	4**
b) Priority projects and high priority projects - prepare a stormwater mitigation plan which includes:	Each Permittee	—	4**
i. Erosion control during and after construction.	Each Permittee	—	4**
ii. All appropriate BMP's contained in the Countywide guidelines	Each Permittee	—	4**

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\* From Executive Officer approval of V.A.2.  
\*\* From Executive Officer approval of V.B.2.a.

**LOS ANGELES COUNTY STORMWATER PERMIT  
PROPOSED COMPLETION DATES**

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TASK	IMPLEMENTOR	COMPLETION DATE	
		# of Months After Permk Adoption	# of Months from E.O. Approval
<p>4. <u>Source Inspection</u></p> <p>a) Develop a Model Construction Activity Inspection Program which includes checklists.</p> <p>Submit a schedule for implement of an inspection program based on the model.</p>	<p>Princ. Permittee/EAC</p> <p>Each Permittee</p>	<p>14</p> <p>—</p>	<p>—</p> <p>4</p>
<p>V. PUBLIC AGENCY REQUIREMENTS</p> <p>Develop a model program to reduce the impact of public agency activity on stormwater quality.</p> <p>Submit a schedule for implementing a public agency program based on the model program developed by the Principal Permittee.</p>	<p>Princ. Permittee</p> <p>Each Permittee</p>	<p>16</p> <p>—</p>	<p>—</p> <p>4</p>
<p>VI. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION</p> <p>A. <u>Immediate Outreach</u></p> <p>1. At a minimum, each Permittee shall have written material, audio material, and visual material available for distribution or reference.</p> <p>2. Each Permittee shall demonstrate that they are:</p> <p>a) distributing their outreach materials to the general public or targeted audiences.</p> <p>b) training the appropriate Permittee employees regarding the requirements of the Stormwater Permit.</p>	<p>Each Permittee</p> <p>Each Permittee</p> <p>Each Permittee</p>	<p>8</p> <p>12</p> <p>12</p>	<p>—</p> <p>—</p> <p>—</p>
<p>B. <u>Five-Year Stormwater Public Education Strategy</u></p> <p>1. Develop a five-year Countywide stormwater education strategy which addresses education/outreach issues by watershed as well as Countywide.</p>	<p>Princ. Permittee</p>	<p>12</p>	<p>—</p>
<p>VII. PROGRAM EVALUATION AND REPORTING</p> <p>Develop a program to standardize evaluation and reporting by each Permittee.</p>	<p>Princ. Permittee/EAC</p>	<p>To coincide with the completion of the last program element</p>	<p>—</p>

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**LOS ANGELES COUNTY STORMWATER PERMIT  
PROPOSED COMPLETION DATES**

TASK	IMPLEMENTOR	COMPLETION DATE	
		# of Months After Permit Adoption	# of Months from E.O. Approval
<b>F. Annual Report</b>			
1a) Submit an Annual Report to the Regional Board	Princ. Permittee/EAC	At the end of each permit year	—
1b) Submit a separate Monitoring Annual Report	Princ. Permittee	4 months from the end of each permit year	—
<b>IX. ADDITIONAL PROVISIONS</b>			
Principal Permittee and Permittees must submit complete Reports of Waste Discharge (ROWD).	Princ. Permittee/ Each Permittee	6 months prior to Permit expiration	—

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LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS  
DRAFT NPDES STORMWATER PERMIT  
PROPOSED MONITORING PROGRAM LANGUAGE  
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IX. MONITORING PROGRAM

A. OBJECTIVES

The overall goal of this monitoring program is to develop and support effective watershed specific storm water quality management programs.

The following major objectives of the monitoring program are intended to support the overall goal of the program:

1. To track water quality status, pollutant trends, pollutant loads, and pollutants of concern.
2. To monitor and assess pollutant loads from specific land uses and watershed areas.
3. To identify, monitor, and assess significant water quality problems related to storm water discharges within the watershed.
4. To identify sources of pollutants in storm water runoff.
5. To identify and eliminate illicit discharges.
6. To evaluate the effectiveness of management programs, including pollutant reductions achieved by best management programs (BMPs).
7. To assess the impacts of storm water runoff on receiving waters.

B. MONITORING PROGRAM REQUIREMENTS

The following monitoring program is designed to meet the above stated objectives:

1. Land Use Station Monitoring
  - a. The Principal Permittee shall reevaluate the location of monitoring stations reflecting specific land uses ("land use stations") consistent with the cost-benefit methodology attached hereto as Attachment 1. To the extent required by the reevaluation process,

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reevaluation process, existing land use stations under NPDES Permit No. CA0061654 will be moved to monitor land use categories recommended for monitoring under the reevaluation methodology. Existing land use stations under NPDES Permit No. CA0061654 which do not reflect land use categories recommended for monitoring under the cost-benefit analysis or which are duplicative of other stations will be decommissioned. By July 1, 1996, the Principal Permittee shall submit a report to the Executive Officer upon completion of Step 6 of the reevaluation process set forth in Attachment 1, outlining the steps taken thereunder and recommending land use categories to be monitored.

- b. Upon approval of the report by the Executive Officer, the Principal Permittee shall complete Steps 7-8 of the reevaluation process set forth in Attachment 1.
- c. The Principal Permittee will monitor land use stations at a rate of 100 station events in the 1996-97 storm season, with a station event defined as one sampling event per station. The Principal Permittee shall not be required to monitor more than 100 station events, but shall be required to monitor that many, provided that there are sufficient storm events. The Principal Permittee will monitor land use stations at a rate of 200 station events in each of the 1997-98 and 1998-99 storm seasons. The Principal Permittee shall not be required to monitor more than 200 station events during these years, but shall be required to monitor that many, provided that there are sufficient storm events. Following the 1998-99 storm season, the Principal Permittee shall not be required to monitor more than 200 station events per storm season at the land use stations. Land use stations shall be operated until the permit term is concluded or until EMCs are derived, at the 25% error rate, for the following detected constituents of concern:

- PAHs (total)
- chlordan
- Cadmium
- Copper
- Nickel
- Lead
- Chromium

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Silver  
Zinc  
Total Suspended Solids  
Total Nitrogen  
Total Phosphorus

The Executive Officer may add or delete constituents of concern other than those listed above after the commencement of the permit term. However, for those constituents of concern added after the commencement of the second rainy season under the permit, the Principal Permittee need not derive an EMC at an error rate of 25% prior to closing a station.

- d. All samples for land use station monitoring shall be taken with the same type of automatic sampler used under NPDES Permit No. CA0061654. The samplers shall be set to monitor storms totalling 0.25 inches of rainfall or greater. The constituents to be analyzed shall be those identified as being obtainable by automatic samplers in the workplans submitted by the Principal Permittee under NPDES Permit No. CA0061654. In addition, the Principal Permittee will, as a pilot study, set one land use sampler to monitor storms totaling to 0.1 inch of rainfall or greater. Based upon an assessment of 1) the operational effectiveness of the sampler; 2) the feasibility and effectiveness of sample retrieval and transport; and 3) the ability to reprogram and maintain this setting at other samplers, a decision will be made as to whether to set some or all of the remaining land use samplers to monitor storms totalling 0.1 inches of rainfall or greater.
- e. If a constituent is not found at the method detection limit for its respective test methodology in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show unusually high concentrations and are cause for concern. The Principal Permittee also will conduct annual confirmation sampling for non-detected constituents at each station for as long as the station remains open.

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2. Mass Emission Station Monitoring

- a. The Principal Permittee will monitor a total of four mass emission stations during the Permit. During the 1995-96 and 1996-97 storm seasons, monitoring will be conducted at the Ballona Creek and Malibu Creek monitoring stations established under NPDES Permit No. CA0061654. During the 1997-98 and 1998-99 storm seasons, monitoring will be conducted at the San Gabriel River and Los Angeles River (downstream of Wardlow Road) stations established under NPDES Permit No. CA0061654. The Principal Permittee will monitor each station for up to ten station events per year, for a total of twenty station events per year. This monitoring will include dry weather sampling.
- b. Samples for mass emission station monitoring shall be taken with the same type of automatic sampler used under NPDES Permit No. CA0061654, as well as through grab sampling. The samplers shall be set to monitor storms totalling .25 inches of rainfall or greater. The constituents to be analyzed shall be those identified as being obtainable by automatic samplers and grab sampling in the workplans submitted by the Principal Permittee under NPDES Permit No. CA0061654.
- c. If a constituent is not found at the method detection limit for its respective test methodology in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show unusually high concentrations and are cause for concern.
- d. With the exception of the stations noted in Section C(2)(a) above, monitoring of mass emission stations installed under NPDES Permit No. CA0061654 will be discontinued and the stations decommissioned.

3. Critical Source/Best Management Practice Monitoring -- The Principal Permittee shall conduct a program for monitoring of critical sources and best management practices ("BMPs") associated therewith. The program shall be consistent with the following:

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- a. Selection of Critical Sources: The Principal Permittee will select critical sources for monitoring based on the methodology attached as Attachment 2. A total of five (5) critical sources will be monitored over six rainy seasons commencing with the 1996-97 rainy season, subject to the provisions of Section C(3)(d) below.
- b. By July 1, 1996, the Principal Permittee shall submit a report to the Executive Officer on the critical source selection process and recommending critical sources for evaluation. Upon approval of the report by the Executive Officer, the Principal Permittee shall proceed to conduct the activities set forth in Section C(3)(c-f).
- c. Characterization of Critical Sources: Commencing with the 1996-97 rainy season, the Principal Permittee shall commence the characterization of critical sources. A total of six (6) examples of each critical source will be characterized through analysis of sheetflow runoff. Fewer examples may be selected due to distance considerations and/or the unavailability of sufficient source locations willing to participate in the program. A total of at least five (5) storms will be used to characterize the critical source runoff. Samples will be analyzed for those pollutants anticipated to be found in the critical source runoff and such analytes will be partitioned, as appropriate, to determine the dissolved and undissolved portions.
- d. Evaluation of BMPs: In the next year after a critical source had been characterized, a BMP or BMPs appropriate to the critical source will be selected and installed at up to half of the critical source examples (the "test sites"). Sheetflow from the remaining source examples (the "control sites") will continue to be analyzed. A total of ten (10) targeted storm events will be monitored to assess the effectiveness of the BMPs; if there are insufficient storm events during the year, the evaluation may be continued during the next storm season. The Principal Permittee's monitoring of critical sources and evaluation of BMPs will be concluded by the end of the sixth full rainy season after the effective date of the permit, provided that sufficient storms have occurred.
- e. Additional Evaluation: After the third full rainy season following the effective date of the permit, the Principal Permittee will reevaluate, using the same process described in Attachment 2, the

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progress made by other public agencies in the State to evaluate critical sources and BMPs. If, following that evaluation, the Principal Permittee determines that there either are additional critical sources or BMPs associated with identified significant critical sources which have not been monitored and/or evaluated, and subject to the approval of the Executive Officer, the Principal Permittee will monitor up to an additional three (3) critical sources or evaluate up to an additional three (3) BMP sets or some combination totalling three critical sources or BMPs (the "Additional Monitoring"). The extent of Additional Monitoring will be dependant on the Principal Permittee's ability to complete the monitoring/evaluation described in Sections C(3)(c-d) above; if more time is needed to complete such monitoring, the extent of the Additional Monitoring shall be accordingly reduced. Such Additional Monitoring shall in any event be concluded no later than the end of the eighth full rainy season after the effective date of the Permit.

f. **Reports:** In the annual report to the Executive Officer following the third full year of critical source/BMP monitoring, the Principal Permittee will describe the monitoring program to date, including the results of any evaluations of BMP effectiveness. In the annual report to the Executive Officer following the completion of the critical source/BMP monitoring, including additional monitoring, if any, the Principal Permittee shall provide to the Executive Officer a report describing the complete critical source monitoring program, including the results of any evaluations of BMP effectiveness.

4. **Loads Assessment Model --** Following the third full rainy season after the effective date of the permit, the Principal Permittee will take then-existing monitoring data from the land use and mass emission stations (including data collected from stations monitored under Permit No. CA0061654) for use in a model to assess loads of pollutants entering into the ocean receiving waters off the County. The model to be used for this assessment will be the EPA Simplified Method. The Principal Permittee will submit to the Executive Officer for approval a workplan for performance of the loads assessment model by no later than 18 months after Permit adoption. The Loads Assessment model will be run for each of the six watershed management areas in the County.

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5. **Receiving Waters Study** -- The Principal Permittee, in conjunction with such other parties as it may choose, will fund a study of receiving waters impacted by storm water runoff as described in Attachment 3, subject to revisions as set forth below in Section C(5)(d). The purpose of the study will be to study the impacts, if any, of storm water and urban runoff on the beneficial uses of Santa Monica Bay and to assist the Permittees in developing storm water and urban runoff management programs. The obligation of the Principal Permittee under this Permit with respect to the study of receiving waters shall consist of the following:
- a. **Plume Study:** The Principal Permittee will contribute up to a maximum of \$145,000 to support the plume study. If this amount is contributed by the Principal Permittee, the Principal Permittee shall not be in violation of this Permit if not all elements of the Plume Study have been carried out.
  - b. **Benthic Study:** The Principal Permittee will contribute up to a maximum of \$205,000 to fund this study. If this amount is contributed by the Principal Permittee for these purposes, the Principal Permittee shall not be in violation of this Permit if not all of the elements of the Benthic Study as set forth in the receiving waters workplan have been carried out. If it is the consensus of project scientists that a third year of benthic study is advisable to meet the goals of the receiving waters study, the Principal Permittee will contribute up to a maximum of an additional \$80,000 for the third year of study. If this amount is contributed by the Principal Permittee for the third year of the benthic study, the Principal Permittee shall not be in violation of this Permit if not all of the elements of the third year of the benthic study have been carried out.
  - c. **Toxicity Study:** The Principal Permittee will contribute up to a maximum of \$122,100 to fund this study. If this amount is contributed by the Principal Permittee for these purposes, the Principal Permittee shall not be in violation of this Permit if not all of the elements of the toxicity study have been carried out. If it is the consensus of the project scientists that a third year of toxicity studies is advisable to meet the goals of the receiving waters study, the Principal Permittee will contribute up to a maximum of \$80,500 to fund a third year of study. If this amount is contributed by the Principal Permittee for the third year of the toxicity study, the Principal Permittee shall not be in

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violation of this Permit if not all of the elements of the third year of the toxicity study have been carried out.

- d. **Project Design:** The receiving waters study shall initially contain the elements set forth in Attachment 3, attached. However, the scientists conducting the receiving waters study may alter the parameters of the second and (if necessary) the third year of the receiving waters study so as to meet the objectives of the study. Such alterations could include changing the location of sampling locations, different sampling techniques or other redirection of resources. The maximum financial commitment of the Principal Permittee as set forth in Section C(5)(a-c) above shall not, however, be increased or reduced. The Principal Permittee shall provide to the Executive Officer notice of any revisions to the second and (if necessary) third years of the receiving waters study for review and approval.
- e. **Annual Reports:** The Principal Permittee shall cause the project scientists conducting the study to produce an annual report covering study activities of the previous year. Such report shall be submitted by the Principal Permittee to the Executive Officer.
- f. **River Study:** The Principal Permittee will take a total of three (two storm weather and one dry weather) water samples at each of the Los Angeles and San Gabriel River mass emission stations during the 1997-98 and 1998-99 seasons. The samples will be analyzed using sea urchin fertilization tests. The Principal Permittee's total out-of-pocket contribution for such study shall not exceed \$3,600. If the cost for undertaking the study exceeds that amount, the scope of the study will be accordingly reduced.
- g. **Commitment of Principal Permittee:** The commitment of the Principal Permittee toward performance of a receiving waters study is the provision of funding and various reports, as set forth above, as well as undertaking the work described in Section C(5)(f). The Principal Permittee shall not be in violation of this Permit for the failure of third parties to provide funding or services for elements of the receiving waters study.

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**6. General Provisions**

- a. Quality control, quality assurance, data collection, storage and analyses shall be as set forth in the Stormwater/Urban Runoff Monitoring Program workplans submitted to the Executive Officer pursuant to NPDES Permit No. CA0061654.**
- b. All sample collection, handling, storage, and analyses shall be in accordance with 40 CFR 136.**

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ATTACHMENT 1

LAND USE SITE SELECTION PROCESS OUTLINE

**Step 1**

The Principal Permittee will take the Southern California Association of Governments ("SCAG") categories listed below as an initial list of land use categories. The Principal Permittee will use its best efforts to obtain overlays (or similar information) for use in the land use selection process. However, these overlays or information must be usable County-wide in the SCAG database and the Principal Permittee shall not be required to look for or use overlays or information which cannot be so used. The Principal Permittee also shall not be required to create overlays. Some of these categories may not be important (very small area represented in study area, and/or known very low EMC or runoff mass). The initial number of categories will be reduced at this step.

For each remaining category, the Principal Permittee will identify eight (8) representative locations. The eight (8) locations in each category would be relatively small areas, such as a square block for residential areas, a single school or church, a few blocks of strip commercial, etc. These sites would be selected, where possible, over a wide geographical area of the study area to include a range of topographical characteristics such as distance from ocean, etc.

**Step 2**

In this step, the Principal Permittee should perform a site survey of ground conditions. For each of the eight (8) locations identified for each category, the Principal Permittee should collect information, to the extent such information is available, including: type of roof connections, type of drainage, age of development, housing density, type of landscaping, condition of pavement, soils, and existing stormwater control practices.

These are simple field surveys that can be completed by a team of two people at the rate of about 5-6 (maximum) locations a day, depending on navigation problems, traffic delays, and the proximity of the sites. Several photographs should be made of each site and archived with the field sheets for future reference.

**Step 3**

In this step, currently available aerial photographs taken in the past five years are used to measure the percent impervious area associated with rooftops, streets, driveways, sidewalks, parking areas, storage areas, decks and sheds, swimming pools, alleyways, and

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other paved areas. Photographic prints for each of the homogeneous neighborhoods examined on the ground in step 2 are needed. The actual measurements require about an hour per site.

**Step 4**

In this step, the Principal Permittee would compile the information collected in the previous steps and use it to determine which land use categories should be monitored. This refinement step would result in a final list of categories to be examined, based on the actual measured values.

Some of the sites selected for field measurement may actually belong in another category and would be reassigned to that category before the data were evaluated. In addition, development characteristics and areas of important elements may indicate greater variability within an initial category than between other categories in the same land use. If there is no other reason to suspect differences that would affect drainage quality or quantity, these areas could be combined to reduce the total number of individual land use categories used in subsequent evaluations.

On the basis of Step 2 and Step 3, the Principal Permittee will measure the percent of directly connected impervious area for each of the eight neighborhoods surveyed. The Principal Permittee will then compare the percent of impervious area using simple non-parametric statistics to see how differences within a single land use category compare with differences between land use categories. Based on this analysis, the Principal Permittee will aggregate or subdivide land use categories as appropriate. Subdivisions of land use categories shall correspond to those in the SCAG database.

**Step 5**

Next, the Principal Permittee will rank the selected land use categories according to their predominance and pollutant generation. As part of its analysis, the Principal Permittee would perform a marginal cost/benefit analysis as to which land use categories should be monitored.

For each land use category the following will be estimated based on existing data: drainage area, runoff quantity and an EMC value for each of four indicator pollutants (preliminarily, copper, pyrene, total suspended solids and diazinon). The product of runoff quantity and EMC is the estimated total annual pollutant loading associated with each land use category and indicator pollutant. These sums are then ranked, from the largest to the lowest, and an accumulated percentage contribution is then produced for each pollutant. These accumulated percentage values are plotted against the number of land use categories. The graph will be relatively steep initially and then level off as it approaches 100%. A marginal

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cost-benefit analysis can then be used to select the number of land uses that should be monitored, which will take into account all four of the indicator pollutants.

The list of County-wide land use categories to be evaluated in Step 5 will be reviewed for each of the six watersheds in the Permit area. If there is a land use category in an individual watershed which may be feasibly monitored and is in the top five land uses in terms of total area in the watershed and is otherwise an important contributor of constituents of concern, but which would not be monitored based on the County-wide marginal cost-benefit analysis, up to two such land uses shall be monitored after the first year of the monitoring program, subject to the station event cap.

**Step 6**

The Principal Permittee will take the top ranked land uses and if the total number of categories exceed ten, select ten monitoring sites for monitoring the first year. All of the remaining top-ranked land uses will need to be monitored in future years, subject to the station event cap. In selecting those sites for initial monitoring, the Principal Permittee should look for homogeneous areas that are self-contained in a drainage area. In addition, monitoring locations will need to be selected along storm drains that are able to accommodate the sampling equipment, have sampling access, no safety problems, etc.

**Step 7**

Next, the monitoring stations are installed. The monitoring equipment will include automatic water samplers and, if surcharging flow problems are anticipated, flow sensors measuring velocity and depth of flow. The samples collected at the automatic samplers should all be flow-weighted composites, requiring only one sample to be analyzed per event at each monitoring station. Each sampler site will need to be visited periodically to ensure that everything is ready to sample.

**Step 8**

The Principal Permittee should continue down the list of priority land use categories and install additional monitoring stations in subsequent years. At some point, the marginal benefit from monitoring an additional land use category will not be sufficient to justify the cost, as determined from the marginal cost-benefit analysis in step 5, and no additional sites will need to be installed. The land use sampling program will end when sufficient storms have been sampled to obtain the desired error level in the EMC values for the constituents of concern.

**SCAG LAND USE CLASSIFICATIONS**

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Single Family Residential  
    High Density  
    Low Density  
Multi-Family Residential  
Mobile Homes and Trailer Parks  
Mixed Residential  
Rural Residential  
General Office Use  
Retail Stores and Commercial Services  
Other Commercial  
Public Facilities  
Special Use Facilities  
Educational Institutions  
Military Installations  
Light Industrial  
Heavy Industrial  
(Mineral) Extraction  
Wholesaling and Warehousing  
Transportation  
Communication Facilities  
Utility Facilities  
Maintenance Yards  
Mixed Transportation  
Mixed Transportation and Utility  
Mixed Commercial and Industrial  
Mixed Urban  
Under Construction  
Golf Courses  
Local Parks and Recreation  
Regional Parks and Recreation  
Cemeteries  
Wildlife Preserves and Sanctuaries  
Specimen Gardens and Arboreta  
Beach Parks  
Other Open Space and Recreation  
Urban Vacant  
Irrigated Cropland and Improved Pasture Land  
Non-Irrigated Cropland and Improved Pasture Land  
Orchards and Vineyards  
Nurseries  
Dairy and Intensive Livestock, and Associated Facilities  
Poultry Operations

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Other Agriculture  
Horse Ranches  
Vacant Undifferentiated  
Abandoned Orchards and Vineyards  
Vacant with Limited Improvements

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**ATTACHMENT 2**  
**CRITICAL SOURCE/BMP MONITORING**

**Selection of Initial Critical Sources to be Studied:** The selection of initial critical sources will be made using the following steps:

**Step 1:** The Principal Permittee first will develop an initial list of candidate critical sources, including industrial and commercial sources that are regulated under the state's General Permit and those which are not.

**Step 2:** The Principal Permittee next will develop a list of criteria for prioritizing the candidate critical sources developed pursuant to Step 1, including the following: number and/or total area associated with each critical source; runoff pollutants associated with each source; the impact of nonstormwater discharges associated with each source; whether or not the source is regulated under the General Permit; and, ease of implementation of monitoring and BMPs.

**Step 3:** The Principal Permittee next will prioritize the candidate critical sources based on the selection criteria develop under Step 2.

**Step 4:** The Principal Permittee next will conduct a literature review and contact other State municipal stormwater programs to identify what critical sources have been (or are planned in the next five years) to be studied elsewhere. Where studies have been conducted or are planned to be conducted elsewhere, such studies will be reviewed to assess whether the hydrologic conditions in the study area are representative of those in Los Angeles County, the quality of the study and any conclusions from already-conducted studies. This evaluation would be coordinated with the State Stormwater Quality Task Force.

**Step 5:** The Principal Permittee next will take the list developed up to Step 3 and refine and finalize it based upon the review conducted pursuant to Step 4.

**Selection of Additional Critical Sources/BMPs:** The selection of additional critical sources or BMPs for monitoring following the third rainy season of the permit will follow the steps noted above, except that BMPs also shall be evaluated in addition to critical sources.

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**ATTACHMENT 3**  
**RECEIVING WATERS STUDY**

A receiving waters study that will be a joint effort of the University of Southern California, the University of California at Santa Barbara and the Southern California Coastal Water Research Project ("SCCWRP"). In addition, the study will be done in cooperation with an ongoing toxicity study by investigators at UCLA. Co-funding, either direct or in terms of vessel support, also will be provided by the federal government through the Sea Grant program, by the City of Los Angeles and through SCCWRP. It must be noted that while the Principal Permittee is committed to funding a receiving waters study, the scope of that study will be affected by the availability of non-Principal Permittee funding sources, as is discussed below. The Principal Permittee's commitment is limited to the provision of funds.

**A. Outline of Study:** The receiving waters study includes a plume study to determine the dispersion of stormwater runoff and associated sediment, a study of the benthic environment near two principal storm drains, Malibu and Ballona Creeks and an assessment of the toxicity of storm drain waters and affected sediments near Malibu and Ballona Creeks. The plume study will be carried out by the USC Sea Grant program. The benthic and toxicity studies will be carried out by SCCWRP. All of these studies will be carried out over two storm seasons, with the third year used for analysis of the data obtained in the previous years. If it is the consensus of the project scientists that a third year of research is appropriate for the benthic and toxicity studies, such study shall be carried out. Each element of these studies is outlined below.

**1. Plume Study:** The plume study will be conducted over two storm seasons and will examine the following issues, among others:

- Mapping the spatial and temporal structure of the runoff plumes from Ballona and Malibu Creeks as they flow into Santa Monica Bay following strong winter storms.
- Examining the interaction between the runoff plume and ocean processes as they affect the advection, dispersion, and mixing of the plume.
- Evaluating the impact of storm runoff plumes on beneficial uses of the coastal ocean.
- Characterizing the optical properties of the suspended particulate material ("SPM") and dissolved organic material ("DOM") associated with runoff sources.

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- Examining the effects of DOM and SPM on the water column optics and the distribution of nutrient concentrations, as the same may affect phytoplankton productivity.
- Helping to establish appropriate locations for benthic study stations.

**2. Benthic Study: The benthic study will measure the following parameters:**

- Water quality (dissolved oxygen, salinity, density, temperature, light transmissivity and Ph).
- Sediment grain size, sediment organic concentrations and sediment contaminant concentrations.
- The structure of the benthic invertebrate community.

The benthic study will employ the same methods used in studies of dry weather impacts in river discharge areas carried out by SCCWRP in 1994 and 1995 in the entire Southern California Bight.

**3. Toxicity Study: The toxicity study will involve the following proposed annual elements:**

**Water Column Toxicity**

- 30 sea urchin fertilization tests taken during two storm and one dry weather event off each of Ballona and Malibu Creeks (including reference sites).
- 3 Phase I TIE tests on up to 3 samples showing toxicity in the sea urchin fertilization tests

**Sediment Toxicity**

- Amphipod survival tests of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 1.
- Amphipod survival tests of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 2.

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- Sea urchin growth tests will be conducted for chronic toxicity in sediment samples from 6 stations, plus 1 reference site, with the locations to be determined by project scientists based on existing data and best scientific judgment. Biological effects only (survival, growth, sediment avoidance) will be measured for all sites in Year 2.
- Chemical analysis of sea urchin growth test tissue samples (gonad) will be conducted for organics and metals. Duplicate samples from 4 stations (including one reference) will be analyzed in Year 2.
- Phase I TIE tests using sea urchin fertilization of interstitial water from up to 4 stations identified to be toxic in amphipod survival tests (4 samples total) will be conducted in Year 2.
- Additional interstitial water testing intended to coordinate with the UCLA study noted below may also be carried out.

**B. Project Flexibility:** The exact parameters of Year 2 (and Year 3, if necessary) testing will be determined by a review of the project scientists of the results of Year 1 and Year 2 testing. Thus, certain of the steps outlined above may be modified following the reviews.

**C. Coordination with UCLA Toxicity Study:** UCLA researchers are involved in an ongoing Santa Monica Bay Restoration Project study of the toxicity of stormwater runoff in Ballona and Malibu Creeks. The receiving waters study will be coordinated, to the extent possible, with the UCLA study to maximize the utility of the information obtained by both studies.

**D. Los Angeles and San Gabriel River Study:** In addition, the Principal Permittee will take a total of three (two storm weather and one dry weather) water samples taken at each of the Los Angeles and San Gabriel River mass emission stations during each of the two years that those stations will be monitored. The samples will be analyzed using the sea urchin fertilization tests, it being understood that the Principal Permittee's total out-of-pocket contribution for such tests shall not exceed \$3,600.

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HARRY W. STONE, Director

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone (818) 458-3100

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cc: RPG

Your Thanks Lts on response  
ASAP  
please!

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

April 23, 1996

IN REPLY PLEASE  
REFER TO FILE EP-3

Ms. Catherine Tyrrell  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrrell:

**EAC ADOPTION OF ALTERNATIVE COUNTYWIDE PROGRAM REQUIREMENTS**

On April 16, 1996, the Executive Advisory Committee (EAC) unanimously voiced their support and endorsement of the enclosed "Alternative County-wide Storm Water Management Program" (alternative plan). This is the same plan (contained in matrix format) that was presented to you and Dr. Robert Ghirelli by Ed Shroeder and Ray Tahir during a meeting at the Regional Board on March 22, 1996.

The EAC members also agreed that the forthcoming tentative stormwater permit will be evaluated against the requirements contained in the alternative plan by the Co-Permittees. This alternative plan has been distributed at the Los Angeles River and Dominguez Channel Watershed meetings and will be handed out at other Watershed meetings.

If you have any questions, please contact me at (818) 458-4014.

Very truly yours,

DONALD L. WOLFE  
Executive Advisory Committee Chair

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**ALTERNATIVE TO THE PROPOSED PERMIT**

**Generally**

It is the belief among most co-permittees that the proposed permit (issued December 18, 1995) does not work and suffers from so many deficiencies as to require a major overhaul. To that end, the City members of the Executive Advisory, excluding the City of Los Angeles (at least as of this writing), have developed a plausible solution: a permit that is a comparatively brief, is in keeping with federal storm water regulations and is not unlike permits prepared for other regions of the State. The permit would essentially serve as a framework to hold (1) county-wide storm water management program requirements; and (2) a blueprint for developing watershed-specific management program requirements.

• **Permit**

The permit, or "waste discharge orders," should be similar to those written for other regions in the state such as Fresno, Sacramento, and Ventura. Instead of being an encyclopedia of storm water management requirements, the permit should be a brief as possible and contain the following:

1. Relevant findings that serve to justify permit requirements.
  2. Receiving water limitations that make sense and in are keeping with those developed for other regions of the State.
  3. Obligatory legal requirements that are normally required for waste discharge orders.
  4. An identification of basic storm water management program requirements for the Principal Permittee and co-permittees in terms of (a) County storm water management program requirements; and (b) watershed storm water management program requirements. (Note: Requirements should be stated as briefly as possible. Specific tasks and goals for meeting requirements can be specified in the County-wide storm water management program requirements that would be an attachment to the permit.)
  5. Definition of terms (an adaptation of CDM's glossary of terms should be used for this purpose).
- **County-wide Storm Water Management Program**

The city members of the Executive Advisory, excluding the City of Los Angeles, have developed requirements for a municipal storm water management program.

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These requirements are to be implemented on a county-wide level (i.e., by all permittees), in accordance with the a schedule of implementation that will be developed after all affected parties agree to the requirements contained in the proposed county-wide storm water management program. The requirements meet current municipal NPDES storm water provisions of the Clean Water Act.

The attached County-wide Storm Water Management Program matrix describes in clear terms requirements for all permittees.

• **Watershed Storm Water Management Program**

A watershed storm water management program (WSWMP), is to be developed no later than one year from the adoption date of the permit. The WMP shall contain a mechanism for identifying watershed-specific problems and developing BMPs to mitigate them. The mechanism is to consist of (1) at least three years of data characterization for each of the each of the watersheds or other compelling scientific data collected (excluding non-analogous regional data); and (2) an analysis of characterization data to determine "pollutants of concern." Once the targeted pollutants have been identified, the following actions can be taken during the following permit year: (1) selection of additional BMPs (structural and/or non-structural); and (2) a ratcheting-up of existing BMPs.

The watershed shall also be the place where non-storm water discharge exemptions shall be determined -- not on a county-wide level as the regional board's draft permit proposes. It just makes sense better sense to deal with non-storm water discharge exemptions at the watershed level because some receiving waters may be less sensitive than others to such discharges. Take for example street washing. Whereas discharges from street washing might pose a serious problem to La Ballona Creek, such discharges might not be problem for the San Gabriel River. For example, it can demonstrated by compelling data that street washing -- which is an exempted non-storm water discharge -- is a significant source of pollutants to waters of the United States, then the discharge shall either be (a) de-exempted or (b) conditionally allowed.

• **Storm Water Management Handbook**

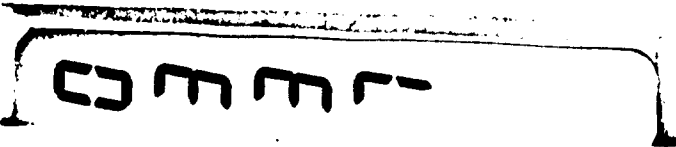
The development of guidance manual developed for the regional board by CDM should be placed in abeyance until the permit is issued. The handbook should not referenced in the permit but instead should be a stand-alone document. Note: The handbook might not be necessary).

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ALTERNATIVE COUNTY-WIDE STORM WATER MANAGEMENT PROGRAM MATRIX

I. INDUSTRIAL/COMMERCIAL POLLUTION CONTROL PROGRAM		
Targeted Activity	Acceptable Requirement	Unacceptable Requirement
A Industrial Facilities Requiring General Industrial Activity Storm Water Permit (GIASWP)	<ul style="list-style-type: none"> <li>Report facilities suspected of not having a NPDES GIASWP to regional board.</li> <li>Require by ordinance all materials containing pollutants used at the facility be (a) covered to prevent airborne storm water contact with pollutants; and (b) raised off the ground to prevent surface water contact with storm water/non-storm water runoff</li> <li>Require by ordinance that outdoor surface areas exposed to storm water/non-storm water runoff, be cleaned of debris and any pollutant material leaks or spills</li> <li>Provide runoff pollution prevention education materials</li> </ul>	<ul style="list-style-type: none"> <li>Will not inspect facilities to verify compliance with any SWPPP requirement (i.e., appropriate selection and implementation of BMPs).</li> <li>Will not issue runoff pollution prevention education materials (because facilities are already subject to GIASWP requirements which compels them to practice storm water/non-storm water management)</li> <li>Will not prioritize industrial activity facilities</li> </ul>
B Other Industrial Facilities (only those subject to haz-mat and industrial waste water discharge requirements)	<ul style="list-style-type: none"> <li>Require by ordinance all materials containing pollutants used at the facility be (a) covered to prevent airborne storm water contact with pollutants, and (b) raised off the ground to prevent surface water contact with storm water/non-storm water runoff</li> <li>Require by ordinance that outdoor surface areas exposed to storm water/non-storm water runoff, be cleaned of debris and any pollutant material leaks or spills</li> <li>Provide runoff pollution prevention education materials</li> </ul>	<ul style="list-style-type: none"> <li>Will not conduct site visits for public education purposes, unless permittee already inspects facility.</li> <li>Will not prioritize industrial facilities.</li> <li>Will not conduct site visits exclusively for education purposes</li> </ul>

<p><b>C. Restaurants</b></p>	<ul style="list-style-type: none"> <li>• Inform all restaurants of permittee's legal authority (1) prohibiting non-storm water discharge and (2) requiring coverage of pollutant materials (includes refuse containers).</li> <li>• Provide all restaurants runoff pollution prevention education materials containing facility-specific BMPs, including the advantages of having a sewer-connected clarifier.</li> </ul>	<ul style="list-style-type: none"> <li>• Will not conduct site visits exclusively for runoff pollution prevention purposes, unless permittee already inspects facility.</li> </ul>
<p><b>D Gas Stations/Automotive-Related Facilities</b></p>	<ul style="list-style-type: none"> <li>• Require by ordinance that any outdoor surface area exposed to storm water/non-storm water runoff be cleaned of debris and any pollutant material leaks or spills.</li> </ul>	



II. ILLEGAL DISPOSAL/ILLICIT DISCHARGE MITIGATION PROGRAM		
Targeted Activity	Acceptable Requirements	Unacceptable Requirements
A Illegal Disposal of Pollutant Materials to the MS4 <sup>1</sup>	<ul style="list-style-type: none"> <li>• Provide spill response.</li> <li>• Encourage residents and businesses to participate in oil recycling and household hazardous waste programs</li> <li>• Identify high debris areas in public places and deploy refuse containers to minimize littering.</li> </ul>	
B Illicit Discharge to the MS4	<ul style="list-style-type: none"> <li>• Establish legal authority prohibiting, within permittee's jurisdiction, the discharge of any fluid that is not entirely comprised of storm water, unless such discharges are exempted.</li> <li>• Inform all residents and businesses of permittee's general prohibition on discharging to the MS4 fluids that are not entirely comprised of storm water</li> <li>• Make available to residents and businesses written BMPs that minimize discharge of non-storm water to the MS4 to avoid violating permittee's prohibition on illicit discharges.</li> </ul>	<ul style="list-style-type: none"> <li>• Will not prohibit any of the non-storm water discharge exemptions granted to municipalities under CFR 40, 122.26. (Note: An exempted non-storm water discharge may be withdrawn if dry weather flow data reveal that such discharge is in fact a pollutant source to receiving waters within a watershed)</li> </ul>
C Illicit Connections	<ul style="list-style-type: none"> <li>• Establish legal authority prohibiting, within permittee's jurisdiction, illicit connections (already covered under Uniform Plumbing Code)</li> <li>• Inspection personnel to check new construction for illicit connections prior to project completion.</li> </ul>	

<sup>1</sup> Refers to municipal storm water system  
March 11, 1996

<p><b>D. Illicit Connections (continued)</b></p>	<ul style="list-style-type: none"><li>• Inform contractors and developers, prior to construction, of permittee's prohibition on illicit connections.</li><li>• Inform residents and businesses of permittee's prohibition on illicit connections and penalties if discovered.</li><li>• Encourage citizens and permittee staff to report illicit connections.</li><li>• Investigate suspected illicit connections reported by citizens and permittee or other public agency personnel.</li></ul>	<ul style="list-style-type: none"><li>• Will not conduct on-site investigation or testing of industrial facilities that require GIASWPs (these facilities are allowed to discharge non-storm storm water to the MS4).</li><li>• Will not test all homes and commercial and industrial facilities for illicit connections (but will test "hot spots").</li></ul>
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III. CONTROLLING DISCHARGES FROM CONSTRUCTION SITES		
Targeted Activity	Acceptable Requirements	Unacceptable Requirements
A. Construction Projects Subject General Construction Activity Storm Water Permit	<ul style="list-style-type: none"> <li>Require construction activities that cause the disturbance of five (5) acres of more of soil by grading, clearing, and/or excavating to (1) obtain a General Construction Activity Storm water Permit (GCASWP); and (2) maintain on-site a Storm Water Pollution Prevention Plan (SWPPP).</li> </ul>	<ul style="list-style-type: none"> <li>Will not inspect facilities to verify compliance with any SWPPP requirement (i.e., appropriate selection and implementation of BMPs). (Note: Permittee will verify compliance with grading requirements/erosion control plan.</li> <li>Will not prioritize construction projects requiring GCASWPs)</li> </ul>
B Other Construction Projects	<ul style="list-style-type: none"> <li>Compel proposed construction projects not required to obtain a GCASWP, but are required to obtain a grading permit to                             <ul style="list-style-type: none"> <li>Minimize sediment discharge to the MS4, through an erosion control plan, using appropriate structural and non-structural BMPs</li> <li>Manage materials and equipment used on site in a manner that minimizes the discharge of pollutants to the MS4 using appropriate BMPs.</li> </ul> </li> <li>[Note Permittee shall base BMP prescriptions on the type of activity to be performed at the construction site and pollutant materials associated with the project, using as guidelines the California Storm Water Quality Task Force's Construction Activity Best Management Practices Handbook and/or USEPA's Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices</li> </ul>	<ul style="list-style-type: none"> <li>Will not prioritize construction any other project.</li> </ul>



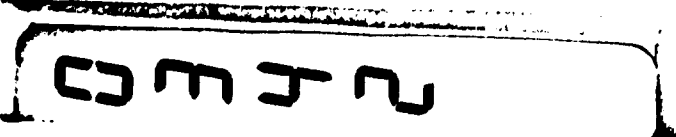
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	<p>d. Inform contractor/developers of permittee's requirements for controlling pollutant discharges to the MS4 from construction sites.</p> <p>e. Provide runoff pollution prevention education materials to citizens, contractors and developers prior to issuing permit to build, construct, or grade.</p> <p>f. Inspect the construction site at least once during the term of the project for compliance with permit conditions, including those related to site runoff management.</p>	<p>B. Other Construction Projects (continued)</p>
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IV. LAND USE PLANNING TO REDUCE THE DISCHARGE OF POLLUTANTS FROM AREAS OF NEW DEVELOPMENT AND REDEVELOPMENT (POST-CONSTRUCTION)		
Targeted Activity	Acceptable Requirements	Unacceptable Requirements
A Illegal Disposal/Illicit Discharge Prevention	<ul style="list-style-type: none"> <li>Inform developer of permittee's prohibition on illicit connections</li> </ul>	
B Reducing Pollutant Discharges Associated with Land Use Activity	<ul style="list-style-type: none"> <li>Redevelopment/development projects<sup>2</sup> shall be required to comply with the following:                             <ol style="list-style-type: none"> <li>1 Developer/contractor to incorporate into the design of the project the following                                     <ol style="list-style-type: none"> <li>a permeable surfaces to allow more percolation of runoff into the ground to the maximum extent practicable (MEP)</li> <li>b the amount of runoff directed to impermeable areas and to the MS4 to the MEP.</li> <li>c storm water infiltration and storage for reuse through the use of sediment traps, cisterns, and other means to the MEP</li> <li>d parking lot pollutant reduction through (i) the use of porous materials to allow percolation of runoff and (ii) the installation of appropriate treatment controls, to the MEP</li> </ol> </li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Will not be compelled to adopt urban runoff mitigation plans as "containers" for mandatory BMP requirements. (Note: Permittee should have discretion to determine how it chooses to impose BMPs on a contractor/developer. A permittee may not like having to deal with another type of plan just to avoid confusion. It may, instead, prefer a checklist or other device which accomplishes the same thing.</li> <li>Will not be compelled re-write General Plan unless model is developed by Principal Permittee, in consultation with EAC, for county-wide implementation. (The goal here is for uniformity)</li> <li>Will not develop CEQA checklist. The initial study checklist should be amended by the State Office of Planning to include storm water/non-storm water runoff.</li> </ul>

<sup>2</sup> Subject development/redevelopment projects include (1) a single family home increased in floor space by 50% or more; (2) an addition of one or more dwelling units to a multi-family structure, or (3) an increase of fifty percent (50%) or greater in floor area or an increase in floor area of 15,000 square feet to non-residential property "



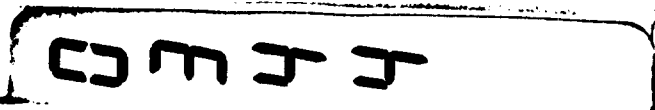
<p><b>B. Reducing Pollutant Discharges Associated with Land Use Activity (continued)</b></p>	<p>2. Certification from developer/contractor that design requirements have been addressed.</p> <p>[Note: Permittee shall evaluate each plan against objectives and the standards set forth in the <u>California Storm water Best Management Practice Handbook</u>. Specifically, the sections of the handbooks on BMP selection, source controls, treatment controls, and additional measures be considered in the evaluation.]</p> <ul style="list-style-type: none"> <li>• Inform developer/contractor of permittee's prohibition on illicit connections</li> </ul>	<ul style="list-style-type: none"> <li>• Will not be compelled to adopt an urban runoff mitigation plan per se. (Note Permittee should have discretion to determine how it chooses to impose BMPs on a contractor/developer. A permittee may not like having to deal with another type of plan just to avoid confusion. It may, instead, prefer a checklist or other device which accomplishes the same thing.)</li> </ul>
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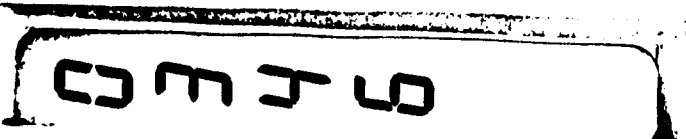
**MUNICIPAL AGENCY REQUIREMENTS**

Targeted Activity	Acceptable Requirements	Unacceptable Requirements
<p><b>A</b> Any municipal activity that has the potential contribute to storm water and non-storm water runoff pollution</p>	<ul style="list-style-type: none"> <li>Identify all municipal activities that involve the use, storage, and/or disposal of pollutant materials and prescribe appropriate BMPs. (Note: Includes but is not limited to vehicle and equipment maintenance, street repair, fertilizer/pesticide application, refuse collection/disposal, swimming pool maintenance, etc )</li> </ul>	<ul style="list-style-type: none"> <li>Will not specifying municipal departments in the permit to perform storm water pollution prevention activities (e.g., parks and recreation). Permit should be concerned with the activity that could contribute to runoff pollution, not the municipal department that may (or may not) be engaged in that activity.</li> <li>Will not be compelled to develop "pollution prevention plans" for maintenance facilities. (Note: Should be an option to, for example, requiring BMPs by SOP, MOU, or means of communication)</li> </ul>
<p><b>B</b> MS4 Maintenance</p>	<ul style="list-style-type: none"> <li>Clean catch basins at least annually, prior to the start of the wet season, and as often necessary to prevent clogging or excessive build-up of debris</li> <li>Remove excessive debris from open channels prior to the start of and during wet reason.</li> <li>Sweep streets in all zones at least once a month.</li> </ul>	
<p><b>C</b> Illegal Disposal/Illicit Discharge Prevention</p>	<ul style="list-style-type: none"> <li>Inform personnel of permittee's general prohibition against illegal disposal/illicit discharge to the MS4.</li> </ul>	
<p><b>D</b> Construction Activities</p>	<ul style="list-style-type: none"> <li>Remove debris and visible leaks and spills of pollutants from surface areas (permittee's property) and dispose of property.</li> <li>Control pollutant discharges from construction sites as required</li> </ul>	



<p><b>E. Industrial Activities Requiring GIASWPs</b></p>	<ul style="list-style-type: none"> <li>• Obtain GIASWPs for all subject industrial activities.</li> </ul>	
<p><b>F. Point Source Activities Requiring NPDES Permits</b></p>	<ul style="list-style-type: none"> <li>• Obtain NPDES point source permits for subject municipal activities (e.g., swimming pool or water production well discharge to the MS4).</li> </ul>	
<p><b>G Post-Construction Requirements for New Development and Redevelopment Projects</b></p>	<ul style="list-style-type: none"> <li>• Evaluate proposed redevelopment/new development projects against criteria for determining project impact on storm water/non-storm water runoff quality (to be developed by regional board and Principal Permittee).</li> </ul>	<ul style="list-style-type: none"> <li>• No structural controls, unless required by existing regulations or called for in forthcoming CEQA review criteria as "mitigation measures."</li> </ul>
<p><b>H. Training</b></p>	<ul style="list-style-type: none"> <li>• Provide training to permittee personnel to facilitate compliance with permit requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• No mandatory storm water management-related training to non-permittee personnel. (Note: Permittee shall provide, however, information/education to individuals impacted by its requirements to facilitate compliance).</li> </ul>

VI. PUBLIC EDUCATION		
Targeted Activity	Acceptable Requirements	Unacceptable Requirements
A General Runoff Pollution Prevention Education to Residents and Schools	<ul style="list-style-type: none"> <li>• Through print medium/media (brochure, newsletter, door hangers), convey the following: (a) storm drains are not sewers; (b) runoff contains pollutants responsible for degrading receiving/ocean waters; (c) a list of activities that can contaminate runoff; (d) things that can be done to reduce runoff pollution; (e) permittee's prohibition against illegal disposal and illicit discharges to the MS4; (f) encourage reporting illegal disposal and illicit discharges; and (g) explanation of no dumping signage on catch basins. (h) encourage appropriate disposal of household hazardous waste and recycling. (Note: Messages may be contained in a single medium or several, depending on permittee's preference and public information resources)</li> <li>• Air, through cable television (if permittee has one): (a) existing storm water-related videos (e.g., City of Santa Monica's "Urban Runoff," City of Los Angeles' "Fantastic Journey," and (b) bulletin board messages relating to the runoff pollution prevention (e.g., household hazardous round-ups, mini-"BMP" messages, etc.)</li> <li>• Provide schools runoff pollution prevention print materials and/or video presentations, containing the following messages: (a) storm drains are not sewers; (b) runoff contains pollutants that can damage marine environments; (c) a list of activities that can contaminate runoff, and (d) things that students can do to reduce runoff pollution (BMPs).</li> </ul>	<ul style="list-style-type: none"> <li>• No mandatory "fair share" contribution to Los Angeles County's 5.5 million dollar public education program.</li> <li>• No mandatory production of videos either individually or collectively.</li> </ul>



<p><b>B. General Runoff Pollution Prevention Education to Industrial and Commercial Facilities</b></p>	<ul style="list-style-type: none"> <li>• Through print media (brochure, newsletter, door hangers), convey the following: (a) storm drains are not sewers; (b) runoff contains pollutants responsible for degrading receiving/ocean waters; (c) a general list of industrial and commercial practices that can contaminate runoff; (d) things that can be done to reduce runoff pollution; (e) permittee's prohibition against illegal disposal and illicit discharges to the MS4; (7) encourage reporting illegal disposal and illicit discharges; and (8) explanation of no dumping signage on catch basins. (Note: Messages may be contained in a single medium or several, depending on permittee's preference and public information resources).</li> </ul>	
<p><b>C. Restaurants, Gas Stations and Auto Repair, Body and Parts Shops</b></p>	<ul style="list-style-type: none"> <li>• Through print media, convey (1) the need to comply with runoff pollution prevention requirements; and (2) BMPs that facilitate meeting such requirements.</li> </ul>	
<p><b>D Developers/Contractors</b></p>	<ul style="list-style-type: none"> <li>• Through print media, convey (1) the need to comply with runoff pollution prevention requirements during and after construction; and (2) ways of meeting such requirements.</li> </ul>	

VII. PROGRAM EVALUATION/REPORTING	
Targeted Activity	Acceptable Requirements
A. Evaluate Effectiveness of County-wide Storm Water Management Program Elements	<ul style="list-style-type: none"> <li>• Program evaluation criteria to be developed by Executive Advisory Committee (EAC) once sufficient monitoring data becomes available.</li> </ul>
B. Report Program Implementation Efforts to Regional Board	<ul style="list-style-type: none"> <li>• Submit appropriate program information to Principal Permittee for subsequent reporting to regional board</li> <li>• Principal Permittee shall collect, compile, and analyze relevant storm water management data for itself and other permittees for annual submittal to the regional board</li> </ul>
	Unacceptable Requirements

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VII. PROGRAM EVALUATION/REPORTING		
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VIII. FISCAL RESOURCES FOR STORM WATER MANAGEMENT PROGRAM		
Targeted Activity	Acceptable Requirements	Unacceptable Requirements
A Report Storm Water Management Program Budget	• Provide an estimate of the amount spent on each of program component (e.g., direct connection/detection), and the source of funding for each component (i.e., general fund), at the end of each permit year. (Note: Reporting forms shall be developed by regional board and the Principal Permittee in consultation with the EAC.)	

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IX. ESTABLISHING LEGAL AUTHORITY		
Targeted Activity	Acceptable Requirements	Unacceptable Requirements
A Prohibit Illicit Discharges to the MS4	<ul style="list-style-type: none"> <li>• Ordinance prohibiting non-storm water discharges to MS4 components. (Note: The MS4 means "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains"<sup>3</sup>).</li> <li>• Ordinance prohibiting illicit connections to the MS4.</li> </ul>	
B Prohibit Dumping/Disposal to MS4	<ul style="list-style-type: none"> <li>• Ordinance prohibiting the discharge of any non-fluid material to the MS4</li> </ul>	
C Control Pollutant Discharges Associated with Industrial Activities to MS4	<ul style="list-style-type: none"> <li>• Ordinance requiring industrial and commercial facilities to (1) prevent storm water/non-storm water contact with pollutant materials or their entry into the MS4; and (2) clean surface areas of pollutant spills or leaks</li> </ul>	
D Carry-out Inspections, Surveillance and Monitoring to Determine Compliance with Permit Conditions	<ul style="list-style-type: none"> <li>• Ordinance or contract with agency having authority to conduct on-site inspections for illicit connection detection.</li> </ul>	
E. Interagency Agreements Among Permittees to Control the Contribution of Pollutants from one Portion of MS4 to Another	<ul style="list-style-type: none"> <li>• Implementation agreement among permittees.</li> </ul>	
E. Compliance with Other Provisions of the Permit	<ul style="list-style-type: none"> <li>• Ordinance, contract, or means authorizing permittee to require and enforce permit provisions.</li> </ul>	

<sup>3</sup> See Code of Federal Regulations 40, §122.26(b) March 11, 1996

City of Alhambra

January 23, 1996

RECEIVED  
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD



City of Alhambra  
South First Street

111  
South First Street  
Alhambra  
California  
91801

Ms. Catherine Tyrrell  
Assistant Executive Officer  
Storm Water Programs  
Los Angeles Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject: Comments Regarding December 18, 1995 Draft NPDES Municipal Permit (NPDES No. CAS0061654)

Dear Ms. Tyrrell:

The City of Alhambra is in receipt of your letter dated December 18, 1995 and the draft Los Angeles County Storm Water Permit (hereinafter "draft permit"). City staff has thoroughly reviewed the permit and has provided extensive comments (attached herewith). The City also agrees with and supports the written comments submitted by the Executive Advisory Committee (EAC) and the cities of Long Beach, La Verne, and Azusa. Please consider them to be the comments of the City of Alhambra as well. We ask that you incorporate all the letters and comments into the administrative record of the Permit.

In general, we believe that the draft permit has evolved substantially since it was first introduced last February. However, it still needs major improvements and revision. It contains provisions that are unclear, contradictory, confusing, and excessive (to the extent that it exceeds federal requirements and is not based on any compelling factual data). Beyond this, the draft permit contains findings that have little or no bearing on storm water problems (e.g., reference to NRDC's settlement with Culver City, etc.).

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Two of the permit's provisions are especially disturbing to us. First is the county-wide and watershed storm water management program plans, which are to be developed and implemented after the permit is adopted. The problem is that two sets of additional storm water requirements can be arbitrarily imposed on all permittees without their approval. This is obviously unacceptable.

Second, the draft permit denies small city representation and participation on the Executive Advisory Committee. As a serious consequence, small cities would have little or no opportunity to influence decisions regarding such things as the development of the storm water public education/information program (to which all cities must contribute a "fair share").

The draft permit is very disorganized. It is recommended that the draft permit be re-written in a manner that employs a style and format that is consistent with other storm water permits. In addition, it is clearly evident that the December 18, 1995 draft permit exceeds Clean Water Act authority and should be revised to accommodate all the specific concerns of each and every permittee.

We hope that our comments will prove useful to you. If you have any questions or require additional information, I can be contacted at (818) 570-3274.

Sincerely,  
City of Alhambra - Utilities Division

  
Manny J. Magana  
General Manager - Utilities

attachments: one

cc: Julio J. Fuentes, City Manager  
Terry L. James, Assistant City Manager/Public Works  
Leland Dolley, City Attorney  
Dr. Robert Ghirelli, California Regional Water Quality Control Board  
Donald L. Wolfe, Deputy Director, Department of Public Works, County of Los Angeles

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COMMENTS ON DECEMBER 18 DRAFT STORM WATER PERMIT

City staff has reviewed the proposed draft storm water permit and concluded that it is in need of much correction. The following is a "short list" of the draft permit's deficiencies:

1. **Receiving water limitations are unclear and confusing.** The draft permit actually contains two sets receiving water limitations which appear to be in conflict. One set is derived from water quality objectives contained in the ocean and basin plans developed by the State Water Resources Control Board (in Sacramento), and applicable to the Los Angeles region. Another set is actually specified in the permit as qualitative objectives. They include items A.II.1 through 7. Although they are not referred to as water quality objectives or receiving water limitations per se, they appear to be such (e.g., floating materials in concentrations of quantities that do not cause nuisance or adversely affect beneficial uses of receiving waters). The draft permit also appears to contain two contradictory compliance standards. Under B.I, *Compliance with Discharge Prohibitions and Receiving Water Limitations*, the draft permit says a permittee may comply with receiving water limitations by:

"... demonstrating timely implementation of BMPs and other actions to reduce pollutants in the discharge from their municipal separate storm sewer system to the maximum extent practicable, in accordance with Requirement C of this Order - Storm Water Management Program Requirements."

In other words, by complying with the permit, receiving water limitations (and presumably water quality standards) will also be satisfied.

But under B.II, the draft permit suggests that a permittee could exceed a receiving water limitation (either expressed as a narrative or numerical standard), in which case such permittee would be required to prove that "storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance." The question is how could the permittee exceed a receiving water quality standard if it has met all of the conditions of the permit?

The draft permit goes on to say that if the permittee cannot prove that the exceedance was not caused by discharges within its jurisdiction, it would be required to either (a) accelerate its BMP schedule (a new feature), if the County-wide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMAP) is adequate; or (b) if the CSWMP or WMAP is deemed inadequate, the permittee will be required to modify the plan with the corrected deficiencies for resubmittal to the regional board. The revised plan would contain new or revised BMPs aimed a preventing future exceedances of a receiving water limitation.

Clearly, this provision is in conflict and confusing, and is in need of resolution. It should be revised to simply say that conformance with receiving water limitations

will be achieved by meeting requirements of the permit. This is how other regional boards have dealt with this issue.

2. The draft permit does not clearly identify basic permit requirements. Here are a few of many examples:

a. The section dealing with pollutant discharges from construction sites does not clearly indicate what types of construction are subject to control. The term "construction activity," as defined by federal NPDES regulations, refers to the disturbance of soil by grading, clearing, and excavating. As it is understood, a construction project that results in the disturbance of five acres or more of soil by grading, clearing, and/or excavating, is subject to NPDES construction permit requirements. But the permit is not clear about other construction projects (i.e., those that do not cause the disturbance of five acres or more of soil). The basic problem here is that the permit does not identify all construction projects that are subject to permit requirements.

b. See also comment #14 regarding legal authority requirements.

c. The draft permit tends either to be vague about bottom line requirements or does not mention them at all, and then provides a list of tasks presumably associated with them. "Program Requirements for Industrial/Commercial Sources" illustrates this point. It begins with the following

"Each permittee is required to develop and implement an industrial/commercial program that focuses on identification and control of storm water pollutant and non-storm water discharges from industrial/commercial sources within its jurisdiction."

A. Identification of Sources

1. The Principal Permittee in consultation with the EAC shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by October 15, 1996 ..."

What is missing is the bottom line requirement, which in this case is "controlling" pollutant and non-storm discharges from industrial/commercial sources. Once the this basic requirement is established, sub-requirements can be determined. Here's an example of a basic requirement relating to controlling pollutant discharges from industrial/commercial sources:

A. Controlling Pollutant Discharges from Industrial/Commercial Facilities

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1. All industrial and commercial facilities shall be (i) prohibited from discharging non-storm water to the MS4 unless exempted by this Order, and (ii) required to implement appropriate best management practices that operate to minimize the discharge of pollutants associated with industrial or commercial operations to the MS4, to the maximum extent practicable.

Once these basic requirements have been identified, criteria or tasks for satisfying them can be more easily determined.

3. The draft permit, despite its glossary of terms section, does not define key terms. The term "industrial activity" is a very important NPDES term, yet it is not found in the draft permit (though construction activity is defined). While the permit provides a broad definition of industrial/commercial facilities, it does not provide a separate definition of each. This is important because the term "industrial" has special significance within the context of NPDES provisions of the Clean Water Act (CWA). Also absent from the draft permit is the term "control," which is very important to understanding certain legal authority requirements. Another term referenced in the draft that is not defined is "treatment."
4. The draft permit now contains provisions that would impose additional requirements after its adoption. The permit (in the glossary, inappropriately), defines the County-wide Storm water Management Plan as follows:

"A comprehensive plan for implementation of the permit requirement described in Sections C.4 through C.VIII of the NPDES storm water permit that are applicable to all Permittees and all Watershed Management Areas. The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance from the EAC and participation from the permittees, according to the schedule prescribed in the permit. This shall be used as a tool to develop watershed specific storm water management plans."

A complete analysis of this provision cannot be provided because the references to permit sections C.4 through C.VIII of the draft permit do not exist. Nevertheless, in general, this provision – which is not found in the previous draft version – calls for the Principal Permittee to develop another storm water management program by way of a County-wide Storm Water Management Plan and a Watershed Management Plan. Both plans are to be developed after the permit is adopted. If, however, this provision remains, the County and LARB/SWU would have a blank check to impose other requirements, in addition to those contained in the draft permit, without approval from permittees. While a need for a watershed management program/plan is reasonable, an additional storm water management program clearly is not. County-wide program requirements should be dealt with only in this draft permit, not in some future document.

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- 5. The draft permit, unlike the previous version, does not guarantee small city representation on the EAC, as the following indicates:

"In the interest of minimizing the burden on small cities of participating in the committee process, each WMC's representative to the EAC shall be a Permittee other than the City of Los Angeles with the largest population. In WMAs with two representatives on the EAC, the WMC as a whole shall select the second representative. Where the population of the EAC representative municipality is less than 100,000, the Principal Permittee will provide some sources to the Permittee in carrying out its role on the EAC."

To allow only those permittees with the largest population to participate on EAC is unfair. Eligibility for participation on the EAC should not be exclusive. It should allow small cities to participate and should be based on the permittee's interest in and knowledge of storm water management issues, not to mention desire and willingness to participate, not on population. It is worth noting that with the possible exception of the City of Los Angeles, the combined population of small cities (under 100,000) is greater than that of any other municipality in Los Angeles County.

- 6. The draft permit arbitrarily determines area-wide storm water management requirements. No where in the permit is there any explanation as to why certain storm water management requirements have been selected for area-wide implementation. Take for example inspecting restaurants, which are a suspected to be source of non-storm water runoff pollution. According to the LARB/SWU, restaurants tend to wash-out garbage cans and trash bins, and hose down floor mats outdoors, causing contaminated runoff (containing nutrients and bacteria) to enter the municipal storm water system. While this may be a problem in the Santa Monica watershed, as asserted by Heal the Bay and the Santa Monica Bay Restoration Project, it may not be a problem in the other watersheds. Therefore, until this is proven to be a problem in other watersheds, managing non-storm water pollution from restaurants should be a watershed-specific requirement, not an area-wide one.

This is not to say that cities should ignore restaurants as potential sources of non-storm water discharge. At a minimum, County-wide, all cities should provide restaurants and other suspected sources of runoff pollution with public education materials discouraging them from illicit discharge practices. Then on watershed level, additional requirements can be imposed, but based on compelling data.

Furthermore, there are receiving waters in Los Angeles County that are equipped with structural controls that: (1) prevent non-storm water discharges from entering ocean waters; and (2) trap sediment in large detention basins, thereby also preventing such pollutants from entering ocean waters. Therefore, cities that discharge upstream of these structural controls should be allowed to discharge non-

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storm water (including non-storm water discharges from restaurants) into the MS4 and should not be required to implement costly BMPs.

- 7. Several of the draft permit's proposed requirements would require city permittees to perform work that should be the responsibility of LARB/SWU staff. Inspecting industrial facilities that require NPDES General Industrial Activity Storm Water permits (GIASWPs) is one example. This is a state-issued permit required by state law. While it is not unreasonable to require cities to assist the regional board in identifying those industrial facilities that are required to have permits and/or Storm Water Pollution Prevention Plans, and then report them to LARB/SWU staff, it should not be the permittees responsibility to assist the state in enforcing its requirements. For example, cities should not have to inspect an industrial activity site for best management practices implementation. This task would necessitate a review and evaluation of the facility's Storm Water Pollution Prevention Plan (SWPPP) which, therefore, requires a thorough knowledge of GIASWP requirements - complicated subject.
- 8. Many of the requirements proposed by LARB/SWU exceed federal and state storm water management regulations..

The draft permit contains several provisions that clearly are not called for either in federal or state NPDES requirements. The following examples are provided below:

**a. Inspections of Industrial Commercial Facilities**

The draft permit would require cities to identify, prioritize, and inspect other industrial facilities that require General Industrial Storm Water Activity NPDES permits (GIASWPs) that are already subject to inspections by LARB. In addition, the draft permit would also require cities to identify, prioritize, and inspect other industrial facilities that do not require GIASWPs. These facilities are identified in *Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA, Washington D.C.*

Nothing, however, contained in NPDES storm water provisions of the federal Clean Water Act specifically mandates inspections of this other category of facilities (referred to by LARB/SWU staff as Phase II facilities). It is understood that the State Water Resources Control Board has asserted its authority to mandate additional requirements. Such requirements should not be arbitrary and should not be performed at the county-wide level.

LARB/SWU must rely on scientific data to justify the need for any additional requirement. This, ostensibly, is the purpose of performing a characterization study and performing storm water/non-storm water monitoring and analysis. But the criteria proposed by LARB/SWU staff to identify and prioritize facilities for

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inspection are ineffective. They include, for example, "types and quality of non-storm water discharges; professional understanding of the industrial/ commercial sector waste management practices; and experience of local agency industrial inspection programs." However, all of these criteria are subjective and involve a lot of administrative work, but do absolutely nothing to facilitate selection of industries for inspection. If anything, they only confuse the selection process (e.g., how do you determine a facility's professional understanding of the industrial/commercial sector waste management practices?).

It is noted that LARB/SWU has, in response to many permittee complaints about the draft permit exceeding federal and state authority, asserted the following:

"Regional Board staff has discussed this Order extensively with Counsel. It is Counsel's opinion that, given the fact that no numerical criteria have been prescribed and Permittees have had more than five years to develop an MS4 program to reduce pollutants in storm water to the maximum practicable, and that progress in implementing the countywide program has been slow, it is appropriate to include specific program components based on the permit reissuance application submitted by Permittees and the MS4 BMPs practiced by other California MS4 programs ..."

LARB/SWU is essentially saying that it has the prerogative to require what it deems necessary. While LARB/SWU may have the discretion to exceed federal and state requirements with regard to this permit, it cannot do so arbitrarily. Extra-requirements must be based on a demonstrated problem, using acceptable evidence (e.g., scientific data), as opposed to unsubstantiated opinion. LARB/SWU staff's contention that permittees have been slow in implementing countywide program is an example of an unsubstantiated opinion. Furthermore, it is an erroneous opinion. The reason permittees have been slow in developing a countywide storm water management program is that LARB/SWU has not required it as condition of the existing permit. LARB/SWU has not even specified legal authority requirements under the existing permit - requirements that are critical to any storm water management program. Beyond this, it has not been able to define what "inspection" means within the context of that Additional Best Management Practice that requires inspections of gas stations, restaurants, etc.

b. Non-storm water discharges

See below comment #8.

c. Public Education

As proposed, cities would be required to implement an immediate outreach program that involves the performance of several public education tasks, including but not limited to developing and distributing brochures and door

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hangers, and issuing newsletters containing storm water management-related public education information. In addition, cities would be required to contribute their "fair share" to a long term public education program to be developed by the County of Los Angeles through a \$5,500,000 consulting contract over a five year period.

The draft permit is too controlling here. LARB/SWU has no authority to compel cities to contribute a "fair share" (which is not defined), to a public education program that is to be developed in the future by the Principal Permittee. This would deny cities the opportunity and right to develop a public education program of its own, which in the final analysis might prove more efficient and cost-effective than what the Principal Permittee's consultant could produce.

9. The draft permit unilaterally denies several non-storm water discharge exemptions that are allowed under NPDES provisions of the Clean Water Act.

According to CFR 40, 122.26, the following non-storm discharges are exempted unless such discharges or flows are identified by the municipality as sources of pollutants to waters of the United States: *water line flushing water; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street wash water, and discharges resulting from fire fighting (only where such discharges or flows are identified as significant sources of pollutants to waters of the United States.*

However, the draft permit only unconditionally exempts 6 of these 18 non-storm water discharge categories. They include flows from *riparian habitats or wetlands; diverted stream flows; springs; rising ground waters, uncontaminated groundwater infiltration; and discharges of flows from emergency fire fighting activities.*

Then the draft permit conditionally exempts the following nine non-storm water discharges (already exempted by federal regulations): *landscape irrigation; water line flushing; foundation drains; air conditioning condensate; irrigation water, water from crawl space pumps; retaining wall drains (same as footing drains); individual car washing, and residential swimming pool discharges.* Conditionally exempt means that the non-storm water discharges in question "need not be prohibited," provided that (1) the permittee or Executive Officer (of LARB), determines that the discharges are not pollutant sources; and (2) BMPs are developed to "minimize adverse impacts of such sources" (what ever that means).

Beyond this, the draft permit – surprisingly – exempts non-storm water discharges that are not even exempted by federal regulations. They include: *hydraulic graffiti*

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abatement, inductive traffic loop flushing (discharges not contemplated by CFR 40 §122.26). Then the draft permit conditionally exempts residential roof drain discharges, but denies such discharges from industrial roof drains, both of which are comprised of storm water and, therefore, are not even non-storm water discharges. The permit also flatly denies street washing (an exempted non-storm water) and sidewalk washing, because they are deemed by the Excessive Director of LARB to be significant pollutant sources.

That the draft permit allows for the application of exemptions to LARB's Executive Director is not reassuring. There is no guarantee that the exemption will be granted if the basic criteria are met because they involve too much subjectivity.

It is apparent that LARB/SWU (1) has exceeded its authority by denying permittees non-storm water discharge exemptions granted to municipalities in CFR 40, §122.26; and (2) has been arbitrary in determining which non-storm water discharges should be exempted. As mentioned, federal regulations entitle municipalities to exempt the 18 categories of non-storm water discharges, unless they have been identified as pollutant sources. Until these non-storm water discharges are determined as such by municipalities (e.g., through scientific means), such discharges should be allowed.

10. The draft permit, incorrectly, lumps illicit connections with illicit discharges and eliminates illegal disposal practices. Actually, illicit connections are a subset of an illicit discharge. An illicit connection is a device by which an illicit discharge (a fluid) is conveyed to the MS4. An illegal disposal/dumping practice, however, is an activity that causes the placement of a solid material (e.g., refuse), into the MS4. To put it another way, eliminating an illicit connection is task connected to the basic requirement of controlling illicit discharges. Other tasks associated with this basic requirement include (a) encouraging public reporting of non-storm water discharges through public education/outreach; (b) devising an internal mechanism for recording and responding to such reports; and (c) ordinance enforcement (through routine inspection or discovery by code enforcement).

(Note: It is recommended that "removing" an illicit connection be replaced with "eliminating" an illicit connection. Removing an illicit connection could be construed to mean the physical transfer of such connection from its location to another. However, according to its statutory definition, an illicit connection could be any conveyance, including "any device through or by which non-storm water is discharged into the municipal storm water system, including but not limited to floor drains, pipes or any fabricated or natural conduits." But removing or taking-out the illicit connection could be costly. Using "eliminating" instead would give the owner/operator of the facility where the illicit connection is located the option of rendering it incapable of operating as an illicit connection. A floor drain, for example, could be plugged, thereby preventing it from being a conveyance of an illicit discharge.)

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11. The draft permit makes the mistake of combining construction activity program requirements with land use management requirements into one chapter. However, *CFR 40 §122.26* and other authoritative documents relating to storm water management, including the California Storm Water Handbook, which is referenced in the draft permit, treats construction and land use management as two separate and distinct issues. The problem with combining these program components is that they contribute further to the confusion that already exists.
12. The draft permit is disjointed and contradictory in many places. For example, the permit requires permittees to prohibit non-storm water discharges (i.e., any material that is not entirely comprised of storm water) to the municipal storm water system (MS4). Yet, under the industrial/commercial section, the draft permit states that non-storm water discharges to the MS4 from gas stations are permissible as long as they are pretreated. However, no where in that part of Code of Federal Regulations that covers NPDES storm water provisions are such discharges exempted; nor is there an NPDES permit available to service stations/auto repair facilities for this purpose. Furthermore, the term "pretreatment" is not defined anywhere in the permit. If not corrected, this problem will lead to confusion and non-compliance.
13. The draft permit is unnecessarily lengthy (almost 90 pages long). LARB/SWU staff explained that the permit is lengthy because permittees wanted more detail – a criticism of the existing permit. However, much of the detail contained in the draft permit does not provide clarity. In many case, it only increases confusion. Permittees have always desired defined requirements (i.e., "ends") not just detailed explanations as how to achieve them (i.e., "means"). For example, under the 1990-1995 permit, permittees are required to establish "requisite legal authority" and conduct inspections of auto repair/parts facilities, gas stations, and restaurants. Yet, neither the current permit nor any other documents issued by LARB/SWU contain any information that identifies criteria required to establish legal authority. Nor does it define "inspection" relative to auto repair/parts facilities, gas stations, and restaurants (e.g., inspection for non-storm water discharges from these sites or inspection for good housekeeping practices or other BMPs that operate to prevent storm water discharges to the MS4?). Clearly without such information compliance would be very difficult.
14. The section on legal authority, located under program management, contains requirements that are taken directly from *CFR 40 §122.26*, but are not more specifically defined by LARB/SWU. A case in point is controlling "through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system." The problem is that nothing in the draft permit translates this federal requirement into a task; nor does the draft permit provide a clue as to how permittees are to meet this legal authority requirement.

15. The draft permit contains language that is difficult to understand. For example, under Section IV.A 1, the permit reads, "For unitized development the common plan of development or sum of all units shall be considered in determining the priority rating of the development." First of all, no definition of "unitized" is provided. Beyond this, the entire sentence in which this undefined term is contained is also unclear.

The language used in the permit should be as simple as possible, otherwise an inordinate amount of time will be spent on trying to interpret its meaning. And since LARB/SWU staff has not in the past been forthcoming in responding to questions from permittees regarding some of the gray areas of the existing permit (e.g., inspections and legal authority), requirements and procedures must be easy to understand.

16. The findings section of the draft permit contains inappropriate information. For example, under finding 36, LARB/SWU acknowledges those cities that contributed money to the guidance document. Clearly such reference should not made here or any where else in the proposed permit. Furthermore, as a matter of accuracy, LARB/SWU has named some cities that have decided not to contribute. Another example is finding 32 (k) which mentions the Natural Resources Defense Council (NRDC) law suit against Caltrans for failing to comply with existing NPDES permit requirements, and 32(l), which references NRDC's settlement agreements with several cities for their alleged failure to comply with existing NPDES permit requirements. It is unclear as to what purpose such information would serve with regard to the proposed permit.

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January 29, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Comments on Draft of Waste Discharge  
Requirements for the Discharge of Stormwater  
in Los Angeles County (NPDES Permit (NPDES No.  
CAS0051654) (Draft of December 18, 1995)

Dear Ms. Tyrrell:

The City of Alhambra hereby submits its preliminary comments on the December 18, 1995 draft of the proposed new WDR/Storm Water NPDES permit. We reserve the right to submit additional comments. In addition, please note that we await the response of Jorge Leon, Board Counsel, to comments on legal issues, including inspection issues. We anticipate that we will submit further comments in response to Board Counsel's comments. In addition, we realize that several of these comments may have already been made through other organizations with which the City is involved, so we apologize for any such redundancies.

Our first comment is that the comment period was inadequate, in view of the size (over 90 pages, single spaced) and significant new material included in the December 18, 1996, revision. In addition, the document's complexity rendered review difficult, a difficulty compounded by the need to refer to comments on prior drafts. Also, the December 18 Draft does not address fully numerous comments previously submitted on the September 18 Draft.

In addition, it appears that the new draft was prepared without regard to a significant development: the EPA has released for comment a document which bears directly on your December 18, 1995 draft. The new EPA document is "Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years." It was released in draft form by the EPA Office of Water on or about December 18, 1995. We understand that the EPA expects to publish a final version of the draft document in March.

CAS0051654



City of Alhambra  
San Gabriel, California

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South First Street  
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Quite clearly, it will be most important for your agency to take the new EPA guidance into consideration as the RWQCB refines its draft permit. We incorporate the provisions of the EPA's draft guidance by reference.

The December 18, 1995 draft fails to clearly identify the *specific* section of the Clean Water Act, or a specific provision in the implementing regulations, or the EPA Guidance Documents, as the basis or authority for requirements proposed to be included in the new permit. In this context, please understand that what we seek is to distinguish those sections which are required from those which are authorized, but not required.

It is our view that decision makers and the public are entitled to be able to readily identify those sections of the permit required (required, not simply authorized but not required) by federal law, and to distinguish those sections which, while not required by federal law, have been added by the Board staff in response to one or another interest. For example, there is absolutely nothing in federal law which would require the permit to include a provision calling for the appointment of the EAC. This, and other optional provisions which the Board staff desires to include in the new permit should be readily identifiable.

We suggest that this might be accomplished by use of different fonts: include the federally-required baseline provisions in bold and those provisions not required by federal law in italics. In that manner, when these distinctions are readily apparent, an informed judgment could be made by policy makers (i.e., the members of the Board as well as mayors and city council members and the Board of Supervisors) as to the appropriateness of inclusion of the various permit provisions.

In view of the ominous chilling effects on the economy and budget of every city in Los Angeles County should the draft permit be adopted, we believe that more time for deliberate review of this enormously complex document is absolutely essential.

In addition to the foregoing comments, we have included a number of additional comments in two enclosures. The first is an extract of the December 18th draft, which we have annotated with our comments. The second lists supplemental additional comments on the draft. No inference should be drawn from the order in which our comments appear. We regard them all as important

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Thank you for your anticipated careful consideration  
of our comments.

Very truly yours,



Terry L. James,  
Assistant City Manager/  
Public Works Director

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**CITY'S COMMENT:** This document contains the City's Additional Preliminary comments on the RWQCB Draft of December 18, 1995. Portions of the Draft have been deleted in the interest of brevity.

The City reserves the right to submit additional comments and to adopt the comments of other permittees. In addition, the City has deferred comment on a number of legal issues, pending receipt of comments to be provided by Jorge Leon, RWQCB Counsel, addressing legal concerns.

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December 18, 1995 Draft

State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

ORDER NO. 96-XXX  
~~95-XXX~~

WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
~~STORMWATER MANAGEMENT/URBAN RUNOFF DISCHARGES~~  
WITHIN THE COUNTY OF LOS ANGELES

(NPDES NO. CAS061654)

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter called the Regional Board), Los Angeles Region, finds:

- 3. On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as application for re-issuance of waste discharge requirements and the NPDES permit.

**CITY'S COMMENT:** We feel that submission of the ROWD was not an invitation to the RWQCB to engage in overreaching regulation of the City or its activities. The City seeks a WDR/NPDES permit which is consistent with its predecessor permit and which is consistent with the requirements of the Clean Water act and the US EPA Guidance Documents which establish baseline standards for such permits. The December 18, 1995 draft goes far beyond the EPA's baseline Guidance Documents.

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5. The Regional Board considers storm water discharges from the urban and developing areas in the Los Angeles basin to be significant sources of pollutants in receiving waters that may be causing, threatening to cause, or contribute to water quality impairment. Warning advisories are posted on area beaches after storm events to avoid contact with water because of storm water pollution.

**CITY'S COMMENT:** *What the Regional Board "considers" is not, we feel, an appropriate subject for a "finding." This so-called "finding" should be revised to state what facts the Board finds and should cite the factual basis (e.g., scientific studies) as the basis for a finding. Similarly, a finding that "warning advisories are posted" establishes as fact only that warning advisories are posted; it does not establish that storm water pollution has in fact occurred. In short, if there is a basis for finding as a fact that storm water discharges are significant sources of pollutants, the Regional Board should so find, citing scientific evidence for this proposition.*

6. Studies conducted by the USEPA, the states, flood control districts and other entities indicate the following constitute significant? sources of storm water pollution:
- Industrial sites where appropriate pollution control and best management practices (BMPs) are not implemented,
  - Construction sites where erosion and sediment controls and BMPs are not implemented, and
  - Storm water where the drainage area is not properly managed.

**CITY'S COMMENT:** *Do the studies merely "indicate" or do they establish as a fact that the items listed in this "finding" are factually correct. If so, so state, and provide citations to the evidence relied on as the basis for this alleged "finding."*

7. Section 402(p) of the federal Clean Water Act, as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s, storm water discharges associated with industrial activity including construction, and designated storm water discharges that are considered significant contributors of pollutants to waters of the United States. Storm water discharges from MS4s are required to mitigate pollutants to the "maximum extent practicable". Discharges of storm water associated with industrial activities and other non-storm water discharges as defined in 40 CFR Part 122 are subject to Best Available Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) standards.

Section 402(p)(3)(B)(ii) requires MS4 permittees to "effectively prohibit" non-storm water discharges into MS4s unless these discharges are in compliance with separate NPDES permits.

**CITY'S COMMENT:** *This alleged finding is a series of legal conclusions. The City recommends that the relevant statutes and implementing regulations which establish the propositions summarized in this "finding" be cited in pertinent part.*

8. On November 16, 1990, pursuant to Section 402(p) of CWA, the United States Environmental Protection Agency (USEPA) promulgated 40 Code of Federal Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants.

**CITY'S COMMENT:** *See comment 7, above.*

9. The USEPA Office of General Counsel in a memorandum to USEPA Region 9, dated January 9, 1991, determined that Clean Water Act Section 402(p) and Section 301(b)(1)(c) must be interpreted to state that NPDES permits for MS4s must include any requirements necessary to achieve compliance with water quality standards.

**CITY'S COMMENT:** *Cite the statute, then refer to the memorandum as authority for the proposition advanced. That there is a memorandum on the subject is interesting, but a finding devoted to the existence of the memorandum is of little value. Of more significance is what does the Board find the law to require.*

10. To facilitate compliance with federal regulations, in 1992, the State Board issued two statewide general NPDES permits to facilitate compliance with federal regulations: one for storm water from industrial sites (NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GISP)) and the second one for storm water from construction sites (NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)). Most industrial activities (unexposed light industrial activities are exempt) and construction activities on five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent (NOI) with the State Board.

**CITY'S COMMENT:** *A finding as to what the State Board did in 1992, and why is of some interest, but it is not an appropriate finding. Instead, the finding, if there is to be one on this subject, should recite what the statewide general permits require.*

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11. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. CZARA covers five nonpoint source areas of pollution: Agriculture, Silviculture, Urban, Marinas, and Hydromodification. This Order includes Management Measures for pollution from Urban Areas and Marinas, and provides the functional equivalency for compliance with CZARA in these two areas. The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration (NOAA) recommends Management Practices for commercial facilities, including gas stations; and all construction activity (new development and redevelopment).

**CITY'S COMMENT:** *This finding is not relevant unless it is first established that California has, seeks or is subject to the CZARA requirements.*

12. The State of California is a delegated state under the NPDES program, and as such, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, may impose more stringent requirements necessary to implement water quality control plans, for the protection of beneficial uses of receiving waters, and/or to prevent nuisance.

**CITY'S COMMENT:** *Recite the delegation and cite the documents, and date of publication, in which EPA granted the delegation. As to "more stringent" more stringent than what? More stringent than EPA's baseline requirements in EPA Guidance Documents? Than 40 CFR? Be specific. While the City recognizes that the Regional Board, within limitations, may adopt more stringent requirements, the Board may do so only pursuant to a specific grant of authority. In such cases, the authority should be cited, and a rationale provided for the adoption of the more stringent provision.*

13. California Water Code Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall include numerical water quality standards and provisions to implement water quality-based objectives. This Order includes narrative limitations but no numerical limits for storm water discharges at this time due to insufficient information.

**CITY'S COMMENT:** *Water Code § 13263(a) provides that the regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge. It says nothing about numerical limits.*

14. The State Board considered third party appeals of two MS4 permits issued by Regional Boards during the first five year permit term. In the appeal of the MS4 permit for Santa Clara Municipal Water District in the San

Francisco Bay Region, the State Board ruled in Order No. WQ 91-03 that MS4 permits must include effluent limitations which will reduce pollutants to the "maximum extent practicable" and will also achieve compliance with water quality standards. In the appeal of the MS4 permit for Los Angeles County, the State Board concluded in Order No. WQ 91-04 that even where a permit does not specifically reference water quality standards, but includes BMPs as effluent limitations, the permit should be read so as to require compliance with water quality standards.

**CITY'S COMMENT:** *This finding illustrates that the drafter confuses a recitation of history with recitation of legal authority. If the Regional Board is to reach a conclusion as to what is required, it should so state, and cite the State Board decisions for whatever, if any, precedential authority they may have.*

16. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, non-contact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

**CITY'S COMMENT:** *Please cite, in the finding, the studies on which this finding is based.*

17. The intent of this Order is the implementation of the foregoing statutes and regulations to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes Receiving Water Limitations that require that storm water discharges neither cause violations of water quality objectives, nor cause a condition of nuisance or water quality impairment in receiving waters.

To meet the receiving water limitations, this Order requires the implementation of technically and economically feasible measures in accordance with the Storm Water Management Program (SWMP) described herein to reduce pollutants in storm water to the maximum extent practicable. The SWMP includes a monitoring program to assess compliance with the objectives and requirements of this Order. This Order

COMPLIANCE

also sets forth the procedure that the permittees will undertake in case of exceedance of any receiving water quality objective.

**CITY'S COMMENT:** *The order has no "intent." The Board may have an intent in issuing the order, and should so state.*

- 18. This Regional Board has implemented the Watershed Protection Approach (WPA) in addressing water quality management in the region. The objective of the WPA is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationship between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available.

**CITY'S COMMENT:** *Is it a fact that the Regional Board has "implemented" the WPA? Or has it simply adopted WPA as an approach? It is the City's position that the new permit should be tailored to the distinctly different needs of each watershed, as the needs of the Santa Clara watershed are significantly different than those of the Los Angeles River watershed, for example.*

- 20. Federal, or regional entities within the Permittees' boundaries or jurisdictions outside the County of Los Angeles, not currently named in this Order, operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. The Regional Board may consider issuing separate NPDES permits for storm water discharges to these entities within the Permittees' boundaries. Such designated Permittees may include large landowners such as State Parks, Universities, and similar entities.

**CITY'S COMMENT:** *This is a rather cavalier, and incorrect, analysis of the extent to which federal facilities are subject to state authority under the Clean Water Act. In short, in enacting, and amending the Clean Water Act, Congress waived a significant measure of its federal sovereign immunity. The term "regional entities" seems irrelevant, as no "regional entities" (SCAG?) are discussed in this finding. State parks are state entities. Universities, per se, are not exempt, although state universities and the University of California entities may be.*

- 21. Approximately 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay, in the County of Los Angeles. The County of Ventura is a Permittee to Order No. 90-079.



With the issuance of waste discharge requirements for discharges of storm water from the MS4 in the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the County of Ventura has opted to be the Principal Permittee to the Ventura permit and manage the areas draining into Los Angeles County, under Order No. CAS063339. The County of Ventura will ensure that its storm water management program for the portion of its area draining into Los Angeles County is made consistent with the requirements of this Order issued to Los Angeles County.

**CITY'S COMMENT:** *The last sentence contains no guarantees, so it is not an appropriate finding.*

- 22. About nine (9) square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay. The City of Thousand Oaks initially opted to apply for an individual permit for the area that drains into Malibu Creek, instead of becoming a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water and urban for the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the City of Thousand Oaks elected to be a Permittee to the Ventura permit including the areas which drains into Los Angeles County. The City of Thousand Oaks will ensure that its storm water management program for the portion of its area draining into Los Angeles County is consistent with the requirements of this Order issued to Los Angeles County.

**CITY'S COMMENT:** *See comment 21, above.*

- 23. The California Department of Transportation (Caltrans), discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans submitted an ROWD on July 3, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements issued to Caltrans will be made consistent with this Order and Order No. 94-082.

**CITY'S COMMENT:** *The last sentence is, at best, a prediction. It is not appropriate for a finding.*

- 26. This Order requires the formation of an Executive Advisory Council (EAC) comprising of representatives from the six watershed management areas. The main role of the EAC is to facilitate development of storm water quality management programs within the six watersheds and to promote consistency in the implementation of these programs among Permittees. However, the Regional Board recognizes that, similar to the Principal Permittee, the EAC is not responsible for insuring compliance of any individual permittee with the requirements of this Order.

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**CITY'S COMMENT:** *The first sentence should be revised to state "...comprised of representatives of...." As to the responsibilities of the EAC, is their respective lack of responsibility "similar to" or "the same as" that of the Principal Permittee?*

- 28. The Report of Waste Discharge (ROWD) submitted by Permittees include: (i) Summary of BMPs implemented; (ii) Storm water management plans for six WMAs; (iii) Countywide evaluation of existing storm water quality data, and (iv) Workplan for Phase I, II, and III, Monitoring Program.

In most MS4 permits, the Storm Water Management Program (SWMP) requirements are components proposed by permittees and are incorporated in the permit by reference to a storm water management plan. In the case of the County of Los Angeles, however, the submitted plans were determined to be incomplete and inadequate in proposed program components necessary to reduce pollutants in storm water to the "maximum extent practicable" as required by CWA Section 402(p)(3)(B). Therefore, the submitted plans served as partial bases for the development of the SWMP requirements of this Order.

**CITY'S COMMENT:** *Please provide citations, for each submitted plan, that will inform the permittees, in detail, of the deficiencies in their respective plans, and how, when and by whom the "submitted plans were determined to be inadequate. Please reference the US EPA's comments on applications.*

- 29. Each Permittee under the existing permit (Order No. 90-079), was required to implement Best Management Practices (BMPs), conduct monitoring of storm water discharges, and evaluate their impacts on receiving waters. Information obtained from these activities would have provided a basis for establishing numerical criteria or goals, and in lieu of specific program requirements. However, these activities were not fully accomplished during the five-year term of the permit. Storm water criteria development has been recently sponsored by the USEPA in partnership with the Water Environment Federation.

**CITY'S COMMENT:** *As "these activities were not fully accomplished" is apparently the basis for imposing specific program requirements, please state, as to each permittee, just what "activities" were not fully accomplished, and how, when and in precisely what respect it was determined that they were not fully accomplished. Unless it can be demonstrated that all activities were not fully accomplished, by all permittees, the Board should carve our exemptions for permittees which did accomplish all "activities".*

adopted. This Order incorporates these requirements to be consistent with the USEPA guidance.

**CITY'S COMMENT:** *The EPA document referred to here is "Guidance Manual For The Preparation (1) Part 2 Of The NPDES Permit Applications For Discharge from Municipal Separate Storm Sewer Systems" (EPA 833-B-92-002, November, 1992). That document sets baseline requirements for this program. These baseline standards should be clearly identified in this WDR/Permit, perhaps by using italic fonts. This technique would enable policy makers and the public to readily identify those provisions which are EPA baseline requirements, and to distinguish them from other requirements inserted by the Board staff.*

- g. USEPA review of activities conducted by the automotive service sector (including auto body shops, gas stations, auto repair, used car dealers, specialized repair, car washes, car rental, and truck rental) indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water. A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings.

**CITY'S COMMENT:** *"EPA review . . . indicates . . . ." is not a basis for a finding. If the EPA studies establish as fact that activities at these facilities result (rather than simply present the "potential") in discharges of pollutants in significant amounts, the findings should so state, with citation to the scientific evidence relied on as the basis for the finding.*

- h. The USEPA sponsored a study in 1992 in California to characterize storm water from gasoline stations, and demonstrate the effectiveness of BMPs in reducing pollutants in storm water. The study indicated that pollutants build up during dry periods, and pollutant concentrations in storm water reflect the length of the buildup period. The study found that BMPs that address gas station conditions such as high volume vehicle traffic, and leaks and spills of vehicle fluids, to be the most effective in improving storm water quality. The Western States Petroleum Association has separately identified appropriate BMPs for implementation at gas service stations to reduce pollutants in storm water.

**CITY'S COMMENT:** *See preceding comment.*

- i. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection

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**CITY'S COMMENT:** *What is the relevance of the EPA partnership with the Environment federation? Apparently the sponsorship no longer exists: "has been" refers to a continuing action in the past.*

30. The SWMP required in this Order contains the components developed by the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force described in Finding 27 and with the cooperation of representatives from the Permittees, environmental groups, and the industrial community.

**CITY'S COMMENT:** *To be accurate, the finding should recite that numerous permittees objected to the SWMP required in this order.*

The SWMP includes requirements with compliance dates to provide specificity and certainty of expectations. It also includes provisions that promote customized initiatives, both on a countywide and watershed basis, in developing and implementing cost effective measures to minimize discharge of pollutants to the receiving water.

The various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water to the "maximum extent practicable". The Permittees are required to conduct annual evaluations on the effectiveness of the Storm Water Management Program, and, if necessary, institute modifications to meet this criterion.

**CITY'S COMMENT:** *This is a statement of hope, not a "finding."*

31. This Order provides Permittees the flexibility to petition the Executive Officer to substitute a BMP included under the requirements with an alternative BMP, if they can provide scientific information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP.

**CITY'S COMMENT:** *Cities should have the flexibility to adopt or substitute BMPs, subject to objection by the Executive Officer for good and sufficient reasons. Cities should not be required to petition the Executive Officer.*

32. Besides the above referenced state and federal laws and regulations, and water quality control plans, the requirements in this Order are also based on the following guidelines, studies, considerations, reports and events:

- b. In November 1992, the USEPA issued guidance for submittal of Part II application for MS4s. This guidance provides clarification on specific municipal storm water program requirements that were not available to the Regional Board when Order 90-079 was

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programs in Los Angeles County and the experience of other California MS4s indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water.

**CITY'S COMMENT:** *See the preceding comment. Simply put, if the Board is going to make findings of fact, they should be expressed as such, and the evidence relied on should be cited or incorporated by reference.*

- k. The Federal District Court, Central District, ruled in NRDC vs Caltrans (C.D. Cal. 1994) that the California Department of Transportation had not substantially complied with Order No. 90-079. The court issued a separate Order to Caltrans to enforce compliance with the requirements of Order No. 90-079. The Court stated that in order to reduce pollutants to the "maximum extent practicable", a Permittee must evaluate and implement BMPs, except where, (i) other effective BMPs will achieve greater or substantially similar pollution control benefits; (ii) the BMP is not technically feasible; or (iii) the cost of BMP implementation greatly outweighs the pollution control benefits.

**CITY'S COMMENT:** *Cities, as permittees, should have the option of evaluating and implementing BMPs. This choice should rest with the permittee, not the Executive Officer.*

**CITY'S COMMENT:** *The name of the court is "United States District Court" not "Federal District Court."*

- l. The Natural Resources Defense Counsel (NRDC) filed a lawsuit against the County of Los Angeles for non-compliance with Order 90-079 in the Federal District Court, Central District, on October xx, 1994. The parties to the suit are in the process of reaching a settlement out-of-court. The NRDC settled similar lawsuits out-of-court in 1993 with the cities of Beverly Hills, Culver City, El Segundo, and Hermosa Beach.

**CITY'S COMMENT:** *The purpose of this finding is unclear.*

- m. 40 CFR 122.26(d)(2)(i) requires each MS4 Permittee to demonstrate that it can implement and enforce the storm water management program pursuant to legal authority established by ordinance, statute, and/or contracts. Each Permittee must, in addition, acquire legal authority to enforce specific prohibitions which are included in this Order but were no [sic] specified in Order 90-079, to encourage countywide consistency.

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**CITY'S COMMENT:** EPA guidance on this point is provided in Section 3-3, page 3-4 of "Guidance Manual For The Preparation Of Part 2 Of The NPDES Permit Applications For Discharge from Municipal Separate Storm Sewer Systems" (EPA 833-B-92-002, November, 1992). The language of that document should be used as a model for this provision, and throughout the document.

**CITY'S COMMENT:** The approach taken in the December 18, 1995, Draft, which is to leave specific requirements unstated until such time in the future as they are developed will render it impossible for a city attorney to certify that the city has the requisite legal authority to implement the permit, as the requirements of the permit will not be known at the time the certification is required. The Board's counsel should address this point.

**CITY'S COMMENT:** The inclusion of requirements to inspect facilities to determine their compliance statute presents serious, unresolved issues of constitutional magnitude. At present, however, in the absence of a citation to authority for the proposition that cities have the legal authority to conduct such inspections over the objection of non-consenting permittees, it appears that such inspections would be an unconstitutional infringement of the rights of non-consenting permittees. Consequently, no city attorney will be able to certify that the city attorney's city has the legal authority to implement the permit. This is a point which should be addressed by the Board's counsel, with citation to specific authority to conduct such inspections. In addition, the Board should indemnify the permittees with respect to the inspection program.

- 33. The Regional Board has notified each Permittee, interested agencies, and interested persons of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

**CITY'S COMMENT:** The City disagrees that interested persons were provided adequate notice. The City disagrees that the permittees had adequate opportunity to submit their written views and recommendations. Comment periods were far too short, given the complexity and changes in the draft documents.

- 34. The Regional Board solicited comments on early drafts of this Order from Permittees, interested agencies, and interested persons. In addition, the Regional Board staff met with representatives from Permittees, business associations, environmental groups, and other interested persons to discuss permit requirements and resolve critical issues. Regional Board staff also

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solicited feedback from the Santa Monica Bay Oversight Committee on early drafts of the Order, and attended Permittee watershed meetings, and public workshops to hear concerns. Regional Board staff have incorporated suggestions wherever appropriate, and addressed comments where pertinent

*CITY'S COMMENT: The City disagrees that interested persons were provided adequate notice. The City disagrees that the permittees had adequate opportunity to submit their written views and recommendations. Comment periods were far too short, given the complexity and changes in the draft documents. Numerous comments were not addressed at all.*

- 37. The requirements in this Order, as they are met, are in conformance with federal and state laws regulations, and guidelines developed for the implementation thereof, and water quality control plans applicable to the Los Angeles basin.

*CITY'S COMMENT: We feel that they, in fact, far exceed the EPA's baseline requirements, in some areas. Unfortunately, neither public policy makers (the Board Members and the Mayors and council members of the permittees) had any effective way to distinguish EPA baseline requirements from provisions added by the board staff at the insistence of persons with special interests or constituencies.*

03-1-9

A. DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS

B. Permittees

~~1. The other cities and agencies are designated as Permittees.~~

1. Each Permittee shall:

- a. Participate in the development and modification where necessary of the CSWMP and jointly prepare the WMAPs through participation in the WMC;

*CITY'S COMMENT: What does "where necessary of the CSWMP" mean? By what authority may a permittee be required to "jointly prepare" a WMAP? Jointly with whom? Is a permittee liable for errors of other joint preparers? Revise to state "May participate and may prepare jointly...."*

- 3. ~~The City Administrator/Public Works Director of each Permittee~~ Each Permittee's City Administrator/Public Works Director shall appoint a representative(s) to the WMC, who has the delegated authority to make decisions on storm water permit issues on behalf of the jurisdiction.

*CITY'S COMMENT: Whoever drafted this provision fails to understand that under the California Government Code, decision making authority of cities rests with the City council. It may be delegated only within narrowly prescribed limits.*

C. External Agency Coordination

- 1. The Principal Permittee will be provided an updated list of NPDES permits on a quarterly basis through the Regional Board's electronic bulletin board, which may be accessed at (213) 266-7663, for use by each Permittee to identify permitted sources of active non-storm water discharges into the MS4. ~~to verify permitted sources of the existing non-storm water discharges in the storm water drainage system.~~

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**CITY'S COMMENT:** *Electronic bulletin boards are outdated technology. The Board should make the information available on the Internet.*

2. Each Permittee will work with other agencies, to the extent necessary, and report to the Regional Board on recommendations to resolve any conflicts which are identified between the provisions of this permit and the requirements of other regulatory agencies, if they deem it necessary. ~~The Permittees will work with other regulatory agencies and report to the Regional Board on recommendations to resolve any conflicts which are identified between the provisions of this permit and the requirements of other regulatory agencies. These agencies, include but are not limited to:~~

- a. California Department of Fish and Game
- b. California Department of Toxic Substances Control
- c. California Coastal Commission
- d. United States Environmental Protection Agency
- e. California Department of Transportation
- f. California Air Resources Board

**CITY'S COMMENT:** *This provision should be revised to make it clear that the "extent necessary" determination is to be made by the permittee and no other entity. Add the words "that the permittee determines it to be necessary, after the words "to the extent" in the first sentence.*

**I. Program Substitution**

Any Permittee may petition the Executive Officer to:

- a. Substitute for any BMP identified in this Order, the CSWMP, or the WMAP, if the Permittee can demonstrate through documentation and/or scientific data, that the proposed alternative BMP:
  - i. will achieve greater or substantially similar reduction in storm water pollutants; and
  - ii. will be implemented within a similar period of

time.

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- b. Eliminate any storm water BMP identified in this Order, the CSWMP, and/or the WMAP, for its jurisdiction if it can demonstrate through documentation and/or scientific data, that the BMP is:
  - i. Not technically feasible, or
  - ii. The cost of implementation greatly outweighs the pollution control benefits.

The Executive Officer will approve or disapprove the petition in accordance with Provision I.J (Requirements for Program Management: Administrative Review).

*CITY'S COMMENT: This process should be reversed. Permittees should have the authority to select BMPs, and that selection should stand unless the Executive Officer demonstrates that the BMP will not achieve items a.i and ii, above. Similarly, permittees should be permitted to eliminate any BMP unless the Executive officer demonstrates that the BMP is technically feasible and that the cost does not outweigh the pollution benefits.*

**J. — Administrative Review**

The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees, prior to initiating enforcement action.

- 1. Storm water program documents, including progress reports, program summaries, and implementation and compliance schedules, developed by a Permittee under the provisions of this Order shall be submitted to the Executive Officer for approval. The Executive Officer will notify the Permittee and the Principal Permittee of the results of the review and approval or disapproval within 120 days. If the Executive Officer has not responded within 120 days, the Permittee shall implement the submitted CSWMP or WMAP program components without modification.
- 2. If the Executive Officer finds that a Permittee's storm water program is insufficient to meet the provisions of the Permit, the Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific

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findings in support of the insufficient determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.

**CITY'S COMMENT:** *A system in which the Executive Officer makes findings without affording the permittee notice and an opportunity to be heard would violate the permittee's due process rights. This section should be revised to state that if the Executive Officer determines that the program "may not" be sufficient, the NIMC shall be prepared, with proposed findings.*

~~2. Upon receipt of a NIMC, the Permittee shall meet and confer with RWQCB staff to clarify the steps to be taken to completely meet the provisions of this permit. The meet and confer sessions shall be for the purpose of developing additions and enhancements to the jurisdiction's stormwater program. The meet and confer period shall conclude with the submittal to and acceptance by the Executive Officer of a written "Stormwater Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPEP by a specified date.~~

a. The Permittee, upon receipt of a NIMC, shall meet and confer with Regional Board staff to clarify the steps to be taken to completely meet the provisions of this permit. The meet and confer sessions shall be for the purpose of developing additions and enhancements to the jurisdiction's storm water program. The meet and confer period shall conclude with the submittal to and acceptance by the Executive Officer of a written "Storm water Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPCA by a specified date. The NIMC shall include a date by which the Permittee must meet with Regional Board staff. Failure to submit an acceptable SPCA by the specified date shall constitute a violation of this Order.

**CITY'S COMMENT:** *Again, a process in which the Executive Officer resolves the issues, and leaves only implementation to be*

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*determined, violates fundamental due process rights. This provision should be revised to state that the Permittee is to meet with Regional Board staff to resolve whether or not the permittee's program is sufficient to meet requirements. Only if it is not, should the Executive Officer prepare final (as opposed to proposed) findings in support of the proposed insufficient determination. That determination by the Executive Officer should be subject to appeal by the Permittee to the regional Board. The City incorporates by reference its previous comments on this point.*

**II. REQUIREMENTS FOR ILLICIT DISCHARGES/ DISPOSAL CONNECTIONS / DISCHARGES**

**E. Public Reporting**

- 1. The Principal Permittee in consultation with the EAC shall develop a standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices by July 15, 1996.

Each Permittee shall implement the standard program to facilitate public reporting by October 15, 1996.

- 2. The Principal Permittee in consultation with the EAC shall develop a standard program by July 15, 1996, for reporting incidents of a reportable quantity of hazardous substances entering the storm drain system. The reports shall be made to the State of California Office of Emergency Services (OES) at (800) 852-7550 and the Federal Hazardous Response Number at (800) 424-8802.

*CITY'S COMMENT: As pointed out in comments on the September draft, the federal response number (small f) is the National Response Center, not a nonexistent entity called the "Federal Hazardous Response Number."*

Each Permittee shall implement the standard program for reporting hazardous substances entering the storm drain by October 15, 1996.

**III. PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES**

**D. Source Inspection**

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1. Each Permittee shall develop and implement an industrial/commercial facilities inspection program by October 15, 1996. The inspection shall at a minimum include:

a. For Phase I facilities (40 CFR 122.26), site visits to:

- i. Consult with a representative of the facility to explain applicable local storm water codes, regulations and ordinances;
- ii. Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;
- iii. Discuss appropriate BMPs and distribute educational materials;
- iv. Note that an NOI has been submitted to the State Water Resources Control Board, that a copy of a SWPPP is available on-site, and to notify the Regional Board if an NOI has not been submitted or a SWPPP is not available; and,
- v. Identify and report problematic facilities to the Regional Board, when deemed necessary by the Permittee.

b. For all other facilities, site visits to:

- i. Consult with a representative of the facility to explain applicable local storm water codes, regulations and ordinances;
- ii. Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;
- iii. Discuss appropriate BMPs and distribute educational materials;
- iv. Follow-up and take action against problematic or recalcitrant facilities; and,
- v. Identify and report problem facilities to the Regional Board, when deemed necessary by the Permittee.

**CITY'S COMMENT:** *This section was apparently drafted without regard to whether or not the City/Permittee had any legal authority to conduct inspections of the facilities to be inspected. In short, in the absence of specific legal authority to conduct an inspection, which authority is not derived by fiat from the Regional*

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*Board, a permittee would have no authority to conduct an inspection over the objection of the facility owner/operator. This section must be revised to cast it in terms of informational visits unless the permittee has specific legal authority to conduct the inspection.*

2. Each Permittee shall submit a schedule for inspection of industrial/commercial facilities prioritized in Provision III.B.2 by October 15, 1996. The schedule with frequency shall include:

vii. Restaurants (SIC Industry Number 5812), twice in five years; and,

*CITY'S COMMENT: The provision for permittees to conduct restaurant inspections is unnecessary overregulation. This responsibility should rest with the County Health Department, which already conducts public health inspections.*

**IV. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING / CONSTRUCTION**

*CITY'S COMMENT: The Regional Board has no authority to issue regulations which preempt local authority over land use. To the extent (which is considerable) which the regulations in this section would do so, they should be deleted.*

**VI. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION**

**b. Audio Material.**

*CITY'S COMMENT: Given that radio and television stations which broadcast in Los Angeles County may be received everywhere in the county, this responsibility should rest with the Principal Permittee. It does not make sense for the Regional Board to require each of 86 cities to have a program for audio outreach, especially when some of these cities have tiny staffs, ill-equipped to develop such programs.*

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SUPPLEMENTAL ADDITIONAL PRELIMINARY COMMENTS  
on Draft of Waste Discharge Requirements  
for the Discharge of Stormwater in Los Angeles County  
(NPDES Permit No. CAS0051654)  
(Draft of December 18, 1995)

A. General Narrative Comments.

1. Comment: Numerous terms are undefined.

*Recommendation: Add definitions, to include "disturbed area," "creation of impervious area," effectively prohibit," "authorized discharges," "SPCA" and "GCASP" to the Glossary.*

2. Comment: The draft permit is vague. For example, the draft permit provides, in numerous places, that ". . . the Principal Permittee in consultation with the EAC . . ." (Italics added.) However, the term "in consultation with the EAC" is vague and undefined. Is the Principal Permittee required to follow the advice of the EAC? If not, is the Principal Permittee required to state reasons for failing to follow the EAC's guidance? Who, if anyone, is liable for failure to follow the EAC's advice? Who, if anyone, is liable if the advice is bad, but is followed? Could the County develop programs required by the draft permit without the comments and of the EAC? The permittees?

*Recommendation: Clarify the draft permit to make it clear that it is the County, as Principal Permittee, and not the Cities, as permittees, which is responsible for developing permit requirements to be approved by the RWQCB, after notice and hearing.*

3. Comment: The deadlines for compliance are unrealistic. Many requirements of the draft permit would be due simultaneously.

*Recommendation: Compliance schedules should be adjusted to reflect time necessary to comply.*

4. Comment: The draft permit imposes redundant requirements and creates an unnecessary additional level of redundant government oversight of already-overseen activities. The Regional Board's attempt to shift this burden to local government permittees is an attempt to impose an unfunded mandate.

*Recommendation: Specifically, the draft permit's requirements for permittees with respect to all land use, industrial and commercial facilities, and construction activities under draft permit from the Regional Board*

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*should be eliminated. For example, construction over five acres requires a permit from the Regional Board; it should be excluded from this permit. Phase I and other industries are permitted by the Regional Board and should therefore be excluded from our permit.*

5. **Comment:** The development and inclusion of performance standards is unrealistic and difficult to apply universally.

*Recommendation: Each permittee should have the option of developing its own stormwater management plan.*

6. **Comment:** The draft permit requires the development and implementation of the "Storm Water Management Program (SWMP)," a "Countywide Storm Water Management Program (CSWMP)" (which is supposed to include all of the components of the SWMP), and a "Watershed Management Area Plan (WMAP)." While it is clear that a CSWMP must be developed, no authority or need for the for the development of a WMAP is apparent. Areas of the text of the draft permit note that a WMAP may be developed following implementation of the CSWMP. The development of multiple plans/programs is confusing, awkward and redundant.

*Recommendation: Development of a CSWMP should include all activities that can be shared by all permittees, including reporting and BMPs such as public education. This framework plan can then be used to tailor an agency-specific storm water management plan. Although agencies within the same watershed may share similar experiences, very few agencies will be able to or will have a need to implement all requirements of a Watershed Management Area Plan. This area of the draft permit should be revised accordingly.*

7. **Comment:** No legal authority exists for the imposition of duties on the Watershed Management Committees (WMC) or its members, or member agencies. The committees are simply working groups formed to deal with the development and implementation of the first permit.

*Recommendation: These committees should be formed for exchange of information and views, and nothing more. The draft permit should be revised to delete any provision which might arguably give rise to an inference that these committees may have any legally enforceable duties, or liability for failing to carry out any such "duties."*

8. **Comment:** There is no stated legal authority for the requirement in the draft permit for co-permittees to conduct commercial/industrial inspections.

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*Recommendation: In view of the potential for litigation over unlawful searches and civil rights violations, this requirement should be deleted and replaced with a requirement to conduct site visits, public meetings or other informational activities, with the consent of the entities to be visited.*

**B. Page and Section-Specific Comments.**

- 9. Page 3, No. 7: The findings provides that permittees are to "effectively prohibit" (quotation marks in original) non-stormwater discharges.

The term "effectively prohibit" should be defined, as it has the potential to be a magnet for citizen suit litigation.

- 10. Page 13, A.II:

At the end of the first paragraph, change the period after the word "appropriate" and add the words: "after review and comment by the permittees and upon receiving public testimony."

L. Requirements for Program Management

- 11. Page 21, No 2.c: The EAC has no legal authority to compile information for submittal. This section should be removed.
- 12. Page 21, No. 2.g: Coordinating the implementation of pilot projects is beyond the legal authority of the EAC. This section should be deleted.
- 13. Page 21, No. E.1: The Regional Board should have no authority to appoint persons to the WMCS. These should remain as staff working groups as previously mentioned.
- 14. Page 22, No. E.2: This section should specifically provide that selection and participation on the EAC by permittees other than the county and City of Los Angeles is imposes no duty on the EAC member, the city represented or any other person, and that, in the event of litigation (under CWA citizen suit provisions or otherwise) the State of California will protect, defend, indemnify and hold the EAC member and the EAC's city harmless. Why and what resources is the county expected to provide permittees with populations under 100,000?
- 15. Page 27, No. I.1: Considering the schedule of implementation forced upon the permittees and the sense of urgency on the part of the Regional Board

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to implement the permit, review period for all submittals to the Regional Board should be a maximum of 60 days. This is still twice that allowed by CEQA for project approvals. Submittals will be deemed approved if no response is received prior 60 days. This section should be amended accordingly.

- 16. Page 27, No. J.2.a: "SPCA" should be defined in the glossary.
- 17. Page 28, top of page: Again, the Regional Board should be allowed 60 days for review and approval. Revise section as necessary.
- 18. Page 28, No. J.4: Amend section to read ". . . frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Executive Officer in the SPCA."

II. Requirements for Illicit Connections/Discharges

- 19. Page 29, No. A.1.b: Prioritization of problem areas should be left to the discretion of the individual permittees.
- 20. Page 30, No. B.1.c: Prioritization of illicit disposal areas should be left to the discretion of the individual permittees; section should be deleted.
- 21. Page 31, No. B.1.g: Standard enforcement procedures are unnecessary as each agency maintains its own legal authority to deal with illicit discharges; delete section.
- 22. Page 32, No. D.1: What about water system main breaks, utility vaults, and other similar problems which will be regulated under separate general permits or those discharges authorized by the Regional Board? Should include such discharges here.
- 23. Page 32, No. D.2: The notion of conditionally exempt discharges unclear. How are such discharges identified? When are they identified? Who identifies them? Who decides appropriate BMPs and using what criteria?

What about such activities as saw cutting, grinding, and other similar activities? Are curb drains to be prohibited?

III. Program Requirements for Industrial/Commercial Sources

- 24. Page 35, No. A.1: This section is very onerous. We do not agree with the Regional Board's position that this is useful information, including the collection of SIC codes, and suggest that it be deleted.

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- 25. Page 35, No. A.1: Please clarify what "database format" required.
- 26. Page 36, No. A.2.b: Eliminate the word "or" from the phrase "... with the EAC and/or the Regional Board ...".
- 27. Page 39, No. D.1.a.iii: Should inspections become part of the permit requirements, of which we protest, eliminate "appropriate BMPS" from this section. Businesses should know best or hire consultants to determine which BMPs may best for their business. (same with No. D.1.b.iii)
- 28. Page 39, No. D.1.a.iv: This section should and is the responsibility of the Regional Board. It should be eliminated.
- 29. Page 40, No. D.2.viii: Please clarify the meaning of this paragraph. We trust that the Regional Board is not attempting to require additional inspection groups without reason.
- 30. Page 41, No. D.4: Eliminate this section. An enhanced inspection program cannot be applied to all agencies universally. Individual permittees should address problem locations, if any, within their respective inspection programs.

IV. Program Regs. For Development Planning/Redevelopment

- 31. Page 45, No. A.3.c: "Public Utilities" is not a mandatory element required in most California general plans, as are a number of other optional elements with different titles such as "community facilities," "community design," "environmental resource management," or "redevelopment." We recommend that item iv. be deleted and language added to the effect of:

"Each permittee shall reference or cross reference these standards to any optional element of the general plan which may have a bearing on stormwater discharge."

- 32. Page 47, No. B.1.a: For what purpose is this information to be assembled? Will the permittee be required to submit it to the Regional Board? For what purpose? We suggest that this requirement should be deleted.

VI. Program Regs. for Public Information and Participation

- 33. Page 65, No. A.3: What type of analysis of residents and businesses is the City to conduct? How detailed must it be?

VII. Requirements for Monitoring Program

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No comments.

VIII. Program Evaluation and Reporting

34. Page 83, No. A.4: Please define in the draft permit how a uniform data collection can be established for each of the required BMPs and identify the purpose of this data collection.

IX. Additional Provisions

No comments.

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# City of Agoura Hills

"Gateway to the Santa Monica Mountains"

LOS ANGELES COUNTY

January 26, 1996

Mr. Robert Ghirelli  
Executive Officer  
Regional Water Quality  
Control Board-Los Angeles  
Monterey Park, CA 91754-2158

Subject: Comments on December 18, 1995 - Draft National  
Pollutant Discharge Elimination System Storm Water Quality Permit.

Dear Mr. Ghirelli:

As a member of the Executive Advisory Committee (EAC), I have undertaken a review of this permit as it has progressed from its earliest stages. This is the first draft, which has been complete with findings, all components of the permit and the procedural aspects are at the end. As with the previous versions of the permit, there are a number of provisions which pose an unacceptable risk which must be addressed.

## RECEIVING WATER LIMITATIONS

As currently drafted, Section A.II will expose each permittee to claims of violating the terms of this permit on the day it is adopted. Under the subjective terms of B.II, any determination by the Regional Board (RB) that pollution is related to storm water discharge, "either of the following actions shall be undertaken..."

1. The Permittee shall demonstrate, to the satisfaction of the RB, that the Permittee is implementing fully and on schedule its Storm Water Management Plan (SWMP) in accordance with Requirement C of this order, and continued timely implementation... will prevent future exceedances of receiving water limits; or
2. If the determination in B.II.1 cannot be made or upon notice by the RB, the Permittee shall initiate an investigation, and demonstrate to the satisfaction of the RB that either:

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- a. Storm water discharge from its municipal separate Storm Sewer System (MS4) are not, in fact, the cause of the exceedance(s); or
- b. When storm water... is determined to be the cause of the exceedance(s), the Permittee...
  - i. "... shall... accelerate the implementation schedule of BMPs designed to eliminate the exceedance(s), or
  - ii. "... shall ... develop and submit ...," new or revised BMP's with a schedule for implementation to prevent future exceedance(s)

Based upon my limited recollection of the recent past, every major storm has led to a closure of one or more beaches for elevated coliform levels. This exceedance would trigger the provisions identified above. In my opinion, the permittees would face a never ending round of investigations and ever expanding program of BMPs which will cost the taxpayers of Los Angeles County well in excess of the benefits to be derived. In this era of public tax limitation efforts, the increase of any tax must be supported by the public or it is doomed to fail.

The statement made at the end of the editorial paragraph, which I assume will not remain in the final version of the permit, "The BMPs for storm water, in a sense, are equivalent to effluent limits. Expresses the belief of most permittees, but the provisions of "B" goes beyond that limit.

As a side note, the term "Chemical Constituents" in A.II.1.d does not appear to be defined. Sand has chemical properties, but does not to my knowledge create a hazard to flora and fauna. Natural processes at levels that occur in nature must be allowed to continue under the terms of this permit.

### INSPECTION PROGRAMS

This section of the permit creates another unacceptable burden for all Permittees. The affect of this section is to remove an under funded, under staffed inspection program, which is clearly the obligation of the RB, and transfer the responsibility to the permittees without funding. This is not acceptable. If, as I read this permit, inspections are key to elimination of pollutants from storm water then a fully funded and staffed inspection program should be developed by the RB. To use the excuse

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that permittees have inspectors visiting these sites already is to understate the importance of the inspection program.

The inspection personnel who will perform storm water quality inspections will require full training in the requirements of the CWA and the specifics of this permit. If permittee inspection staffs are to be used, this will result in a disruption of service which will cause delays to private development or will result in health and safety threats to the public due to missed inspections. In addition, not all inspectors will readily accept the required training or understand the importance of the program like an inspector dedicated to the specific program would.

The above comments are intended to apply equally to the commercial/industrial inspections required by Section III.D.1.b and the Phase 1 inspections required by Section III.D.1.a. The later group is absolutely unacceptable. The fees intended to support these inspections are paid to the State. The permittee receives no compensation for performing the inspection but faces significant liability should a lawyer identify the City as a plaintiff in a suit for damages against a Phase 1 industry. This transfer of liability must not be allowed to take place.

As a side note, two minor corrections or additions must be made. In Section III.D.2 the permittees are required to submit a schedule for inspections 6 months before the industries to be inspected have been prioritized (Section III.B.2). Also, both Sections III.D.1.a.v and III.D.1.b.v allow the permittee to ...report problem facilities to the RB... To the best of my knowledge no specific party has been established to receive these reports. The permittees are currently dealing with several RB staff members. Which of these has been assigned the responsibility to receive and respond to permittee reports?

#### **EAC VOTING MEMBERSHIP**

The makeup of the membership of the EAC does not allow for the maximum effectiveness of the committee. Most of the current membership will be lost, to be replaced by "large City representatives." As I read Section I.E.2, the EAC will consist of Los Angeles County, Los Angeles City, the Cities of Calabasas, Santa Monica, Torrance, Long Beach, Santa Clarita, and four cities to be chosen by Ballona Creek (1), Los Angeles River (2), and San Gabriel River (1) Water Shed Management Agencies. (Based on the assumption that the City of Long Beach will not get two (2) positions on the Board.) I suggest that the Board confirm that these cities are willing to commit the resources to man the committee for five (5) years.

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The makeup of the EAC deviates significantly from the current selection process. I cannot determine why the RB chose to make this change. While this method assigns the burdens of staffing the EAC to large cities, except for Calabasas and the elected positions, it does not account for the knowledge of the CWA requirements that will likely be lost. For these reasons, I believe that the selection process must be returned to the Watershed Management Committees for election of the most qualified persons for the positions.

As a side note, the wording of Section I.D.1 is not clear. I understand that the Malibu Creek, Santa Clara River, and Dominguez Channel WMA are to have one representative each. I suggest that the following modifications be made to clearly state the requirement. "The EAC shall consist of one representative from each of the Malibu Creek, Santa Clara River, and Dominguez Channel WMAs, and two from the San Gabriel River, Los Angeles River, Ballona Creek WMAs, for a total of eleven members. The above representatives shall be voting members (balance to remain unchanged)."

This wording clearly establishes the intent of the RB and the understanding of the Permittees.

At our EAC meeting of January 8, 1996, the County was surprised and would not accept the monetary responsibility for small jurisdiction representatives on the EAC established in Section I.E.2, last sentence. This could be a key point which must be clarified prior to RB action.

**FINDINGS LACK FACTUAL BASIS OR ARE NOT APPROPRIATE**

The finding contained on pages 1 through 12 of this draft permit have not been presented in any previous draft of this permit. This, by its self, raises questions about the process which has been followed in shaping this permit. A logical process would be to define the problem through the findings which the permit is intended to address and establish the appropriateness of the permit provisions for addressing the identified problems. This logical progression is not established by the finds currently included in the permit.

Finding 5 is an example of a finding which lacks complete logic. It states that the RB based upon the "effect" of posting signs on beaches, "considers storm water discharges from the urban and developing areas a reason the Los Angeles Basin to be a significant source of pollutants in receiving waters..." This finding does not

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establish the cause which is responsible for the "effect." In a similar natural water shed, the potential exists for similar negative "effects" not tied to development. Without this logical tie the extent of the problem, if one exists, cannot be established for the scope of the mitigation to be judged.

Finding 6C is another finding which lacks the necessary tie to the necessary mitigation. The extent of this finding can range from an undeveloped watershed to a fully-developed watershed and anything in between. Certainly, it is not the intent of this permit to require the Permittees "to manage" all of the natural undisturbed areas of the County. Most, if not all of this land, is within Federal or State lands which agencies are not controlled by this permit.

The extent to which "management" of the watershed may intrude into the arena of private property rights is not established. Agencies are sued everyday for improper work when conditions which cannot be seen from public areas are cited as violations. We cannot and will not violate the Constitution of the USA or State to "manage" a watershed.

As I read Finding 13, the California Water Code "requires that waste discharge requirements issued by RBs shall include numerical water quality standards..." If my reading is correct, then the issuance of a permit without numerical standards violates the State Water Code which could be used to invalidate the permit in court. This should be reviewed by the Boards legal council for appropriateness of finding.

Finding 17, indicates that it imposes receiving water limitations. As stated in the discussion of Finding 13 above, since the limits are not numerical, aside from violating the State Water Code, the decisions related to BMP" technical and economically feasible..." become a subjective decision which is open to continuous challenge.

#### **AGENCIES NOT INCLUDED UNDER PERMIT COVERAGE**

As a representative of a small city I see how the permit places a burden on the City. I also look at the agencies that are larger than Agoura Hills which are not regulated by this permit or by the City. They are responsible for the maintenance of a larger area than the city. Agencies such as school districts, state colleges and universities, and hospitals are examples of agencies who deal with similar functions; pavement management, landscape maintenance, pesticide and fertilizer use etc, yet are not covered by the provisions of this permit.

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In most of these examples, the opportunity for pollution of Santa Monica Bay or other receiving water is greater than any number of small cities. If the property owned by an agency like the Los Angeles Unified School District were compared to property owned or operated by Agoura Hills, the results would show the school district owns and operates ten to one hundred times the land and manages a fleet of busses that would challenge Greyhound Bus Lines in number of vehicles. Yet, I see no provision of this permit that would require these agencies to comply.

In most cases, these are old time agencies with facilities that have been in place for 10 to 50 years. Drainage connections have been in place for the same period of time.

With no guidance for these noncovered agencies, the best efforts of cities may be offset by a lack of support by the noncovered agencies. I would ask the RB how they intend to incorporate control over these agencies. We must know who has regulatory control so that when violations are detected we know who to turn to.

#### CERTIFICATION REQUIREMENTS OF PERMIT

Section IX Additional Provisions has been added to this draft of the permit. In subsection 4, the requirement for a certification to be added to each report or submittal made to the RB has been included. As I read the requirements for signature of this certificate it "shall" be signed by either "a principal executive officer, or a ranking elected official." A signature by the above described individual is the only method for validating the report or submittal.

It must be clarified how this is going to work. If read literally, any submittal containing information relating to the City of Agoura Hills would have to be signed by the City Manager or Mayor. In the case of the annual reports the signature of all 86 Cities and the County would have to appear on the document. This seems like an impossible task. If, as provided under section 4(b)ii, the City provided a written authorization to the County for signature purposes I foresee a problem. Documents may be left out or otherwise incomplete which could lead to the appearance of non compliance on the part of a city. Is the City of the County responsible for correcting the error. This section was pulled from the Industrial and Construction Statewide Permits where it works fine. I do not see it working without understandings or formal agreements prior to permit implementation.


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January 26, 1996  
Page 7

Thank you for this opportunity to make comments on this permit. The EAC has discussed this matter, and other members will address issues of importance to their agency or watershed.

Very truly yours,

CITY OF AGOURA HILLS

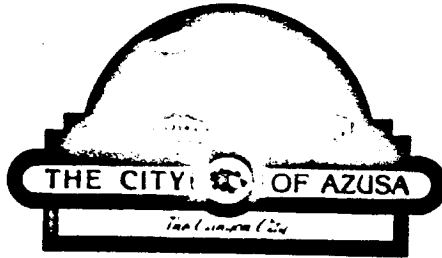


Eroy L. Kiepke  
City Engineer

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CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

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January 24, 1996

Ms. Catherine Tyrrell  
C.R.W.Q.C.B.  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: COMMENTS ON THE DECEMBER 18TH, 1995 DRAFT PERMIT

Dear Ms. Tyrrell:

Following are the areas of our concern with the December 18th draft permit. It should be noted that some of the following comments were made on the prior drafts, however, they were not addressed in the latest draft.

For example, we have questioned the delegation of State responsibilities to the cities in the past. The Board staff should remain responsible for their inspections, not the cities.

We have also questioned the value and the merit of identifying illicit connections. Identifying a bootleg connection to a storm drain line will be difficult and very costly. Even if a detection is made, it may be impossible to remove the connection. The emphasis should be on illicit discharges and not illicit connections.

**GENERAL**

1. The permit is too lengthy and complex. There are some sections which do not clearly reflect the intent of the permit. A clear, concise language would help everybody.
2. Unknown requirements will be imposed in the future.
3. Compliance dates are not realistic.
4. The permit indicates lack of understanding for local government decision making and budgeting process.
5. The permit exceeds clean water act authority.

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**Findings**

The findings don't seem to be related to the permit. Some of the so-called "factual" information is not correct. They seem to be self-serving and biased.

**Receiving Water Limitations**

They are unachievable and the permittees could be in violation from day one.

**Program Management**

Make up of the Executive Advisory committee is not acceptable. Each watershed should elect its representatives. LA County is given the role of the enforcement agency in the draft permit.

The budget requirements are too detailed.

**Illicit Connections**

Please see paragraph three on page one.

**Industrial/Commercial Inspections**

The requirements of this section are not acceptable to us.

**Planning/Construction Section**

The requirements are too burdensome. Post development runoff requirements are not achievable.

**Over all evaluation of the permit:**

The permit needs to be much shorter, concise, specific, and to the point. It is too long, unnecessarily complicated, and there are far too many ambiguities.

In its present form, the permit is very long on process and short on results. Finally, We have yet to see clear objectives for the permit.

Sincerely,

  
Nasser Abbaszadeh  
City Engineer

C: LA County

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*City of Baldwin Park*  
CIVIC CENTER  
14403 EAST PACIFIC AVENUE • BALDWIN PARK CALIFORNIA 91706  
TELEPHONE 960-4011

Sid Jalal Mousavi, P.E.  
Director of Public Works

January 25, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

LOS ANGELES REGION  
JAN 25 1996

**SUBJECT: DECEMBER 18TH DRAFT NPDES PERMIT**

Dear Dr. Ghirelli:

Thank you for sending us the Draft NPDES Permit for our review and comments.

We concur with the findings of the Executive Advisory Committee and please accept our full support of the comments submitted to you by the Executive Advisory Committee on January 24, 1996. Attached, for your reference, is a copy of the comments.

If you have any questions, please call me at (818)960-4011, extension 451.

Sincerely,

Sid Jalal Mousavi  
Director of Public Works

SJMAI/jmf

cc: Executive Advisory Committee

Attachment

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COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone (818) 642-5100

HARRY W. STONE, Director

ADDRESS ALL CORRESPONDENCE TO  
P O BOX 1460  
ALHAMBRA, CALIFORNIA 91803-1460

January 24, 1996

IN REPLY PLEASE  
REFER TO FILE EP-3

Dr. Robert Ghirelli, Executive Officer  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Mr. Ghirelli:

**EXECUTIVE ADVISORY COMMITTEE COMMENTS  
DECEMBER 18 DRAFT NPDES PERMIT**

The Executive Advisory Committee (EAC) wishes to thank the Board staff for their long hours spent in developing the draft five-year National Pollutant Discharge Elimination System Permit and for soliciting our input into the process. However, the EAC has some serious concerns with the current draft and we have identified more than 20 important issues which all Permittees believe require extensive modification prior to adoption of the final permit by the Regional Board. A summary of these concerns is enclosed for your review and response.

Please be aware that the enclosed summary only reflects joint Permittee comments identified by the EAC and should not be construed as the collective comments of the Permittees. Each Permittee will be submitting its own comments and suggestions. We request that the Board consider and respond to all comments submitted by individual agencies, Permittees, and other interested parties.

All cities within Los Angeles County are environmentally conscious and are desirous of implementing and enforcing the provisions of the Clean Water Act. However, the current draft of the Permit is not conducive to the efficient use of our limited resources to accomplish our goals. To assist in resolving these issues, the EAC is willing to meet with your staff and develop Permit language which is acceptable to all parties.

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Dr. Robert Ghirelli  
January 24, 1996  
Page 2

The enclosed summary has been provided to all the Co-Permittees for their use in formulating their own comments on the draft Permit. Please incorporate this letter, and others which will be forwarded directly by other Permittees, into the administrative record of the Permit.

If you have any questions, please contact me at (818) 458-4014, or Gary Hildebrand at (818) 458-5948, Monday through Thursday, 7:00 a.m. to 5:30 p.m.

Very truly yours,

*Donald L. Wolfe*

DONALD L. WOLFE  
Chairman, Executive Advisory Committee

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Enc.

cc: Permittees

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Major items of concern regarding the December 18 Draft Permit, as identified by the Executive Advisory Committee.

a) **GENERAL**

1. Unknown requirements to be imposed in the future
  - Many programs in the Countywide Program/Watershed Management Plan are "to be developed" with unknown requirements imposed in the future.
  - Too many levels of plans could impose undue requirements on the Permittees.
2. The Permit is too lengthy and complex.
  - Detailed requirements belong in the Watershed Management Plan, not in the Permit.
3. The Permit exceeds Clean Water Act authority.
4. The Permit should clearly state that the Permittee should only be required to meet the requirements of the Permit. If the Permit does not meet all requirements of the Clean Water Act, Permittees should not be held accountable.
5. The outline headings sequence should be consistent throughout the Permit.
6. Compliance dates are not realistic.
  - The Permit should use periods of time after Permit adoption, instead of dates, for completion
  - Too short
  - Inappropriate deadline sequences which could impact action effectiveness, e.g., inspection before outreach to inform industries
7. Permit demonstrates lack of understanding for local government decision-making and budgeting process.

b) **FINDINGS**

1. Findings should be limited to those relevant to stormwater quality enhancement.
2. Some information presented as factual is not correct.
3. No. 20 (page 5), "other entities," should be clearly identified and included as Co-Permittees

4. Findings should not give any implication of wrong doing by any agency.
5. Findings should not be self serving or biased.
6. Findings should not repeat what is contained in the requirements.
7. Pollutants of Concern are not adequately identified and referenced.
8. Major land areas are exempted from the Permit which may have significant discharge/runoff
  - Universities, State, and Federal Hospitals
  - School Districts
  - State and Federal facilities and lands

c) **DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS SECTION**

Receiving water limits

- Unachievable  
Permittees will be in violation immediately upon issuance of the Permit
- Water quality objectives should be goals and not compliance standards
- Compliance of permit should not be related to exceeding any water quality objectives, but should only be evaluated based on implementation of programs

d) **REQUIREMENTS FOR PROGRAM MANAGEMENT SECTION**

1. Budget requirements are too detailed.
2. Makeup of Executive Advisory Committee
  - Members should be limited to permittees
  - Mandating members are not acceptable
  - Permittees should determine membership on Executive Advisory Committee
3. The Program Substitution requirements (page 26) are too burdensome on individual Permittees.
4. The appeal process is not acceptable.
  - Administrative review process (page 26) should state that the Permittees are not in violation until the review process is completed.

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5. The time period given to Board staff to respond to submittals from Permittees is too long.
6. The time needed for the Board staff to review submittals should be included in the time allowed for plan implementation.
7. Joint powers/inter-jurisdictional agreements (page 25) requirement are not achievable by Permittees.

e) **REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES SECTION**

**Exempted Nonstormwater Discharges**

- Other discharges, such as commercial roof drains, should be included.

f) **REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES SECTION**

**Industrial/Commercial Inspections**

- How priorities are established that target certain industrial activities for inspection are not clear.
- The "Enhanced" Inspection Program (page 41) is not much different from the inspection program on page 39, therefore, it should be deleted.
- The Permit should allow for the public outreach program to inform industries to be implemented prior to beginning inspections.

g) **REQUIREMENTS FOR DEVELOPMENT PLANNING/CONSTRUCTION SECTION**

- The Director of Public Works' discretion on limited priority projects requires more definition.
- Post-development runoff requirement is not achievable.
- Changes to the California Environmental Quality Act requirements should be limited to addressing stormwater pollution and not watershed management or other water quality concerns.
- Do not lump planning and construction together because they have separate requirements.
- Need to provide a correlation between types of construction projects to pollutants of concern.

h) **REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION SECTION**

Public education and the development of Stormwater Management Plans do not include public participation.

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i) **REQUIREMENTS FOR MONITORING PROGRAM SECTION**

1. Co-Permittee Water Quality Monitoring
  - An arbitrary number of critical sources have been selected for monitoring by other than the Principal Permittee without data to support the need for them.
2. There is no relationship between Water Quality Monitoring and the Stormwater Management Plans. Monitoring results should be used to refine plans.

j) **PROGRAM EVALUATION AND REPORTING SECTION**

1. Best Management Practice Effectiveness
  - Pilot studies cannot be undertaken for every best management practice in the Permit.
2. Requirement (page 82) to demonstrate Maximum Extent Practical standard for best management practices is not achievable.
3. Delete performance standards development requirements (page 87).

k) **ADDITIONAL PROVISIONS**

Certification requirements by Principal Executive Officer (page 90) for reporting are not practical

l) **GLOSSARY OF TERMS**

Needs to be expanded

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EP-3



# CITY OF BELLFLOWER

16600 CIVIC CENTER DRIVE  
BELLFLOWER, CALIFORNIA 90706-5494  
(310) 804-1424



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January 26, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

RE: Request for Extension of Comment Period; Draft of Waste Discharge Requirements for the Discharge of Stormwater in Los Angeles County (NPDES Permit (NPDES No. CAS0051654) (Draft of December 18, 1995)

Dear Ms. Tyrrell:

The City of Bellflower hereby requests extension of the time for submission of comments on the December 18, 1995, draft of the proposed new WDR/Storm Water NPDES permit, until March 29, 1996.

Extension of the comment period is essential in view of the size (over 900 pages, single spaced) and significant new material included in the new revision. In addition, the new draft fails to address fully numerous comments previously submitted on the September 18 Draft. Despite numerous requests by a number of cities, the new draft again reflects what we must characterize as a "Breathtaking overreach" coupled with failure to identify specific requirements.

In addition, it again appears that some provisions required by the EPA for stormwater permits are missing. Moreover, we must point out that the EPA has released for comment a document which bears directly on your December 18, 1995, draft. The new EPA document is "Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years." It was released in draft by the EPA Office of Water on or about December 18, 1995. I am informed that the EPA expects to publish a final version of the draft document in March. Quite clearly, it will be most important to consider the new EPA guidance as the RWQCB refines its draft permits. For the RWQCB to proceed with its December 18th draft independently of the EPA draft nonpoint source guidance would seem to reflect an uninformed approach.

Page 1 of 2

RANDY BOMGAARS  
Mayor

RAY T. SMITH  
Mayor Pro Tem

KEN CLEVELAND  
Councilman

RUTH GILSON  
Counchwoman

ART OLIVIER  
Councilman

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Ms. Catherine Tyrrell  
January 26, 1996  
Page 2 of 2

Finally, we must point out that the failure of the December 18, 1995, draft to clearly identify the specific section of the Clean Water Act, or a specific provision in the implementing regulations, which provides the basis for each requirement proposed to be included in the new permit necessarily slows the review process. It is our view that decision makers and the public are entitled to be able to readily identify those sections of the permit required by federal law, and to distinguish those sections not required by federal law but which the Board staff desires to include in the new permit. Only when these distinctions are made can an informed judgement be made as to the appropriateness of inclusion of permit provisions.

In view of the ominous chilling effects on the economy and budget of every city in Los Angeles County should the draft permit be adopted, we believe that more time for deliberate review of this enormously complex document is absolutely essential.

Thank you for your anticipated cooperation.

Sincerely,



Michael J. Egan  
Assistant City Administrator  
City of Bellflower

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# CITY OF BELLFLOWER

16600 CIVIC CENTER DRIVE  
BELLFLOWER, CALIFORNIA 90706-5494  
(310) 804-1424



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January 26, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

RE: Comments on Draft of Waste Discharge Requirements for the Discharge of Stormwater in Los Angeles County (NPDES Permit (NPDES No. CAS0051654) (Draft of December 18, 1995)

Dear Ms. Tyrrell:

The City of Bellflower hereby submits its preliminary comments on the December 18, 1995 draft of the proposed new WDR/Storm Water NPDES permit. We reserve the right to submit additional comments. In addition, please note that we await the response of Jorge Leon, Board Counsel, to comments on legal issues, including inspection issues. We anticipate that we will submit further comments in response to Board Counsel's comments.

Our first comment is that the comment period was inadequate, in view of the size (over 90 pages, single spaced) and significant new material included in the December 18, 1996, revision. In addition, the document's complexity rendered review difficult, a difficulty compounded by the need to refer to comments on prior drafts. In addition, the December 18 Draft does not address fully numerous comments previously submitted on the September 18 Draft.

Page 1 of 3

RANDY BONGAARS  
Mayor

RAY T. SMITH  
Mayor Pro Tem

KEN CLEVELAND  
Councilman

RUTH GILSON  
Counswoman

ART OLIVER  
Councilman

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Ms. Catherine Tyrrell  
January 26, 1996  
Page 2 of 3

In addition, it appears that the new draft was prepared without regard to a significant development: the EPA has released for comment a document which bears directly on your December 18, 1995 draft. The new EPA document is "Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years." It was released in draft form by the EPA Office of Water on or about December 18, 1995. We understand that the EPA expects to publish a final version of the draft document in March. Quite clearly, it will be most important for your agency to take the new EPA guidance into consideration as the RWQCB refines its draft permit. We incorporate the provisions of the EPA's draft guidance by reference.

The December 18, 1995 draft fails to clearly identify the *specific* section of the Clean Water Act, or a specific provision in the implementing regulations, or the EPA Guidance Documents, as the basis or authority for requirements proposed to be included in the new permit. In this context, please understand that what we seek is to distinguish those sections which are required from those which are authorized, but not required.

It is our view that decision makers and the public are entitled to be able to readily identify those sections of the permit required (required, not simply authorized but not required) by federal law, and to distinguish those sections which, while not required by federal law, have been added by the Board staff in response to one or another interest. For example, there is absolutely nothing in federal law which would require the permit to include a provision calling for the appointment of the EAC. This, and other optional provisions which the Board staff desires to include in the new permit should be readily identifiable.

We suggest that this might be accomplished by use of different fonts: include the federally-required baseline provisions in bold and those provisions not required by federal law in italics. In that manner, when these distinctions are readily apparent, an informed judgment could be made by policy makers (i.e., the members of the Board as well as mayors and city council members and the board of supervisors) as to the appropriateness of inclusion of the various permit provisions.

In view of the ominous chilling effects on the economy and budget of every city in Los Angeles County should the draft permit be adopted, we believe that more time for deliberate review of this enormously complex document is absolutely essential.

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Ms. Catherine Tyrrell  
January 26, 1996  
Page 3 of 3

In addition to the foregoing comments, we have included a number of additional comments in two enclosures. The first is an extract of the December 18th draft, which we have annotated with our comments. The second lists supplemental additional comments on the draft. No inference should be drawn from the order in which our comments appear. We regard them all as important.

Thank you for your anticipated careful consideration of our comments.

Sincerely,



Michael J. Egan  
Assistant City Administrator  
City of Bellflower

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**CITY OF BELL GARDENS  
PUBLIC WORKS DEPARTMENT**

8327 GARFIELD AVE., BELL GARDENS, CA 90201-6122  
(310) 806-7770 FAX (310) 806-7789

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January 29, 1996

Mr. Robert P. Ghirelli  
Executive Director  
Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2158

Attention: Catherine Tyrell, Assistant Executive Director

Subject: Comments on Final Draft Permit

Dear Mr. Ghirelli:

We wish to add our concerns to the comments forwarded to you by the Executive Advisory Committee regarding the Final Draft Permit. The comments made by them should be deemed as a part of our official comments on the Final Draft Permit document. We are unable to voice an opinion that is universal for all participating agencies under the permit; however, we are quite certain that our concerns are shared by a lot of the participating permittees as demonstrated by the similarity in comments received on the Final Draft Permit of December 18, 1995.

The interests of the City of Bell Gardens are similar to all cities in the state of California and the countless other cities throughout the nation, with regards to the intent and purpose of the Clean Water Act. We and our citizens want an environment devoid of pollution and toxic waste in the water we consume to sustain life and the waters we use for work and play. However, we do have concerns regarding the proposed permit and believe it must be voiced in the hope that the final permit would meet the intent of the Clean Water Act in the most cost-effective manner possible.

Enclosed on the attached sheets are our comments of the Final Draft Permit. Should you have any questions on our comments, please contact me at (310)908-6214.

Very truly yours,

CITY OF BELL GARDENS

William C. Pagett  
City Engineer

Enclosure

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LOS ANGELES REGION  
QUALITY CONTROL DIVISION

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## COMMENTS ON FINAL DRAFT PERMIT

Unfunded Mandate whose effectiveness is highly problematic. The permit, if issued as written, will require all permittees to fund a vast amount of regulatory responsibilities to enforce provisions whose cost-effectiveness is based upon unproven theories.

### Comments:

1. Regulatory responsibilities are an accepted fact for all permittees. With the multitude of regulations in effect at the present time, municipalities must by public demand determine the priorities its citizens perceive as the most important. Because of the many requirements of regulations, sources of funding for programs are rapidly diminishing. Creative Financing, i.e., Utility Taxes, etc., which has, in the past, provided a source of funding for some cities are now the target of the proposed Proposition #162, which if enacted may require Cities to repay what it collected. Cities can only afford to use the most cost-effective method in achieving certain goals. Will the program as proposed by the permit be cost-effective? Vast amounts of funds may be needlessly expended by permittees before a full determination could be made. It is suggested that program requirements be limited to practices which are assured of some degree of success.
  2. The Program Requirements for Industrial /Commercial sources will be the most expensive for the City to bear. Preliminary estimates based on the numbers of industrial/commercial sources operating within the City will far exceed the funds budgeted by the City, which were more than doubled in anticipation of the new permit. As if the enormous financial burden alone is not enough for the City to assume, the most insidious of the requirements under proposed new permit requires each permittee to report any noncompliance of industrial facilities with a required Industrial Stormwater Permit issued by the state. We were offered the reason for inclusion of this requirement was done so in the spirit of cooperation between agencies; however, the responsibility of reporting such noncompliance remains with the permittee; failure to do so may be held against the permittee for noncompliance with their NPDES permit. If permittees are held responsible for adequate staffing and enforcement procedures, the state should also be held to the same standards as required of the permittees. This requirement should be deleted from the permit.
- Timing schedules for program development and implementation as suggested by the final draft permit indicates a total lack of understanding of local government functions.

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Comments:

The commentary used to explain the changes inserted into the final draft permit repetitiously refers to the fact that within the 5-year period under the existing permit, Los Angeles County and the cities within the county has failed to adopt a watershed management plan let alone implement it. Therefore, expeditious compliance is suggested as being of the utmost importance. The City was a participant as a co-committee in a permit issued by the Regional Water Quality Control Board as a phased program. Because of the phasing element of the program, not all cities were in the program for the entire 5-year period before it expired. However the development of Watershed Management Programs evolved during that 5-year period along with the final promulgation of the Federal Regulations for the Clean Water Act. It took time and thoughtless action by a large amount of individuals who contributed to the pollution of our receiving waters and, no doubt, it will take time to eliminate such pollution. Rather than expediency being of utmost importance, effective means of eliminating sources of pollution should be paramount. Time is needed to educate and hone the awareness of the general public to what causes pollution and what it will cost to eliminate these causes. In order for the program to be effective, the public must be willing to bear the cost of such programs. This should be achieved prior to implementing any Watershed Management Program. It is hoped that eventually with diligent effort, Watershed Management Programs evolves into a cost-effective method of obtaining the goals of the Clean Water Act.

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January 29, 1996

**CITY of CALABASAS**

California Regional Water  
Quality Control Board,  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, Ca 91754  
Attn: Catherine Tyrrell

**SUBJECT: MALIBU WATERSHED / STORM WATER CO-PERMITTEES  
COMMENTS**

Dear Ms Tyrrell;

The following are the area watershed co-permittees comments on the latest draft Municipal Storm Water Discharge permit. The City sent out copies of the draft permit to the Citizens Advisory Committee on Environmental Standards and City Council Members for their review and comment. The following is a summary list of the review for the Executive Advisory Committee consideration.

**Comments from Citizens Advisory Committee on Environmental Standards:**

1. Index needed
2. Glossary of Acronyms
3. Page 6 (23) and page 10; Who is responsible for checking on the pollutants which may be discharged into local storm water systems from freeways under Caltrans jurisdiction?
4. Page 11(36); The storm water manual sounds like an excellent idea; however it should contain detailed engineering information for storm water control on major construction sites, or give references for specific measures that can be implemented.
5. Page 25 (Hd); Discharge of pollutants from one portion of the MS4 to another; Who acts as arbitrator in case of disagreement between jurisdictions on allocation of responsibility for pollution? Who is responsible for carrying out any necessary treatment?
6. Page 26; BMP substitutions; these may be necessary and will give some flexibility to individual cities. However, the requirements for demonstration through documentation and / or scientific data should not involve costly research by the permittee; some provision is

26135 Mirman Road  
Calabasas, CA 91302-3172  
(818) 878-4225  
Fax (818) 878-4215

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needed to prevent this.

- 7. Page 32 (2); Conditionally exempt discharges; add- Hydraulic cleaning or sandblasting of residences.
- 8. Page 51; Sewage Systems Operations; Permittees, such as Calabasas, who contract with an agency such as Las Virgenes Municipal Water District, should be exempt from some of these requirements. They should be under the agency permit.
- 9. Page 52 (B2); The procedures cover construction sites of 5 acres or more. They should be extended to cover smaller construction areas, such as in the private sector
- 10. Page 64; Educational training materials for permittee employees, contractors, etc. Is the regional Board coordinating the engineering training materials ?
- 11. Page 65 (2b); " Mowing shall be encouraged as opposed to disking". If disking is to be accomplished it should be transverse to the flow of erosive water to minimize gulying.
- 12. Page 68 (a); This should include curriculum material and training for teachers , field trips or outdoor education programs for children , classroom models to demonstrate and evaluate pollution.
- 13. Page 70; For permittee employees add: inspection procedures following storms.
- 14. Illicit Discharges; Identification and inspection of illicit discharges in rural areas - is this adequately covered ?
- 15. Pollution due to major fires; (1) Post wildfire pollution of the watershed due to chemical retardants and soil erosion should be addressed more specifically, particularly quick response measures before the rains. (2) soil contamination after major fires from the residue of hazardous household materials, vehicles, oils etc. Evaluation and monitoring of clean up should be included in section VII
- 16. BMP's of Individual Permittees; Existing City Programs that contribute towards the implementation of required BMP's should be given credit in the evaluation of the status of the BMP implementation. For example, existing public outreach on environmental concerns may help mitigate a BMP.

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One of the major concerns was that implementation of the permit could be very costly to a small permittee. The development and use of common methods and materials of training, monitoring, inspection and reporting as indicated in the permit are essential to keeping costs down and should be expanded as much as possible. In some cases, consultant or staff working for several Permittees in a region would be cost effective. It may be practical to allow some regional monitoring and reporting for certain issues.

**Comments from Council Member:**

1. Page 18, (f); Water quality monitoring implementation should be a county responsibility. This item should be put back into the permit
2. Page 19, (B.1.a) Put this item back into the permit.
3. Page 20, D.1 Add 2 representatives from each watershed area, one of whom must be an elected official from co-permittee city
4. Pages 22-23, Add that the watershed Management Committee shall forward their " goals and objectives" to each co-permittee's City Council For Approval before such goals and objectives are passed on to the Executive Advisory Committee and before such activities are accepted for implementation. Unless City Councils and/or Planning Commission becomes more involved and aware of all the pollution control efforts, the goals of more pro-active programs may be stifled in other budgetary considerations.

Discussion on above items; Throughout this permit, there is no provision for elected policy makers to fully represent the interest and concerns of their jurisdictions. The system proposed puts staff personnel in the position of making legal policy for cities without their agreement to those policies. In previous comments it was said that decisions should be "made from the top ". In a democracy that usually is defined as those officials elected by the people to represent their interest. Therefore, specific to the NPDES permit, the top should be defined as the elected members of the Board of Supervisors and the elected Council Members of the cities involved, each acting with the advice and assistance of their staffs.

Cities are fully capable of identifying their priority needs, communicating those priorities and implementing appropriate independent and cooperative programs. Indeed the federal law, the clean Water Act , specifically assigns that responsibility to cities and counties. The role of the non-regulatory and technical agencies should be to assist those cities with their technical information, in support of the jurisdictions identified priorities.

5. Page 26,(I.a. and b.); Through implementation of a City Council approval of WMC

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proposed "goals and objectives" as suggested above, this section becomes repetitive.

6. Page 64, ( 1a.vi ) remove " minimum of these three pieces " as it is not appropriate to non-industrial communities

7. Page 64, (1a.i); Place this item under " principal permittee" responsibilities as it is only feasible on a countywide basis

8. Page 71, (A.2); Add a provision and procedure for permittees to include additional monitoring locations within their jurisdiction.

9. Page 87,( E.2.); Add to the following sentence " each permittee for which the Performance Standards is applicable shall adhere to its implementation after acceptance by the affected City's Council. Without that addition this item becomes a future "blank check" upon a city's budget and staff time.

**Attachment A**

Note that approximately one half of Calabasas drains into the Los Angeles River and we should therefore have an opportunity to provide commentary and possibly be represented in the LA River Watershed management area.

Sincerely,



Andrew Martinez  
Assistant Civil Engineer

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# CITY OF CARSON

January 25, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

LOS ANGELES REGION  
CITY OF CARSON

Dear Dr. Ghirelli:

This is in response to the request for comments contained in Ms. Tyrrell's letter of December 18, 1995. Our attorney has advised us to request an extension of the deadline to submit comments, but at the Dominguez Channel/Los Angeles Harbor Watershed Committee, this date, Ms. Tyrrell stated that another version will be prepared and circulated prior to submittal to the Board. This would appear to satisfy the spirit of the attorney's request regarding review time. He will submit other comments in a separate letter.

It is with the understanding that the permittees will have another opportunity to renew the draft permit that the City of Carson offers the following comments:

1. **CARSON TO BE DENIED INPUT** - Carson and every other city whose population is less than 100,000 will be prohibited from serving on the Executive Advisory Committee. This means that small cities will have limited input to the process.
2. **EXCEEDS THE CLEAN WATER ACT** - Requires local agencies, developers, businesses and citizens to conduct themselves in a manner much more stringent than contained in the federal regulations. Many of the proposed rules are not based upon scientific fact.
3. **UNFUNDED MANDATE, HIGH COST** - No funds are provided to help the regulated entities to comply with proposed permit. The permit is so complicated that it is impossible to estimate the associated costs. We assume, however, that Carson and other cities would each need to add at least one position to work exclusively on NPDES.
4. **SHIFTS STATE'S RESPONSIBILITIES TO CITIES** - The permit contains many provisions requiring the cities to "run" State programs. Just one example is the proposed labor intensive inspection, interrogation and education of existing, state permitted industries.


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5. **UNNECESSARY AND WASTEFUL DEVELOPMENT AND CONSTRUCTION REQUIREMENTS** - Many of these proposed restrictions far exceed the requirements of existing building codes. The draft permit erroneously equates pollution to the valuation of the improvements to be built.
6. **COSTLY COMMERCIAL/INDUSTRIAL MANDATES** - Cities will be required to develop data bases of all businesses and industries, rank their potential to pollute, inspect the sites periodically, prepare annual reports, provide educational programs, enforce violations.
7. **COSTLY RULES FOR PUBLIC PROPERTY** - One example is the requirement to periodically clean all city parking lots more than 25 spaces. This is not merely a requirement to sweep the lots, but to remove (presumably by steam cleaning) oil and grease, heavy metals, petroleum by products and other materials.
8. **UNNECESSARY MONITORING** - The County has committed to perform an extensive storm water quality monitoring program. The staff of the Water Board has arbitrarily added a condition for additional and unnecessary long term monitoring by the Permittees.
9. **INACCURATE AND MISLEADING FINDINGS** - The preamble of the draft permit contains inflammatory, inaccurate, and inappropriate statements slanted to the Board staff's point of view. Sermons and statements about lawsuits and out of court settlements have no place in this permit.
10. **MICROMANAGEMENT** - The make up of the Executive Advisory Committee and the Watershed Management Committee are spelled out in the permit. These types of details should be left to the permittees and not dictated by the Water Board staff.
11. **BUREAUCRATESE** - The language, style, acronyms, buzz words and sheer volume of the permit make the document indecipherable.

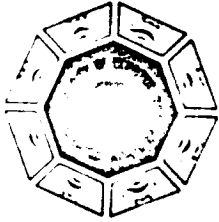
In addition to the above, we concur in the Executive Advisory Committee's major items of concerns and request that this letter be included in the administrative record for this matter.

Thank you for the opportunity to participate in the development of a meaningful permit. We look forward to reviewing the next draft which will incorporate the comments received by your staff. Should you have any comments or questions about the content of this letter, you may contact Mr. John Wisz, P.E., at (310)952-1795, extension 1811.

Sincerely,  
  
 GEORGE J. SCHULTZ, P.E  
 DIRECTOR OF ENGINEERING SERVICES

cc: Ms. Catherine Tyrrell

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# CITY OF CERRITOS

CIVIC CENTER • 18125 BLOOMFIELD AVENUE • P.O. BOX 3130  
CERRITOS, CALIFORNIA 90703-3130 • FAX: (310) 865-1944  
PHONE: (310) 860-0311 • (714) 523-3710

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February 8, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer, Surface Water Programs  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrrell:

DRAFT NPDES PERMIT WASTE DISCHARGE REQUIREMENTS FOR THE DISCHARGE OF STORM WATER IN LOS ANGELES COUNTY

By memorandum dated December 18, 1995, the California Regional Water Quality Control Board requested comments on the draft NPDES Permit for Los Angeles County. The City has reviewed the draft permit and is concerned with the excessive requirements imposed by the Permit on local agencies. Accordingly, the City concurs with the concerns raised by the Co-permittee Executive Advisory Committee during its January 8, 1996 meeting, a copy of which is attached to this letter, and supports the request that the draft Permit be further studied by the Board and the Co-permittees before its adoption.

Sincerely,

*Vince Brar*

Vince Brar  
Director of Public Works

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GRACE HU  
MAYOR

SHERMAN KAPPE  
MAYOR PRO TEM

BRUCE W. BARROWS  
COUNCILMEMBER

PAUL BOWLEN  
COUNCILMEMBER

JOHN F. CRAWLEY  
COUNCILMEMBER

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Major items of concern regarding the December 15 Draft Permit, as identified by the Executive Advisory Committee.

a) GENERAL

1. Unknown requirements to be imposed in the future
  - Many programs in the Countywide Program/Watershed Management Plan are "to be developed" with unknown requirements imposed in the future.
  - Too many levels of plans could impose undue requirements on the Permittees.
2. The Permit is too lengthy and complex.
  - Detailed requirements belong in the Watershed Management Plan, not in the Permit.
3. The Permit exceeds Clean Water Act authority.
4. The Permit should clearly state that the Permittee should only be required to meet the requirements of the Permit. If the Permit does not meet all requirements of the Clean Water Act, Permittees should not be held accountable.
5. The outline headings sequence should be consistent throughout the Permit.
6. Compliance dates are not realistic.
  - The Permit should use periods of time after Permit adoption, instead of dates, for completion
  - Too short
  - Inappropriate deadline sequences which could impact action effectiveness, e.g., inspection before outreach to inform industries
7. Permit demonstrates lack of understanding for local government decision-making and budgeting process.

b) FINDINGS

1. Findings should be limited to those relevant to stormwater quality enhancement.
2. Some information presented as factual is not correct.
3. No. 20 (page 5), "other entities," should be clearly identified and included as Co-Permittees

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4. Findings should not give any implication of wrong doing by any agency.
5. Findings should not be self serving or biased.
6. Findings should not repeat what is contained in the requirements.
7. Pollutants of Concern are not adequately identified and referenced.
8. Major land areas are exempted from the Permit which may have significant discharge/runoff
  - Universities, State, and Federal Hospitals
  - School Districts
  - State and Federal facilities and lands

c) DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS SECTION

Receiving water limits

- Unachievable  
Permittees will be in violation immediately upon issuance of the Permit
- Water quality objectives should be goals and not compliance standards
- Compliance of permit should not be related to exceeding any water quality objectives, but should only be evaluated based on implementation of programs

d) REQUIREMENTS FOR PROGRAM MANAGEMENT SECTION

1. Budget requirements are too detailed.
2. Makeup of Executive Advisory Committee
  - Members should be limited to permittees
  - Mandating members are not acceptable
  - Permittees should determine membership on Executive Advisory Committee
3. The Program Substitution requirements (page 26) are too burdensome on individual Permittees.
4. The appeal process is not acceptable.
  - Administrative review process (page 26) should state that the Permittees are not in violation until the review process is completed.

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5. The time period given to Board staff to respond to submittals from Permittees is too long.
6. The time needed for the Board staff to review submittals should be included in the time allowed for plan implementation.
7. Joint powers/inter-jurisdictional agreements (page 25) requirement are not achievable by Permittees.

e) REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES SECTION

Exempted Nonstormwater Discharges

- Other discharges, such as commercial roof drains, should be included.

f) REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES SECTION

Industrial/Commercial Inspections

- How priorities are established that target certain industrial activities for inspection are not clear.
- The "Enhanced" Inspection Program (page 41) is not much different from the inspection program on page 39, therefore, it should be deleted.
- The Permit should allow for the public outreach program to inform industries to be implemented prior to beginning inspections.

g) REQUIREMENTS FOR DEVELOPMENT PLANNING/CONSTRUCTION SECTION

- The Director of Public Works' discretion on limited priority projects requires more definition.
- Post-development runoff requirement is not achievable.
- Changes to the California Environmental Quality Act requirements should be limited to addressing stormwater pollution and not watershed management or other water quality concerns.
- Do not lump planning and construction together because they have separate requirements.
- Need to provide a correlation between types of construction projects to pollutants of concern.

h) REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION SECTION

Public education and the development of Stormwater Management Plans do not include public participation.

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i) REQUIREMENTS FOR MONITORING PROGRAM SECTION

1. Co-Permittee Water Quality Monitoring

- An arbitrary number of critical sources have been selected for monitoring by other than the Principal Permittee without data to support the need for them.

2. There is no relationship between Water Quality Monitoring and the Stormwater Management Plans. Monitoring results should be used to refine plans.

j) PROGRAM EVALUATION AND REPORTING SECTION

1. Best Management Practice Effectiveness

- Pilot studies cannot be undertaken for every best management practice in the Permit.

2. Requirement (page 82) to demonstrate Maximum Extent Practical standard for best management practices is not achievable.

3. Delete performance standards development requirements (page 87).

k) ADDITIONAL PROVISIONS

Certification requirements by Principal Executive Officer (page 90) for reporting are not practical

l) GLOSSARY OF TERMS

Needs to be expanded

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**CITY OF CLAREMONT**

**Community Development Department**

City Hall  
207 Harvard Avenue  
P.O. Box 880  
Claremont, CA 91711-0880  
FAX (909) 399-5492

Building • (909) 399-5471  
Planning • (909) 399-5470  
Engineering • (909) 399-5465  
Community Improvement • (909) 399-5467  
Economic Development • (909) 399-5341

January 26, 1998

California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2158

ATTN: Comments on New NPDES Permit

**City of Claremont Comments on New  
Los Angeles County NPDES Storm Water Permit**

The City of Claremont, after reviewing the draft NPDES permit, strongly concurs with the Executive Advisory Committee's (EAC) concerns which they arrived at during their January 8, 1998 meeting. The list of concerns is attached. A major revision to the draft permit is necessary if you expect to have the support of the local agencies.

Of major concern to Claremont is the lack of a funding mechanism. We are willing to work in the programs we can with limited staff and resources. We want to improve the stormwater quality and improve the waterways, but the current permit shows a lack of understanding for local government decision-making and budgeting process.

If you have any questions or comments, please contact me at (909) 399-5474.

Sincerely,

*Lauri Carl for*

Craig Bradshaw  
City Engineer

CB:lc  
enclosure

- cc: Glen Southard, City Manager
- Sharon Z. Wood, Director of Community Development
- Andrea Harrington, Assistant Civil Engineer
- Michael Maxfield, Community Information Coordinator
- Bill Pierce, Chief, Permits and Compliance Branch, United States EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105
- L.A. County Dept. of Public Works
- Gary Hildebrand, Waste Management Division
- Donald L. Wolfe, Chairman, Executive Advisory Committee
- Frank Kuo, Stormwater Discharge Program, Waste Management Division, P.O. Box 1460, Alhambra, CA 91802-1460

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VOL 3



MAJOR ITEMS OF CONCERN ON DECEMBER 18TH DRAFT PERMIT FROM THE EXECUTIVE ADVISORY COMMITTEE MEETING HELD ON JANUARY 8, 1996

1. Industrial/Commercial Inspections
  - How priorities are established which targeted certain industrial activities for inspection are not clear.
  - "Enhanced" Inspection Program (pg. 41) is not much different from inspection program on pg. 39 therefore delete.
  - Should allow for public outreach program to inform industries to be implemented prior to beginning inspections.
  
2. Construction requirements/Inspections
  - Director of Public Works discretion on limited priority projects requires more definition.
  - Post development runoff requirement not achievable.
  - Changes to California Environmental Quality Act requirements should be limited to addressing stormwater pollution and not watershed management or other water quality concerns.
  - Do not lump planning and construction together, because they have separate requirements
  - Need to provide correlation between type of construction projects to pollutants of concern.
  
3. Extensive Reporting
  - Budget requirements - too detailed
  - Certification requirements by Principal Executive Officer (pg. 90) for reporting are not practical
  
4. Findings
  - Findings should be limited to those relevant to stormwater quality enhancement
  - Some factual information is not correct
  - #20 (pg. 51) "other entities," should be clearly identified and included as Co-Permittees
  
5. Unknown Requirements to be Imposed in Future
  - Many Programs in the Countywide Program/Watershed Management Plan are "to be developed" with unknown requirements imposed in the future.
  - too many levels of plans could impose undue requirements

6. **Makeup of Executive Advisory Committee**
  - Nonvoting members should not be included
  - Mandated members by City population are not acceptable
  - Permittees to determine membership on Executive Advisory Committee
7. **Compliance Dates not Realistic**
  - Too short
  - Inappropriate deadline sequences which could impact action effectiveness - e.g. inspection before outreach to inform industries
8. **Exempted Nonstormwater Discharges**
  - Other discharges such as commercial roof drains, should be included
9. **Best Management Practice Effectiveness**
  - Program Substitution requirements (pg. 26) too burdensome on individual Permittees.
  - Pilot studies can not be undertaken for every best management practice in the Permit.
10. **Permit too Lengthy/Complexity**
  - Detailed requirements belong in Watershed Management Plan not in the Permit.
11. **Pollutants of Concern not Identified**
12. **Permit exceeds Clean Water Act authority**
13. **Appeal Process not Acceptable**
  - Administrative review process (pg. 26) should state that Permittee not in violation until review process completed.
14. **Glossary of terms needs to be refined and Expanded**
15. **Public education and the development of Stormwater Management Plans do not include involvement of public participation.**

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16. Receiving water limits
  - Unachievable
  - Permittees will be in violation immediately when the Permit is issued.
17. Co-Permittee Water Quality Monitoring
  - Arbitrary number of critical sources selected for monitoring without data to support the need for them.
18. There is no relationship between Water Quality Monitoring and the Stormwater Management Plans
19. Major land areas exempted from Permit which may have significant discharge/runoff
  - Hospitals
  - School District
  - State and Federal lands.
20. Time period given to Board staff to respond to submittals from Permittees too long.
21. Requirement (pg. 82) to demonstrate Maximum Extent Practical standard for best management practices not achievable.
22. Joint powers/inter-jurisdictional agreements (pg. 25) requirement not achievable by all Co-Permittees.
23. Delete performance standards development requirements (pg. 87).
24. The Permit should clearly State that the Permittee should only be required to meet the requirements of the Permit. If the Permit does not meet all requirements of Clean Water Act, Permittees should not be held accountable.
25. Permit demonstrates lack of understanding for local government decision making and budgeting process.



## CITY OF COMMERCE

Department of Public Works  
Samuel S. Johnson  
Director / City Engineer

January 23, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
Storm Water Programs  
Los Angeles Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject: Comments Regarding Draft NPDES Municipal Permit

Dear Ms. Tyrrell:

The City of Commerce is in receipt of your letter dated December 18, 1995 and the draft Los Angeles County Storm Water Permit (hereinafter "draft permit"). City staff has reviewed the permit and has provided extensive comments (attached herewith). The City is also in agreement with comments prepared by the cities of La Verne, Long Beach, and Azusa.

In general, we believe that the draft permit has evolved substantially since it was first introduced last February. However, it is still in need of improvement. It contains provisions that are unclear, contradictory, confusing, and excessive (to the extent that exceed federal requirements and are not based on compelling data). Beyond this, the draft permit contains findings that have little or no bearing on storm water problems.

Two of the permit's provisions are especially disturbing to us. First is the county-wide and watershed storm water management program plans, which are to developed and implemented after the permit is adopted. The problem is that two sets of additional storm water requirements can be arbitrarily imposed on permittees without their approval. This is obviously unacceptable. Second, the draft permit denies small city representation on participation on the EAC. As a serious consequence, small cities would have little or no opportunity to influence decisions regarding such things as the development of the storm water public education/information program (to which all cities must contribute a "fair share").

It is also recommend that the draft permit be written in a manner that employs a style and format that is not consistent with other storm water permits.

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We hope that the comments will prove useful to you. If you have any questions or require additional information, please call me.

Sincerely,



Samuel S. Johnson  
Director of Public Works/City Engineer

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City of Commerce Rec'd 1/29

COMMENTS ON DECEMBER 18 DRAFT STORM WATER PERMIT

City staff has reviewed the proposed draft storm water permit and concluded that it is in need of much correction. The following is a "short list" of the draft permit's deficiencies:

1. **Receiving water limitations are unclear and confusing.** The draft permit actually contains two sets receiving water limitations which appear to be in conflict. One set is derived from water quality objectives contained in the ocean and basin plans developed by the State Water Resources Control Board (in Sacramento), and applicable to the Los Angeles region. Another set is actually specified in the permit as qualitative objectives. They include items A.II.1 through 7. Although they are not referred to as water quality objectives or receiving water limitations per se, they appear to be such (e.g., floating materials in concentrations of quantities that do not cause nuisance or adversely affect beneficial uses of receiving waters). The draft permit also appears to contain two contradictory compliance standards. Under B.I, *Compliance with Discharge Prohibitions and Receiving Water Limitations*, the draft permit says a permittee may comply with receiving water limitations by:

"... demonstrating timely implementation of BMPs and other actions to reduce pollutants in the discharge from their municipal separate storm sewer system to the maximum extent practicable, in accordance with Requirement C of this Order - Storm Water Management Program Requirements."

In other words, by complying with the permit, receiving water limitations (and presumably water quality standards) will also be satisfied.

But under B.II, the draft permit suggests that a permittee could exceed a receiving water limitation (either expressed as a narrative or numerical standard), in which case such permittee would be required to prove that "storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance." The question is how could the permittee exceed a receiving water quality standard if it has met all of the conditions of the permit?

The draft permit goes on to say that if the permittee cannot prove that the exceedance was not caused by discharges within its jurisdiction, it would be required to either (a) accelerate its BMP schedule (a new feature), if the County-wide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMAP) is adequate; or (b) if the CSWMP or WMAP is deemed inadequate, the permittee will be required to modify the plan with the corrected deficiencies for resubmittal to the regional board. The revised plan would contain new or revised BMPs aimed a preventing future exceedances of a receiving water limitation.

Clearly, this provision is in conflict and confusing, and is in need of resolution. It should be revised to simply say that conformance with receiving water limitations

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will be achieved by meeting requirements of the permit. This is how other regional boards have dealt with this issue.

2. The draft permit does not clearly identify basic permit requirements. Here are a few of many examples:

a. The section dealing with pollutant discharges from construction sites does not clearly indicate what types of construction are subject to control. The term "construction activity," as defined by federal NPDES regulations, refers to the disturbance of soil by grading, clearing, and excavating. As it is understood, a construction project that results in the disturbance of five acres or more of soil by grading, clearing, and/or excavating, is subject to NPDES construction permit requirements. But the permit is not clear about other construction projects (i.e., those that do not cause the disturbance of five acres or more of soil). The basic problem here is that the permit does not identify all construction projects that are subject to permit requirements.

b. See also comment #14 regarding legal authority requirements.

c. The draft permit tends either to be vague about bottom line requirements or does not mention them at all, and then provides a list of tasks presumably associated with them. "Program Requirements for Industrial/Commercial Sources" illustrates this point. It begins with the following

"Each permittee is required to develop and implement an industrial/commercial program that focuses on identification and control of storm water pollutant and non-storm water discharges from industrial/commercial sources within its jurisdiction."

A. Identification of Sources

1. The Principal Permittee in consultation with the EAC shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by October 15, 1996 ..."

What is missing is the bottom line requirement, which in this case is "controlling" pollutant and non-storm discharges from industrial/commercial sources. Once the this basic requirement is established, sub-requirements can be determined. Here's an example of a basic requirement relating to controlling pollutant discharges from industrial/commercial sources:

A. Controlling Pollutant Discharges from Industrial/Commercial Facilities

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1. All industrial and commercial facilities shall be (i) prohibited from discharging non-storm water to the MS4 unless exempted by this Order; and (ii) required to implement appropriate best management practices that operate to minimize the discharge of pollutants associated with industrial or commercial operations to the MS4, to the maximum extent practicable.

Once these basic requirements have been identified, criteria or tasks for satisfying them can be more easily determined.

3. The draft permit, despite its glossary of terms section, does not define key terms. The term "industrial activity" is a very important NPDES term, yet it is not found in the draft permit (though construction activity is defined). While the permit provides a broad definition of industrial/commercial facilities, it does not provide a separate definition of each. This is important because the term "industrial" has special significance within the context of NPDES provisions of the Clean Water Act (CWA). Also absent from the draft permit is the term "control," which is very important to understanding certain legal authority requirements. Another term referenced in the draft that is not defined is "treatment."
4. The draft permit now contains provisions that would impose additional requirements after its adoption. The permit (in the glossary, inappropriately), defines the County-wide Storm water Management Plan as follows:

"A comprehensive plan for implementation of the permit requirement described in Sections C.4 through C.VIII of the NPDES storm water permit that are applicable to all Permittees and all Watershed Management Areas. The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance from the EAC and participation from the permittees, according to the schedule prescribed in the permit. This shall be used as a tool to develop watershed specific storm water management plans."

A complete analysis of this provision cannot be provided because the references to permit sections C.4 through C.VIII of the draft permit do not exist. Nevertheless, in general, this provision – which is not found in the previous draft version – calls for the Principal Permittee to develop another storm water management program by way of a County-wide Storm Water Management Plan and a Watershed Management Plan. Both plans are to be developed after the permit is adopted. If, however, this provision remains, the County and LARB/SWU would have a blank check to impose other requirements, in addition to those contained in the draft permit, without approval from permittees. While a need for a watershed management program/plan is reasonable, an additional storm water management program clearly is not. County-wide program requirements should be dealt with only in this draft permit, not in some future document.

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5. The draft permit, unlike the previous version, does not guarantee small city representation on the EAC, as the following indicates:

"In the interest of minimizing the burden on small cities of participating in the committee process, each WMC's representative to the EAC shall be a Permittee other than the City of Los Angeles with the largest population. In WMAs with two representatives on the EAC, the WMC as a whole shall select the second representative. Where the population of the EAC representative municipality is less than 100,000, the Principal Permittee will provide some sources to the Permittee in carrying out its role on the EAC."

To allow only those permittees with the largest population to participate on EAC is unfair. Eligibility for participation on the EAC should not be exclusive. It should allow small cities to participate and should be based on the permittee's interest in and knowledge of storm water management issues, not to mention desire and willingness to participate, not on population. It is worth noting that with the possible exception of the City of Los Angeles, the combined population of small cities (under 100,000) is greater than that of any other municipality in Los Angeles County.

6. The draft permit arbitrarily determines area-wide storm water management requirements. No where in the permit is there any explanation as to why certain storm water management requirements have been selected for area-wide implementation. Take for example inspecting restaurants, which are a suspected to be source of non-storm water runoff pollution. According to the LARB/SWU, restaurants tend to wash-out garbage cans and trash bins, and hose down floor mats outdoors, causing contaminated runoff (containing nutrients and bacteria) to enter the municipal storm water system. While this may be a problem in the Santa Monica watershed, as asserted by Heal the Bay and the Santa Monica Bay Restoration Project, it may not be a problem in the other watersheds. Therefore, until this is proven to be a problem in other watersheds, managing non-storm water pollution from restaurants should be a watershed-specific requirement, not an area-wide one.

This is not to say that cities should ignore restaurants as potential sources of non-storm water discharge. At a minimum, County-wide, all cities should provide restaurants and other suspected sources of runoff pollution with public education materials discouraging them from illicit discharge practices. Then on watershed level, additional requirements can be imposed, but based on compelling data.

Furthermore, there are receiving waters in Los Angeles County that are equipped with structural controls that: (1) prevent non-storm water discharges from entering ocean waters; and (2) trap sediment in large detention basins, thereby also preventing such pollutants from entering ocean waters. Therefore, cities that discharge upstream of these structural controls should be allowed to discharge non-

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storm water (including non-storm water discharges from restaurants) into the MS4 and should not be required to implement costly BMPs.

- 7. Several of the draft permit's proposed requirements would require city permittees to perform work that should be the responsibility of LARB/SWU staff. Inspecting industrial facilities that require NPDES General Industrial Activity Storm Water permits (GIASWPs) is one example. This is a state-issued permit required by state law. While it is not unreasonable to require cities to assist the regional board in identifying those industrial facilities that are required to have permits and/or Storm Water Pollution Prevention Plans, and then report them to LARB/SWU staff, it should not be the permittees responsibility to assist the state in enforcing its requirements. For example, cities should not have to inspect an industrial activity site for best management practices implementation. This task would necessitate a review and evaluation of the facility's Storm Water Pollution Prevention Plan (SWPPP) which, therefore, requires a thorough knowledge of GIASWP requirements - complicated subject.
- 8. Many of the requirements proposed by LARB/SWU exceed federal and state storm water management regulations..

The draft permit contains several provisions that clearly are not called for either in federal or state NPDES requirements. The following examples are provided below:

**a. Inspections of Industrial Commercial Facilities**

The draft permit would require cities to identify, prioritize, and inspect other industrial facilities that require General Industrial Storm Water Activity NPDES permits (GIASWPs) that are already subject to inspections by LARB. In addition, the draft permit would also require cities to identify, prioritize, and inspect other industrial facilities that do not require GIASWPs. These facilities are identified in *Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA, Washington D.C.*

Nothing, however, contained in NPDES storm water provisions of the federal Clean Water Act specifically mandates inspections of this other category of facilities (referred to by LARB/SWU staff as Phase II facilities). It is understood that the State Water Resources Control Board has asserted its authority to mandate additional requirements. Such requirements should not be arbitrary and should not be performed at the county-wide level.

LARB/SWU must rely on scientific data to justify the need for any additional requirement. This, ostensibly, is the purpose of performing a characterization study and performing storm water/non-storm water monitoring and analysis. But the criteria proposed by LARB/SWU staff to identify and prioritize facilities for

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inspection are ineffective. They include, for example, "types and quality of non-storm water discharges; professional understanding of the industrial/ commercial sector waste management practices; and experience of local agency industrial inspection programs." However, all of these criteria are subjective and involve a lot of administrative work, but do absolutely nothing to facilitate selection of industries for inspection. If anything, they only confuse the selection process (e.g., how do you determine a facility's professional understanding of the industrial/commercial sector waste management practices?).

It is noted that LARB/SWU has, in response to many permittee complaints about the draft permit exceeding federal and state authority, asserted the following:

"Regional Board staff has discussed this Order extensively with Counsel. It is Counsel's opinion that, given the fact that no numerical criteria have been prescribed and Permittees have had more than five years to develop an MS4 program to reduce pollutants in storm water to the maximum practicable, and that progress in implementing the countywide program has been slow, it is appropriate to include specific program components based on the permit reissuance application submitted by Permittees and the MS4 BMPs practiced by other California MS4 programs ..."

LARB/SWU is essentially saying that it has the prerogative to require what it deems necessary. While LARB/SWU may have the discretion to exceed federal and state requirements with regard to this permit, it cannot do so arbitrarily. Extra-requirements must be based on a demonstrated problem, using acceptable evidence (e.g., scientific data), as opposed to unsubstantiated opinion. LARB/SWU staff's contention that permittees have been slow in implementing countywide program is an example of an unsubstantiated opinion. Furthermore, it is an erroneous opinion. The reason permittees have been slow in developing a countywide storm water management program is that LARB/SWU has not required it as condition of the existing permit. LARB/SWU has not even specified legal authority requirements under the existing permit - requirements that are critical to any storm water management program. Beyond this, it has not been able to define what "inspection" means within the context of that Additional Best Management Practice that requires inspections of gas stations, restaurants, etc.

**b. Non-storm water discharges**

See below comment #8.

**c. Public Education**

As proposed, cities would be required to implement an immediate outreach program that involves the performance of several public education tasks, including but not limited to developing and distributing brochures and door

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hangers, and issuing newsletters containing storm water management-related public education information. In addition, cities would be required to contribute their "fair share" to a long term public education program to be developed by the County of Los Angeles through a \$5,500,000 consulting contract over a five year period.

The draft permit is too controlling here. LARB/SWU has no authority to compel cities to contribute a "fair share" (which is not defined), to a public education program that is to be developed in the future by the Principal Permittee. This would deny cities the opportunity and right to develop a public education program of its own, which in the final analysis might prove more efficient and cost-effective than what the Principal Permittee's consultant could produce.

9. The draft permit unilaterally denies several non-storm water discharge exemptions that are allowed under NPDES provisions of the Clean Water Act.

According to CFR 40, 122.26, the following non-storm discharges are exempted unless such discharges or flows are identified by the municipality as sources of pollutants to waters of the United States: *water line flushing water; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street wash water, and discharges resulting from fire fighting (only where such discharges or flows are identified as significant sources of pollutants to waters of the United States.*

However, the draft permit only unconditionally exempts 6 of these 18 non-storm water discharge categories. They include flows from *riparian habitats or wetlands; diverted stream flows; springs; rising ground waters, uncontaminated groundwater infiltration; and discharges of flows from emergency fire fighting activities.*

Then the draft permit conditionally exempts the following nine non-storm water discharges (already exempted by federal regulations): *landscape irrigation; water line flushing; foundation drains; air conditioning condensate; irrigation water; water from crawl space pumps; retaining wall drains (same as footing drains); individual car washing, and residential swimming pool discharges.* Conditionally exempt means that the non-storm water discharges in question "need not be prohibited," provided that (1) the permittee or Executive Officer (of LARB), determines that the discharges are not pollutant sources; and (2) BMPs are developed to "minimize adverse impacts of such sources" (what ever that means).

Beyond this, the draft permit – surprisingly – exempts non-storm water discharges that are not even exempted by federal regulations. They include: *hydraulic graffiti*

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**abatement, inductive traffic loop flushing (discharges not contemplated by CFR 40 §122.26). Then the draft permit conditionally exempts residential roof drain discharges, but denies such discharges from industrial roof drains, both of which are comprised of storm water and, therefore, are not even non-storm water discharges. The permit also flatly denies street washing (an exempted non-storm water) and sidewalk washing, because they are deemed by the Excessive Director of LARB to be significant pollutant sources.**

**That the draft permit allows for the application of exemptions to LARB's Executive Director is not reassuring. There is no guarantee that the exemption will be granted if the basic criteria are met because they involve too much subjectivity.**

**It is apparent that LARB/SWU (1) has exceeded its authority by denying permittees non-storm water discharge exemptions granted to municipalities in CFR 40, §122.26; and (2) has been arbitrary in determining which non-storm water discharges should be exempted. As mentioned, federal regulations entitle municipalities to exempt the 18 categories of non-storm water discharges, unless they have been identified as pollutant sources. Until these non-storm water discharges are determined as such by municipalities (e.g., through scientific means), such discharges should be allowed.**

- 10. The draft permit, incorrectly, lumps illicit connections with illicit discharges and eliminates illegal disposal practices. Actually, illicit connections are a subset of an illicit discharge. An illicit connection is a device by which an illicit discharge (a fluid) is conveyed to the MS4. An illegal disposal/dumping practice, however, is an activity that causes the placement of a solid material (e.g., refuse), into the MS4. To put it another way, eliminating an illicit connection is task connected to the basic requirement of controlling illicit discharges. Other tasks associated with this basic requirement include (a) encouraging public reporting of non-storm water discharges through public education/outreach; (b) devising an internal mechanism for recording and responding to such reports; and (c) ordinance enforcement (through routine inspection or discovery by code enforcement).**

**(Note: It is recommended that "removing" an illicit connection be replaced with "eliminating" an illicit connection. Removing an illicit connection could be construed to mean the physical transfer of such connection from its location to another. However, according to its statutory definition, an illicit connection could be any conveyance, including "any device through or by which non-storm water is discharged into the municipal storm water system, including but not limited to floor drains, pipes or any fabricated or natural conduits." But removing or taking-out the illicit connection could be costly. Using "eliminating" instead would give the owner/operator of the facility where the illicit connection is located the option of rendering it incapable of operating as an illicit connection. A floor drain, for example, could be plugged, thereby preventing it from being a conveyance of an illicit discharge.)**

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11. The draft permit makes the mistake of combining construction activity program requirements with land use management requirements into one chapter. However, *CFR 40 §122.26* and other authoritative documents relating to storm water management, including the California Storm Water Handbook, which is referenced in the draft permit, treats construction and land use management as two separate and distinct issues. The problem with combining these program components is that they contribute further to the confusion that already exists.
12. The draft permit is disjointed and contradictory in many places. For example, the permit requires permittees to prohibit non-storm water discharges (i.e., any material that is not entirely comprised of storm water) to the municipal storm water system (MS4). Yet, under the industrial/commercial section, the draft permit states that non-storm water discharges to the MS4 from gas stations are permissible as long as they are pretreated. However, no where in that part of Code of Federal Regulations that covers NPDES storm water provisions are such discharges exempted; nor is there an NPDES permit available to service stations/auto repair facilities for this purpose. Furthermore, the term "pretreatment" is not defined anywhere in the permit. If not corrected, this problem will lead to confusion and non-compliance.
13. The draft permit is unnecessarily lengthy (almost 90 pages long). LARB/SWU staff explained that the permit is lengthy because permittees wanted more detail – a criticism of the existing permit. However, much of the detail contained in the draft permit does not provide clarity. In many case, it only increases confusion. Permittees have always desired defined requirements (i.e., "ends") not just detailed explanations as how to achieve them (i.e., "means"). For example, under the 1990-1995 permit, permittees are required to establish "requisite legal authority" and conduct inspections of auto repair/parts facilities, gas stations, and restaurants. Yet, neither the current permit nor any other documents issued by LARB/SWU contain any information that identifies criteria required to establish legal authority. Nor does it define "inspection" relative to auto repair/parts facilities, gas stations, and restaurants (e.g., inspection for non-storm water discharges from these sites or inspection for good housekeeping practices or other BMPs that operate to prevent storm water discharges to the MS4?). Clearly without such information compliance would be very difficult.
14. The section on legal authority, located under program management, contains requirements that are taken directly from *CFR 40 §122.26*, but are not more specifically defined by LARB/SWU. A case in point is controlling "through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system." The problem is that nothing in the draft permit translates this federal requirement into a task; nor does the draft permit provide a clue as to how permittees are to meet this legal authority requirement.

15. The draft permit contains language that is difficult to understand. For example, under Section IV.A 1, the permit reads, "For unitized development the common plan of development or sum of all units shall be considered in determining the priority rating of the development." First of all, no definition of "unitized" is provided. Beyond this, the entire sentence in which this undefined term is contained is also unclear.

The language used in the permit should be as simple as possible, otherwise an inordinate amount of time will be spent on trying to interpret its meaning. And since LARB/SWU staff has not in the past been forthcoming in responding to questions from permittees regarding some of the gray areas of the existing permit (e.g., inspections and legal authority), requirements and procedures must be easy to understand.

16. The findings section of the draft permit contains inappropriate information. For example, under finding 36, LARB/SWU acknowledges those cities that contributed money to the guidance document. Clearly such reference should not made here or any where else in the proposed permit. Furthermore, as a matter of accuracy, LARB/SWU has named some cities that have decided not to contribute. Another example is finding 32 (k) which mentions the Natural Resources Defense Council (NRDC) law suit against Caltrans for failing to comply with existing NPDES permit requirements, and 32(l), which references NRDC's settlement agreements with several cities for their alleged failure to comply with existing NPDES permit requirements. It is unclear as to what purpose such information would serve with regard to the proposed permit.

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# CITY OF COVINA

125 East College Street • Covina, California 91723-2199

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*Environmental Services Department*  
(818) 858-7252 • (818) 858-5556 FAX

January 9, 1996

Mr. Frank Kuo  
Los Angeles County Department of Public Works  
Waste Management Division  
Storm Water Discharge Program  
P.O. Box 1460  
Alhambra, CA 91802-1460

Dear Mr. Kuo:

We have reviewed the December 18, 1995 draft of the new NPDES permit. As a Permittee, we have the following specific comments:

1. Page 2, par. 6, line 2: What is "significant"?
2. Page 3, par. 7, line 3: Insert "Technology" between "Available" and "Economically."
3. Page 3, par. 10, lines 1 and 2: Delete "to facilitate compliance with federal regulations" in one of the lines.
4. Page 6, par. 26, first sentence: Change "Council" to "Committee" and "comprising" to "comprised."
5. Page 10, par. l, line 3: Replace "xx" with a date.
6. Page 10, par. m, line 5: Change "no" to "not."
7. Page 11, second to last paragraph, line 2: Replace "y" with "thirty."
8. Page 13, par. ll, line 7: Replace "a" with "as."
9. Page 13, par. e: Change "increases" to "increase."
10. Page 20, par. 2: The Principal Permittee should be working with these state and federal agencies rather than requiring each Permittee to work with them.
11. Page 25, par. f: This doesn't belong in this section on Legal Authority.
12. Page 25, par. 3: This paragraph should be numbered "2."

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Mr. Frank Kuo  
Los Angeles County Department of Public Works  
January 9, 1996  
Page 2.

13. Page 32, par. 2: This paragraph needs to be indented.
14. Page 33, par. 3.b: Is sidewalk washing really a significant source of pollutants?
15. Page 33, par. 4, line 3: What is "A. Discharge Prohibitions.1.?"
16. Page 37, par. B.1, line 2: Change "groups" to "facilities." (Facilities are identified in Provision III.A.2.) Also, the date in line 4 of January 15, 1997 is the same date that the Permittees identify their facilities--the Principal Permittee will need more time to rank the facilities.
17. Page 37, par. B.1.c, d, and e: Delete "and," at the end of par. c and add it to the end of par. d. Change the semicolon at the end of par. e to a period.
18. Page 37, par. B.1 and 2: It is not clear how the listed criteria are used to rank facilities into groups or rank facilities within groups. For example, if there is no past history, does that demand a higher or a lower priority? If there are other oversight programs, does that require a higher priority because it is a trouble area or a lower priority because someone else is already watching? All of the criteria need clarification.
19. Page 38, par. 2: These requirements are much too detailed to put into an ordinance. They belong in BMPs, not laws.
20. Page 39, par. 2.i and ii: What are categories [i] through [ix] and [xi]? What is the GISP?
21. Page 40, par. iv: This requirement should be deleted. The results to be gained with one phone call in five years are not worth the trouble.
22. Page 43, par. a and b: One of the criteria for a high priority project is "a hillside area where the natural slope exceeds 25 percent." This same criteria covers a priority project. Shouldn't the criteria be different?
23. Page 43, par. c, last sentence: The Director of Public Works of a city will probably not have the expertise to be able to develop the system for determining "potentially significantly affect."
24. Page 47, par. vii: Delete "]" at the end of the line.
25. Page 50, par. b: This paragraph talks about the SWPPP. Is this the Storm Water Mitigation Plan that is mentioned earlier in this chapter? The Storm Water Mitigation Plan is not in the glossary, however, the glossary does list the Stormwater Pollution Prevention Plan and the Stormwater Runoff Mitigation Plan. Are these all the same plan?
26. Page 53, par. 1.d: Delete "and" at the end of the paragraph.
27. Page 56, par. vi: Does this paragraph belong in this section? It doesn't fit with storage of fertilizers and pesticides.

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Mr. Frank Kuo  
Los Angeles County Department of Public Works  
January 9, 1996  
Page 3.

28. Page 57, par. d: Why is it important to record the quantity of catch basin waste collected?
29. Page 63, par. ii: Where is the opening parenthesis?
30. Page 64, par. iii: What employees need to be educated?
31. Page 64, par. iv: Where can this listing be obtained? Why does each Permittee have to have the listing? What is the definition of "up-to-date"?
32. Page 64, par. b.i: Why are three examples of audio materials given when all that is required is the public service announcements?
33. Page 64, par. ii: Each Permittee cannot be expected to produce or acquire a video and show it--the Principal Permittee should be responsible for this. Also, define "appropriate community groups."
34. Page 65, par. 3: This requirement is too broad to be understandable. What kind of analysis is needed?
35. Page 66, par. 1, line 2: Replace "public education committee" with "public outreach group."
36. Page 66, par. 1: The last sentence of the paragraph doesn't flow into paragraphs a or b.
37. Page 67, par. ii: Define "activity-specific outreach programs."
38. Page 67 par. a: This paragraph goes way beyond what should be in a stormwater permit.
39. Page 67, par. b: What is required to "demonstrate" a good faith effort? Define "different communities."
40. Page 68, par. c: What do-it-yourself tasks should be targeted for pollution education? The second sentence is a duplicate of the last sentence of paragraph b.
41. Page 68, par d, line 4: Delete "a."
42. Page 68, par. a: The Principal Permittee should outreach to the professional and business associations--this is not a task for the cities.
43. Page 69, par. b: What is meant by "owners" in the second line?
44. Page 74, Frequency of Monitoring paragraph, line 6: Replace "County" with "Principal Permittee".
45. Page 76, par. a, line 5: Replace "any" with "and."
46. Page 77, step 3, line 2: Replace "develop" with "developed."

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Mr. Frank Kuo  
Los Angeles County Department of Public Works  
January 9, 1996  
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47. Page 77, Study Design paragraph: The "other Permittees" mentioned in the second and fourth sentences should be limited to the medium and large Permittees. The smaller cities don't have the resources to conduct monitoring. In line 12, what is meant by "a targeted five storm events?"
48. Page 78, third par., line 4: Replace "County" with "Principal Permittee."
49. Page 79, second par., line 9: Replace "County" with "Principal Permittee."
50. Page 82, par. 2: Delete the requirement for the Permittees to conduct pilot/demonstration projects to demonstrate BMP effectiveness. The cities do not have the resources for this and, since BMPs are probably common amongst the Permittees, the projects would be more efficiently conducted at a higher level.
51. Page 86, par. 3.d: Delete "in" at the end of the paragraph.
52. Page 86, par. 4.a: This paragraph needs to be clarified.
53. Page 87, par. E.1, line 13: What is meant by "conducted by the a Permittee?"
54. Page 87, par. E: This paragraph should be "F."
55. Page 87, par. A: If the Annual Report is due no later than March 31 of each year, why is the first report due April 15?
56. Page 89, par. 1, line 5: Replace "Discharger" with "Principal Permittee."
57. Page xi, last two lines: Where are the "following terms" that are defined in the permit?

If there are any questions about these comments, please contact Charles Redden at (818) 858-7204.

Sincerely,

*Wayne B. Dowdey*  
Wayne B. Dowdey  
Environmental Services Director

WBD:crr

- cc: Catherine Tyrrell, Assistant Executive Officer, California Regional Water Quality Control Board--Los Angeles Region  
Fran Delach, City Manager  
Vince Mastro Simone, Public Works Director  
Charles Redden, Administrative Analyst

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# CITY OF COVINA

125 East College Street • Covina, California 91723-2199

*Environmental Services Department*  
(818) 858-7252 • (818) 858-5356 FAX

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January 25, 1996

Mr. Frank Kuo  
Los Angeles County Department of Public Works  
Waste Management Division  
Storm Water Discharge Program  
P.O. Box 1460  
Alhambra, CA 91802-1460

55 JAN 30 PM 1:50  
LOS ANGELES REGION

Dear Mr. Kuo:

In addition to the comments on the December 18, 1995 draft of the new NPDES permit that we submitted on January 9, 1996, we fully support the Executive Advisory Committee comments dated January 24, 1996, attached.

Sincerely,

*Wayne B. Dowdey*  
Wayne B. Dowdey  
Environmental Services Director

WBD:crr

cc: ✓ Catherine Tyrrell, Assistant Executive Officer, Regional Water Quality Control Board--Los Angeles Region  
Fran Delach, City Manager  
Vince Mastrosimone, Public Works Director  
File

Attachment

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**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone (818) 456-5100

HARRY W. STONE, Director

ADDRESS ALL CORRESPONDENCE TO:  
P O BOX 1468  
ALHAMBRA, CALIFORNIA 91803-1468

January 24, 1996

IN REPLY PLEASE  
REFER TO FILE EP-3

Dr. Robert Ghirelli, Executive Officer  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Mr. Ghirelli:

**EXECUTIVE ADVISORY COMMITTEE COMMENTS  
DECEMBER 18 DRAFT NPDES PERMIT**

The Executive Advisory Committee (EAC) wishes to thank the Board staff for their long hours spent in developing the draft five-year National Pollutant Discharge Elimination System permit and for soliciting our input into the process. However, the EAC has some serious concerns with the current draft and we have identified more than 20 important issues which all Permittees believe require extensive modification prior to adoption of the final permit by the Regional Board. A summary of these concerns is enclosed for your review and response.

Please be aware that the enclosed summary only reflects joint Permittee comments identified by the EAC and should not be construed as the collective comments of the Permittees. Each Permittee will be submitting its own comments and suggestions. We request that the Board consider and respond to all comments submitted by individual agencies, Permittees, and other interested parties.

All cities within Los Angeles County are environmentally conscious and are desirous of implementing and enforcing the provisions of the Clean Water Act. However, the current draft of the Permit is not conducive to the efficient use of our limited resources to accomplish our goals. To assist in resolving these issues, the EAC is willing to meet with your staff and develop Permit language which is acceptable to all parties.

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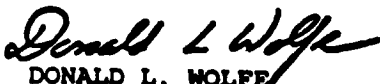
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Dr. Robert Ghirelli  
January 24, 1996  
Page 2

The enclosed summary has been provided to all the Co-Permittees for their use in formulating their own comments on the draft Permit. Please incorporate this letter, and others which will be forwarded directly by other Permittees, into the administrative record of the Permit.

If you have any questions, please contact me at (818) 458-4014, or Gary Hildebrand at (818) 458-5948, Monday through Thursday, 7:00 a.m. to 5:30 p.m.

Very truly yours,



DONALD L. WOLFE  
Chairman, Executive Advisory Committee

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Enc.

cc: Permittees

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Major items of concern regarding the December 18 Draft Permit, as identified by the Executive Advisory Committee.

a) GENERAL

1. Unknown requirements to be imposed in the future
  - Many programs in the Countywide Program/Watershed Management Plan are "to be developed" with unknown requirements imposed in the future.
  - Too many levels of plans could impose undue requirements on the Permittees.
2. The Permit is too lengthy and complex.
  - Detailed requirements belong in the Watershed Management Plan, not in the Permit.
3. The Permit exceeds Clean Water Act authority.
4. The Permit should clearly state that the Permittee should only be required to meet the requirements of the Permit. If the Permit does not meet all requirements of the Clean Water Act, Permittees should not be held accountable.
5. The outline headings sequence should be consistent throughout the Permit.
6. Compliance dates are not realistic.
  - The Permit should use periods of time after Permit adoption, instead of dates, for completion
  - Too short
  - Inappropriate deadline sequences which could impact action effectiveness, e.g., inspection before outreach to inform industries
7. Permit demonstrates lack of understanding for local government decision-making and budgeting process.

b) FINDINGS

1. Findings should be limited to those relevant to stormwater quality enhancement.
2. Some information presented as factual is not correct.
3. No. 20 (page 5), "other entities," should be clearly identified and included as Co-Permittees

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4. Findings should not give any implication of wrong doing by any agency.
5. Findings should not be self serving or biased.
6. Findings should not repeat what is contained in the requirements.
7. Pollutants of Concern are not adequately identified and referenced.
8. Major land areas are exempted from the Permit which may have significant discharge/runoff
  - Universities, State, and Federal Hospitals
  - School Districts
  - State and Federal facilities and lands

c) DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS SECTION

Receiving water limits

- Unachievable  
Permittees will be in violation immediately upon issuance of the Permit
- Water quality objectives should be goals and not compliance standards
- Compliance of permit should not be related to exceeding any water quality objectives, but should only be evaluated based on implementation of programs

d) REQUIREMENTS FOR PROGRAM MANAGEMENT SECTION

1. Budget requirements are too detailed.
2. Makeup of Executive Advisory Committee
  - Members should be limited to permittees
  - Mandating members are not acceptable
  - Permittees should determine membership on Executive Advisory Committee
3. The Program Substitution requirements (page 26) are too burdensome on individual Permittees.
4. The appeal process is not acceptable.
  - Administrative review process (page 26) should state that the Permittees are not in violation until the review process is completed.

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5. The time period given to Board staff to respond to submittals from Permittees is too long.
6. The time needed for the Board staff to review submittals should be included in the time allowed for plan implementation.
7. Joint powers/inter-jurisdictional agreements (page 25) requirement are not achievable by Permittees.

e) REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES SECTION

Exempted Nonstormwater Discharges

- Other discharges, such as commercial roof drains, should be included.

f) REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES SECTION

Industrial/Commercial Inspections

- How priorities are established that target certain industrial activities for inspection are not clear.
- The "Enhanced" Inspection Program (page 41) is not much different from the inspection program on page 39, therefore, it should be deleted.
- The Permit should allow for the public outreach program to inform industries to be implemented prior to beginning inspections.

g) REQUIREMENTS FOR DEVELOPMENT PLANNING/CONSTRUCTION SECTION

- The Director of Public Works' discretion on limited priority projects requires more definition.
- Post-development runoff requirement is not achievable.
- Changes to the California Environmental Quality Act requirements should be limited to addressing stormwater pollution and not watershed management or other water quality concerns.
- Do not lump planning and construction together because they have separate requirements.
- Need to provide a correlation between types of construction projects to pollutants of concern.

h) REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION SECTION

Public education and the development of Stormwater Management Plans do not include public participation.

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i) REQUIREMENTS FOR MONITORING PROGRAM SECTION

1. Co-Permittee Water Quality Monitoring
  - An arbitrary number of critical sources have been selected for monitoring by other than the Principal Permittee without data to support the need for them.
2. There is no relationship between Water Quality Monitoring and the Stormwater Management Plans. Monitoring results should be used to refine plans.

j) PROGRAM EVALUATION AND REPORTING SECTION

1. Best Management Practice Effectiveness
  - Pilot studies cannot be undertaken for every best management practice in the Permit.
2. Requirement (page 82) to demonstrate Maximum Extent Practical standard for best management practices is not achievable.
3. Delete performance standards development requirements (page 87).

k) ADDITIONAL PROVISIONS

Certification requirements by Principal Executive Officer (page 90) for reporting are not practical

l) GLOSSARY OF TERMS

Needs to be expanded

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PUBLIC WORKS ADMINISTRATION

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-5635

FAX (310) 253-5628

JAMES S. DAVIS  
Public Works Director  
and City Engineer

January 25, 1996

Ms. Catherine Tyrrell  
Storm Water Programs  
LA Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

RE: DRAFT NPDES MUNICIPAL PERMIT

Dear Ms. Tyrrell:

Attached are comments regarding the December 18, 1995, draft NPDES Municipal Permit (draft permit). City staff has reviewed the draft permit and provided these comments. The following are some general comments for your consideration:

- The draft permit does not provide guidance for achieving legal authority to inspect Phase II facilities (i.e. restaurants, gas stations, auto repair shops). It is difficult to determine the level of detail the inspection should include and what follow-up or enforcement actions are appropriate after the inspection is complete. City staff does not believe this activity is within its jurisdiction and is the responsibility of the Regional Water Quality Control Board. Because of this, the City should not be required to burden the extensive cost of creating and implementing such a program. The City is not staff with appropriate persons and the necessary funds are not available for this portion of the storm water program.
- The draft permit demonstrates a lack of understanding of local government decision making and budgeting process. The budgeting requirements are extensive costing staff time and does not necessary or improve the storm water program.
- The draft permit requires extensive recordkeeping and reporting requirements, yet it is unclear what the purpose of the collected data would be. City staff believe this is an unjustified added expense which does not improve storm water management.
- The draft permit in its entirety is confusing, unclear and vague which creates confusion regarding how to implement the permit effectively.
- The draft permit sets unrealistic deadlines for tasks to be completed. City staff agrees that deadlines should be set to guide the implementation process, however, the current deadlines do not seem achievable.

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- The draft permit has not established an end result which demonstrates compliance and success of the program. Other environmental permits set limits to achieved this goal, such as an identifiable emission level. City staff is confused as to how the success or failure of the permit and the storm water program will be established.

City staff appreciates the opportunity to express concerns and suggest remedies to these concerns regarding the draft permit. At this time, the staff believes further modification to the draft permit is necessary to ensure it is a workable document which achieves established end results.

Sincerely,



James S. Davis  
Public Works Director and City Engineer

**Attachments**

copies: Jody Hall-Esser, Chief Administrative Officer  
Norman Herring, City Attorney  
Pam Keyes, Associate Engineer  
Ray Tahir, TECS Environmental

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COMMENTS ON DECEMBER 18 DRAFT STORM WATER PERMIT

City staff has reviewed the proposed draft storm water permit and concluded that it is in need of further modification. The following are City staff concerns regarding the draft permit:

1. Receiving water limitations are unclear and confusing.

The draft permit contains two sets of receiving water limitations which appear to be in conflict. One set is derived from water quality objectives contained in the ocean and basin plans developed by the State Water Resources Control Board (in Sacramento), and applicable to the Los Angeles region. Another set is actually specified in the permit as qualitative objectives within sections A.II.1 through A.II.7. Although they are not referred to as water quality objectives or receiving water limitations, they appear to be such.

The draft permit also appears to contain two contradictory compliance standards. Under section B.I, *Compliance with Discharge Prohibitions and Receiving Water Limitations*, the draft permit says a permittee may comply with receiving water limitations by complying with the permit, receiving water limitations (and presumably water quality standards) will be satisfied.

However, section B.II suggests that a permittee could exceed a receiving water limitation (either expressed as a narrative or numerical standard), in which case such permittee would be required to prove that "storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance." How could the permittee exceed a receiving water quality standard if it has met all of the conditions of the permit?

The draft permit indicates that if the permittee cannot prove that the exceedance was not caused by discharges within its jurisdiction, it would be required to either (a) accelerate its BMP schedule (a new feature), if the County-wide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMAP) is adequate; or (b) if the CSWMP or WMAP is deemed inadequate, the permittee will be required to modify the plan with the corrected deficiencies for resubmittal to the regional board. The revised plan would contain new or revised BMPs aimed at preventing future exceedances of a receiving water limitation.

The receiving water limits are unachievable and permittees will be in violation immediately when the Permit is issued. It appears that the water quality objectives are being treated as compliance standards rather than goals. This provision is in conflict and confusing, and is in need of resolution. It should be

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revised to simply say that conformance with receiving water limitations will be achieved by meeting requirements of the permit.

2. Budget requirements for program management are too detailed.

Permittees should not be required to provide detailed budgets when the purpose for the data is not clearly established. This task, as well as many of the recordkeeping tasks, seem time consuming, cumbersome, and not useful to the storm water management.

3. Program substitutions and appeal process are too burdensom.

The administrative review process should state the Permittees are not in violation until the review process is complete. The substitution parocess is burdensom and should be streamlined to be more workable.

4. The draft permit does not clearly identify basic permit requirements.

a. The section dealing with pollutant discharges from construction sites does not clearly indicate what types of construction are subject to control and which constituents are pollutants of concern. The term "construction activity," as defined by federal NPDES regulations, refers to the disturbance of soil by grading, clearing, and excavating. But the permit is not clear about other construction projects (i.e., those that do not cause the disturbance of five acres or more of soil). The permit does not identify all construction projects and pollutants of concern that are subject to permit requirements.

b. The draft permit is either vague about end result requirements or does not mention them and then provides a list of tasks presumably associated with them. "Program Requirements for Industrial/Commercial Sources" illustrates this point. The end result requirement is not evident, which in this case is "controlling" pollutant and non-storm discharges from industrial/commercial sources. Once the this basic requirement is established, sub-requirements can be determined. The following is an example of a basic requirement relating to controlling pollutant discharges from industrial/commercial sources:

A. Controlling Pollutant Discharges from Industrial/Commercial Facilities

- 1. All industrial and commercial facilities shall be (i) prohibited from discharging non-storm water to the MS4 unless exempted by this Order; and (ii) required to implement appropriate best management practices that operate to minimize the discharge of pollutants

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associated with industrial or commercial operations to the MS4, to the maximum extent practicable.

Once these basic requirements have been identified, criteria or tasks for satisfying them can be more easily determined.

- 3. The draft permit, despite its glossary of terms section, does not define key terms.

The term "industrial activity" is a very important NPDES term, yet it is not defined in the draft permit. While the permit provides a broad definition of industrial/commercial facilities, it does not provide a separate definition of each. This is important because the term "industrial" has special significance within the context of NPDES provisions of the Clean Water Act. Also absent from the draft permit is the term "control," which is very important to understanding certain legal authority requirements. Another term referenced in the draft that is not defined is "treatment."

- 4. The draft permit now contains provisions that would impose additional requirements after its adoption.

The permit defines the County-wide Storm water Management Plan as follows:

"A comprehensive plan for implementation of the permit requirement described in Sections C.IV through C.VIII of the NPDES storm water permit....."

A complete analysis of this provision cannot be provided because the references to permit sections C.IV through C.VIII of the draft permit do not exist. This provision (which is not included in the previous draft) calls for the Principal Permittee to develop another storm water management program by way of a County-wide Storm Water Management Plan and a Watershed Management Plan. Both plans are to be developed after the permit is adopted. If this provision remains, the County and LARB/SWU would have the ability to impose other requirements without approval from permittees. While a need for a watershed management program/plan is reasonable, an additional storm water management program is not. County-wide program requirements should be dealt with only in this draft permit, not in some future document.

- 5. The draft permit does not guarantee small city representation on the EAC.

Eligibility for participation on the EAC should not be exclusive and should be determined by the Permittees. It should allow small cities to participate and should be based on the permittee's interest in and knowledge of storm water management issues and willingness to participate.

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6. The draft permit arbitrarily determines area-wide storm water management requirements.

The permit provides no explanation as to why certain storm water management requirements have been selected for area-wide implementation. For example the requirement of inspecting restaurants, which are a suspected to be sources of non-storm water runoff pollution. According to the LARB/SWU, restaurants tend to wash-out garbage cans and trash bins and hose down floor mats outdoors, causing contaminated runoff to enter the municipal storm water system. While this may be a problem in the Santa Monica watershed, as asserted by Heal the Bay and the Santa Monica Bay Restoration Project, it may not be a problem in the other watersheds. Therefore, until this is proven to be a problem in other watersheds, managing non-storm water pollution from restaurants should be a watershed-specific requirement, not an area-wide one.

Cities should not ignore restaurants as potential sources of non-storm water discharge and at a minimum, County-wide, all cities should provide restaurants and other suspected sources of runoff pollution with public education materials discouraging them from illicit discharge practices. Then on a watershed basis, additional requirements can be imposed based on compelling data.

There are receiving waters in Los Angeles County that are equipped with structural controls that: (1) prevent non-storm water discharges from entering ocean waters; and (2) trap sediment in large detention basins, thereby also preventing such pollutants from entering ocean waters. Cities that discharge upstream of these structural controls should be allowed to discharge non-storm water into the municipal separate stormwater sewage system (MS4) and should not be required to implement costly BMPs.

7. Several draft permit requirements would require city permittees to perform work which is the responsibility of LARB/SWU staff.

Inspecting industrial facilities that require NPDES General Industrial Activity Storm Water permits (GIASWPs) is one example. This is a state-issued permit required by state law. While it is not unreasonable to require cities to assist the regional board in identifying those industrial facilities that are required to have permits and/or Storm Water Pollution Prevention Plans (SWPPP), and then report them to LARB/SWU staff, it should not be the permittees responsibility to assist the state in enforcing permit requirements. Cities should not be required to inspect an industrial activity site for BMP implementation. This task would necessitate a review and evaluation of the facility's SWPPP which requires a thorough knowledge of GIASWP requirements. This is a complicated and time consuming task which many cities lack staff or sufficient knowledge to perform.

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8. Many of the requirements proposed by LARB/SWU exceed federal and state storm water management regulations..

a. Inspections of Industrial Commercial Facilities

The draft permit would require cities to identify, prioritize, and inspect industrial facilities that require General Industrial Storm Water Activity NPDES permits (GIASWPs) that are already subject to inspections by LARB. The draft permit would also require cities to identify, prioritize, and inspect other industrial facilities that do not require GIASWPs. These facilities are identified in *Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA, Washington D.C.*

Nothing contained in NPDES storm water provisions of the Clean Water Act specifically mandates inspections of the Phase II facilities. It is understood that the State Water Resources Control Board has asserted its authority to mandate additional requirements. Such requirements should not be arbitrary and should not be performed at the county-wide level.

LARB/SWU must rely on scientific data to justify the need for any additional requirements. This is the purpose of performing a characterization study and performing storm water/non-storm water monitoring and analysis. But the criteria proposed by LARB/SWU staff to identify and prioritize facilities for inspection are ineffective. The criteria are subjective, involve a lot of administrative work and do nothing to facilitate selection of industries for inspection. If anything, they only confuse the selection process.

It is noted that LARB/SWU has, in response to many permittee complaints about the draft permit exceeding federal and state authority, asserted that LARB/SWU has the prerogative to require what it deems necessary. While LARB/SWU may have the discretion to exceed federal and state requirements with regard to this permit, it cannot do so arbitrarily. Additional requirements must be based on a demonstrated problem, using acceptable evidence, as opposed to unsubstantiated opinion.

LARB/SWU staff's contention that permittees have been slow in implementing countywide program is an example of an unsubstantiated opinion. Permittees appeared to be slow in developing a countywide storm water management program is because the LARB/SWU did not required it as a condition of the existing permit. LARB/SWU has not yet specified legal authority requirements under the existing permit, requirements that are critical to any storm water management program, and has not been able to define what "inspection" means within the context of that Additional Best

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Management Practice that requires inspections of gas stations, restaurants, etc.

b. Public Education

As proposed, cities would be required to implement an immediate outreach program that involves the performance of several public education tasks, including but not limited to developing and distributing brochures and door hangers, and issuing newsletters containing storm water management-related public education information. In addition, cities would be required to contribute their "fair share" to a long term public education program to be developed by the County of Los Angeles through a \$5,500,000 consulting contract over a five year period.

The draft permit is too controlling regarding public education. LARB/SWU has no authority to compel cities to contribute a "fair share", to a public education program that is to be developed in the future by the Principal Permittee. This would deny cities the option and right to develop a public education program of its own as an option, which in the final analysis might prove more efficient and cost-effective than that which the Principal Permittee's consultant could produce.

9. The draft permit unilaterally denies several non-storm water discharge exemptions that are allowed under NPDES provisions of the Clean Water Act.

According to CFR 40, 122.26, the following non-storm discharges are exempted unless such discharges or flows are identified by the municipality as sources of pollutants to waters of the United States: *water line flushing water; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street wash water; and discharges resulting from fire fighting (only where such discharges or flows are identified as significant sources of pollutants to waters of the United States.*

However, the draft permit only unconditionally exempts 6 of these 18 non-storm water discharge categories.

The draft permit conditionally exempts 9 non-storm water discharges already exempted by federal regulations. Conditionally exempt means that the non-storm water discharges in question "need not be prohibited," provided that (1) the permittee or Executive Officer (of LARB), determines that the discharges

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are not pollutant sources; and (2) BMPs are developed to "minimize adverse impacts of such sources". This is unclear since these are already exempt by federal regulations.

The draft permit also exempts non-storm water discharges that are not even exempted by federal regulations. Then the draft permit conditionally exempts residential roof drain discharges, but denies such discharges from industrial roof drains, both of which are comprised of storm water and, therefore, are not classified as non-storm water discharges. The permit also denies street washing (an exempted non-storm water) and sidewalk washing, because they are deemed by the Executive Director of LARB to be significant pollutant sources.

That the draft permit allows for the application of exemptions to LARB's Executive Director is not reassuring. There is no guarantee that the exemption will be granted if the basic criteria are met because they involve too much subjectivity.

It is apparent that LARB/SWU (1) has exceeded its authority by denying permittees non-storm water discharge exemptions granted to municipalities in *CFR 40, §122.26*; and (2) has been arbitrary in determining which non-storm water discharges should be exempted. As mentioned, federal regulations entitle municipalities to exempt the 18 categories of non-storm water discharges, unless they have been identified as pollutant sources. Until these non-storm water discharges are determined as such by municipalities (e.g., through scientific means), such discharges should be allowed.

10. The draft permit incorrectly combines illicit connections with illicit discharges and eliminates illegal disposal practices.

Illicit connections are a sub-set of an illicit discharge because an illicit connection is a device by which an illicit discharge (a fluid) is conveyed to the MS4. An illegal disposal/dumping practice, however, is an activity that causes the placement of a solid material (e.g., refuse), into the MS4. Eliminating an illicit connection is a task connected to the basic requirement of controlling illicit discharges.

It is recommended that "removing" an illicit connection be replaced with "eliminating" an illicit connection. Removing an illicit connection could be construed to mean the physical transfer of such connection from its location to another. However, according to its statutory definition, an illicit connection could be any conveyance, including "any device through or by which non-storm water is discharged into the municipal storm water system, including but not limited to floor drains, pipes or any fabricated or natural conduits." Removing or taking-out the illicit connection could be costly. Using

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"eliminating" instead would give the owner/operator of the facility where the illicit connection is located the option of rendering it incapable of operating as an illicit connection. A floor drain, for example, could be plugged, thereby preventing it from being a conveyance of an illicit discharge.

- 11. The draft permit makes the mistake of combining construction activity program requirements with land use management requirements into one chapter.

*CFR 40 §122.26* and other authoritative documents relating to storm water management, including the California Storm Water Handbook, which is referenced in the draft permit, treats construction and land use management as two separate and distinct issues. The problem with combining these program components is that it contributes further to the confusion that already exists.

- 12. The draft permit is disjointed and contradictory in many places.

The permit requires permittees to prohibit non-storm water discharges (i.e., any material that is not entirely comprised of storm water) to the MS4. Yet, under the industrial/commercial section, the draft permit states that non-storm water discharges to the MS4 from gas stations are permissible as long as they are pretreated. However, no where in that part of the Code of Federal Regulations that covers NPDES storm water provisions are such discharges exempted; nor is there an NPDES permit available to service stations/auto repair facilities for this purpose. Furthermore, the term "pretreatment" is not defined anywhere in the permit.

- 13. The draft permit is unnecessarily lengthy (almost 90 pages long). LARB/SWU staff explained that the permit is lengthy because permittees wanted more detail.

Much of the detail contained in the draft permit does not provide clarity and in many case, it only increases confusion. Permittees have always desired defined requirements (i.e., end result) not just detailed explanations as how to achieve them. For example, under the 1990-1995 permit, permittees are required to establish "requisite legal authority" and conduct inspections of auto repair/parts facilities, gas stations, and restaurants. Yet, neither the current permit nor any other documents issued by LARB/SWU contain any information that identifies criteria required to establish legal authority. Nor does it define "inspection" relative to auto repair/parts facilities, gas stations, and restaurants (e.g., inspection for non-storm water discharges from these sites or inspection for good housekeeping practices or other BMPs that operate to prevent storm water discharges to the MS4). Without such information compliance could be difficult.

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14. The section on legal authority, located under program management, contains requirements that are taken directly from CFR 40 §122.26, but are not more specifically defined by LARB/SWU.

For example, controlling "through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system." This is a problem because the draft permit does not translate this federal requirement into a task; nor does the draft permit provide guidance as to how permittees are to meet this legal authority requirement.

15. The draft permit contains language that is difficult to interpret.

Section IV.A 1 reads, "For unitized development the common plan of development or sum of all units shall be considered in determining the priority rating of the development." No definition of "unitized" is provided and the entire sentence is unclear.

The language used in the permit should be as simple as possible, otherwise an inordinate amount of time will be spent on trying to interpret its meaning. Since LARB/SWU staff has demonstrated difficulty in responding to questions from permittees regarding some of the gray areas of the existing permit (e.g., inspections and legal authority), requirements and procedures must be easy to understand.

16. The findings section of the draft permit contains inappropriate information and irrelevant to storm water quality enhancement.

Finding 36, acknowledges those cities that contributed money to the guidance document. Clearly such reference should not made here or any where else in the proposed permit. Finding 32(k) mentions the Natural Resources Defense Council (NRDC) law suit against Caltrans for failing to comply with existing NPDES permit requirements, and finding 32(l) references NRDC's settlement agreements with several cities for their alleged failure to comply with existing NPDES permit requirements. It is unclear as to what purpose such information would serve with regard to the proposed permit.

In general some of the information given is incorrect, appear self serving and biased, and repeat what is contain in the requirements. Pollutants of concern are not adequately identified and referenced.

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**17. The Public Agency Requirements sections seems redundant.**

To simplify the draft permit this section could be reduced to one chapter stating that public agencies must comply with the same standards as non-public agencies.

The following comments were provided by the City of Culver City Attorney:

1. Overall the order is poorly drafted with lapses in syntax, incomprehensible language, standards of performance that are impossible to obtain, and reversal of due process that any lawyer would reject.

2. Specifically:

- a. Page 10, paragraph 11 - the City of Culver City was never sued by NRDC.
- b. Page 11 - typo in paragraph following numbered paragraph 39.
- c. Page 15 - paragraph B, 1, II crates a reverse due process whereby we must prove our innocence. In the Ballona Creek discharge system we are only a small part of the totality of the discharges and therefore every time a violation occurs we would have to prove we did not do it or prove our SWMP was 100% functional. How many times can we afford that when we are such a small player in the system.
- d. Page 22, paragraph E.2. - this paragraph is incomprehensible as no ordinary person could understand what it means.
- e. Page 24. The EAC will create a new bureaucracy of staff between permittees, the primary permittee, the Regional Board and the Feds. The cost of this could and would be duplicative and overly burdensome.
- f. Page 35, paragraph A seems to require that each co-permittee must provide a detailed analysis of every business in their city. We currently have approximately 10,000 business tax certificates. The economic and manpower impacts are astounding and outrageous.
- g. Page 39, paragraph 2 if implemented this would probably call for a full time position to monitor and inspect the storm water system in our City.
- h. Pages 63-67 - the education system should be an integrated, no individual effort. The duplicativeness of this is contrary to the

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regional nature of storm water issues. Also, most of the requirements appear to be make-work justifications not real activities which could be centralized.

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# City of Downey

FUTURE UNLIMITED

January 29, 1996

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Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

SUBJECT: City of Downey Comments  
December 18 Draft NPDES Permit

Dear Ms. Tyrrell:

This letter is in response to the December 18 draft of the NPDES Permit. The City of Downey has some serious concerns with the current draft, and we have identified some important issues that we believe require modification prior to adoption of the final permit by the Regional Board. A summary of these concerns are listed below for your review and response.

1. Discharge Prohibitions and Receiving Water Limitations Section
  - a. Receiving water limits are unachievable. Permittees will be in violation immediately upon issuance of the permit.
  - b. Water quality objectives should be goals and not compliance standards.
  - c. Compliance of permit should not be related to exceeding water quality objectives, but should be evaluated on implementation of programs.
2. Requirements for Program Management Section
  - a. The Budget requirements are too detailed.
3. Requirements for Industrial/Commercial Sources Section
  - a. There should be sufficient time for the Public Outreach Program to inform industries prior to any inspection program.

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Ms. Catherine Tyrrekk  
January 29, 1996  
Page 2

- b. What legal authority gives permittees the right to make inspections in the first place.
  - c. The "Enhanced" Inspection Program (page 41) should be deleted.
4. Program Evaluation and Reporting Section
- a. Pilot studies cannot be undertaken for every best management practice in the permit.
  - b. The requirement on Page 82 to demonstrate Maximum Extent Practicable Standard for best management practices is not achievable.
5. General
- a. The permit is too lengthy and complex.
  - b. The permit exceeds the Clean Water Act authority.
  - c. Compliance dates are too short (not realistic). Inappropriate deadlines can impact action effectiveness, such as inspections before outreach program to inform industries.
  - d. The permit demonstrates lack of understanding for local government decision-making and budgeting process.

Thank you for the opportunity to respond with our comments. If you have any questions, please contact Robert Rugroden at (310) 904-7110.

Sincerely,



Robert M. Brace  
City Engineer

RM/tyr  
cc: Permittee  
OFFICE/PCD/OL/UE/DR/PT/LET

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# City of Downey

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January 29, 1996

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Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

**SUBJECT: Request for Extension of Comment Period; Draft of Waste Discharge Requirements for the Discharge of Stormwater in Los Angeles County (NPDES Permit (NPDES No. CAS0051654) (Draft of December 18, 1995))**

Dear Ms. Tyrrell:

The City of Downey hereby requests extension of the time for submission of comments on the December 18, 1995, draft of the proposed new WDR/Storm Water NPDES Permit, until March 29, 1996.

Extension of the comment period is essential in view of the size (over 90 pages, single-spaced) and significant new material included in the new revision. In addition, the new draft fails to address fully numerous comments previously submitted on the September 18 draft. Despite numerous requests by a number of cities, the new draft again reflects what we must characterize as a "breathtaking overreach" coupled with failure to identify specific requirements.

In addition, it again appears that some provisions required by the EPA for stormwater permits are missing. Moreover, we must point out that the EPA has released for comment a document which bears directly on your December 18, 1995, draft. The new EPA document is "Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years." It was released in draft by the EPA Office of Water on or about December 18, 1995. I am informed that the EPA expects to publish a final version of the draft document in March. Quite clearly, it will be most important to consider the new EPA guidance as the RWQCB refines its draft permit. For the RWQCB to proceed with its December 18th draft independently of the EPA draft nonpoint source guidance would seem to reflect an unformed approach.

Finally, we must point out that the failure of the December 18, 1995, draft to clearly identify the specific section of the Clean Water Act, or a specific provision in the implementing regulations, which provides the basis for each requirement proposed to be

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Catherine Tyrrell  
January 29, 1996  
Page 2

included in the new permit, necessarily slows the review process. It is our view that decision makers and the public are entitled to be able to readily identify those sections of the permit required by Federal law, and to distinguish those sections not required by Federal law, but which the Board staff desires to include in the new permit.

In view of the ominous chilling effects on the economy and budget of every city in Los Angeles County should the draft permit be adopted, we believe that more time for deliberate review of this enormously complex document is absolutely essential.

Thank you for your anticipated cooperation.

Very truly yours,

*Richard C. Redmayne*  
Richard C. Redmayne, Director  
Department of Public Works

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Public Works Department  
*City of El Segundo*

Eduard Schroder, Director

City Engineer: Bellur K. Devaraj

General Services Manager: John W. Hilton

Interim Water/Wastewater Supervisor: Bobby Joe Green

January 29, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Comments on Draft of Waste Discharge Requirements for the Discharge of Storm Water in Los Angeles County (NPDES Permit (NPDES No. CAS0051654) (Draft of December 18, 1995)

Dear Ms. Tyrrell:

The City of El Segundo hereby submits its preliminary comments on the December 18, 1995 draft of the proposed new WDR/Storm Water NPDES permit. We reserve the right to submit additional comments. In addition, please note that we await the response of Jorge Leon, Board Counsel, to comments on legal issues, including inspection issues. We anticipate that we will submit further comments in response to Board Counsel's comments.

Our first comment is that the comment period was inadequate, in view of the size (over 90 pages, single spaced) and significant new material included in the December 18, 1996, revision. In addition, the document's complexity rendered review difficult, a difficulty compounded by the need to refer to comments on prior drafts. In addition, the December 18 Draft does not address fully numerous comments previously submitted on the September 18 Draft.

It appears that the new draft was prepared without regard to a significant development: the EPA has released for comment a document which bears directly on your December 18, 1995 draft. The new EPA document is "Non-point Source Program and Grants Guidance for Fiscal Year 1997 and Future Years." It was released in draft form by the EPA Office of Water on or about December 18, 1995. We understand that the EPA expects to publish a final version of the draft document in March. Quite clearly, it will be most important for your agency to take the new EPA guidance into consideration as the RWQCB refines its draft permit. We incorporate the provisions of the EPA's draft guidance by reference.

350 Main Street, El Segundo, CA 90245 • TEL 310.322.4670 FAX 310.322.4167

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Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
January 29, 1996  
Page 2 of 2

The December 18, 1995 draft fails to clearly identify the specific section of the Clean Water Act, or a specific provision in the implementing regulations, or the EPA Guidance Documents, as the basis or authority for requirements proposed to be included in the new permit. In this context, please understand that what we seek is to distinguish those sections which are required from those which are authorized, but not required.

It is our view that decision makers and the public are entitled to be able to readily identify those sections of the permit required (required, not simply authorized but not required) by federal law, and to distinguish those sections which, while not required by federal law, have been added by the Board staff in response to one or another interest. For example, there is absolutely nothing in federal law which would require the permit to include a provision calling for the appointment of the EAC. This, and other optional provisions which the Board staff desires to include in the new permit should be readily identifiable.

We suggest that this might be accomplished by use of different fonts: **include the federally-required baseline provisions in bold and those provisions not required by federal law in italics.** In that manner, when these distinctions are readily apparent, an informed judgment could be made by policy makers (i.e., the members of the Board as well as mayors and city council members and the board of supervisors) as to the appropriateness of inclusion of the various permit provisions.

In view of the ominous chilling effects on the economy and budget of every city in Los Angeles County should the draft permit be adopted, we believe that more time for deliberate review of this enormously complex document is absolutely essential.

In addition to the foregoing comments, we have included a number of additional comments in two enclosures. The first is an extract of the December 18th draft, which we have annotated with our comments. The second lists supplemental additional comments on the draft. No inference should be drawn from the order in which our comments appear. We regard them all as important.

Finally, the City participated in the development of the EAC concerns dated January 24, 1996. We agree with the points presented and hope that the Board Staff accepts the EAC's offer to work together to resolve the concerns.

Thank you for your anticipated careful consideration of our comments.

Very truly yours,

*Ed Schroder*  
Ed Schroder  
Director of Public Works

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**CITY'S COMMENT:** This document contains the City of El Segundo's Additional Preliminary comments on the RWQCB Draft of December 18, 1995. Portions of the Draft have been deleted in the interest of brevity.

The City reserves the right to submit additional comments and to adopt the comments of other permittees. In addition, the City has deferred comment on a number of legal issues, pending receipt of comments to be provided by Jorge Leon, RWQCB Counsel, addressing legal concerns.

\*\*\*\*\*

December 18, 1995 Draft

State of California  
**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION**

**ORDER NO. 96-XXX  
-95-XXX**

**WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
~~STORMWATER MANAGEMENT/URBAN RUNOFF DISCHARGES~~  
WITHIN THE COUNTY OF LOS ANGELES**

**(NPDES NO. CAS061654)**

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter called the Regional Board), Los Angeles Region, finds:

- 3. On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as application for re-issuance of waste discharge requirements and the NPDES permit.

**CITY'S COMMENT:** *Submission of the ROWD was not an invitation to the RWQCB to engage in overreaching regulation of the City or its activities. The City seeks a WDR/NPDES permit which is consistent with its predecessor permit and which is consistent with the requirements of the Clean Water act and the US EPA Guidance Documents which establish baseline standards for such permits. The December 18, 1995 draft goes far beyond the EPA's baseline Guidance Documents.*

- 5. The Regional Board considers storm water discharges from the urban and developing areas in the Los Angeles basin to be significant sources of pollutants in receiving waters that may be causing, threatening to cause, or contribute to water quality impairment.

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Warning advisories are posted on area beaches after storm events to avoid contact with water because of storm water pollution.

**CITY'S COMMENT:** *What the Regional Board "considers" is hardly an appropriate subject for a "finding." This so-called "finding" should be revised to state what facts the Board finds and should cite the factual basis (e.g., scientific studies) as the basis for a finding. Similarly, a finding that "warning advisories are posted" establishes as fact only that warning advisories are posted; it does not establish that storm water pollution has in fact occurred. In short, if there is a basis for finding as a fact that storm water discharges are significant sources of pollutants, the Regional Board should so find, citing scientific evidence for this proposition.*

- 6. Studies conducted by the USEPA, the states, flood control districts and other entities indicate the following constitute significant? sources of storm water pollution:
  - a. Industrial sites where appropriate pollution control and best management practices (BMPs) are not implemented,
  - b. Construction sites where erosion and sediment controls and BMPs are not implemented, and
  - c. Storm water where the drainage area is not properly managed.

**CITY'S COMMENT:** *Do the studies merely "indicate" or do they establish as a fact that the items listed in this "finding" are factually correct. If so, so state, and provide citations to the evidence relied on as the basis for this alleged "finding."*

- 7. Section 402(p) of the federal Clean Water Act, as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s, storm water discharges associated with industrial activity including construction, and designated storm water discharges that are considered significant contributors of pollutants to waters of the United States. Storm water discharges from MS4s are required to mitigate pollutants to the "maximum extent practicable". Discharges of storm water associated with industrial activities and other non-storm water discharges as defined in 40 CFR Part 122 are subject to Best Available Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) standards.

Section 402(p)(3)(B)(ii) requires MS4 permittees to "effectively prohibit" non-storm water discharges into MS4s unless these discharges are in compliance with separate NPDES permits.

**CITY'S COMMENT:** *This alleged finding is a series of legal conclusions. The City recommends that the relevant statutes and implementing regulations which establish the propositions summarized in this "finding" be cited in pertinent part.*

- 8. On November 16, 1990, pursuant to Section 402(p) of CWA, the United States Environmental Protection Agency (USEPA) promulgated 40 Code of Federal Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water

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discharges may not be prohibited if they have been determined to be not significant sources of pollutants.

**CITY'S COMMENT:** See comment 7, above.

- 9. The USEPA Office of General Counsel in a memorandum to USEPA Region 9, dated January 9, 1991, determined that Clean Water Act Section 402(p) and Section 301(b)(1)(c) must be interpreted to state that NPDES permits for MS4s must include any requirements necessary to achieve compliance with water quality standards.

**CITY'S COMMENT:** Cite the statute, then refer to the memorandum as authority for the proposition advanced. That there is a memorandum on the subject is interesting, but a finding devoted to the existence of the memorandum is of little value. Of more significance is what does the Board find the law to require.

- 10. To facilitate compliance with federal regulations, in 1992, the State Board issued two statewide general NPDES permits to facilitate compliance with federal regulations: one for storm water from industrial sites (NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GISP)) and the second one for storm water from construction sites (NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)). Most industrial activities (unexposed light industrial activities are exempt) and construction activities on five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent (NOI) with the State Board.

**CITY'S COMMENT:** A finding as to what the State Board did in 1992, and why is of moderate interest, but it is not an appropriate finding. Instead, the finding, if there is to be one on this subject, should recite what the statewide general permits require.

- 11. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. CZARA covers five nonpoint source areas of pollution: Agriculture, Silviculture, Urban, Marinas, and Hydromodification. This Order includes Management Measures for pollution from Urban Areas and Marinas, and provides the functional equivalency for compliance with CZARA in these two areas. The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration (NOAA) recommends Management Practices for commercial facilities, including gas stations; and all construction activity (new development and redevelopment).

**CITY'S COMMENT:** This finding is not relevant unless it is first established that California has, seeks or is subject to the CZARA requirements.

- 12. The State of California is a delegated state under the NPDES program, and as such, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, may impose more stringent requirements necessary to implement water quality control plans, for the protection of beneficial uses of receiving waters, and/or to prevent nuisance.

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**CITY'S COMMENT:** *Recite the delegation and cite the document, and date of publication, in which EPA granted the delegation. As to "more stringent" more stringent than what? More stringent than EPA's baseline requirements in EPA Guidance Documents? Than 40 CFR? Be specific. While the City recognizes that the Regional Board, within limitations, may adopt more stringent requirements, the Board may do so only pursuant to a specific grant of authority. In such cases, the authority should be cited, and a rationale provided for the adoption of the more stringent provision.*

13. California Water Code Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall include numerical water quality standards and provisions to implement water quality-based objectives. This Order includes narrative limitations but no numerical limits for storm water discharges at this time due to insufficient information.

**CITY'S COMMENT:** *Water Code § 13263(a) provides that the regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge. It says nothing about numerical limits.*

14. The State Board considered third party appeals of two MS4 permits issued by Regional Boards during the first five year permit term. In the appeal of the MS4 permit for Santa Clara Municipal Water District in the San Francisco Bay Region, the State Board ruled in Order No. WQ 91-03 that MS4 permits must include effluent limitations which will reduce pollutants to the "maximum extent practicable" and will also achieve compliance with water quality standards. In the appeal of the MS4 permit for Los Angeles County, the State Board concluded in Order No. WQ 91-04 that even where a permit does not specifically reference water quality standards, but includes BMPs as effluent limitations, the permit should be read so as to require compliance with water quality standards.

**CITY'S COMMENT:** *This finding illustrates that the drafter confuses a recitation of history with recitation of legal authority. If the Regional Board is to reach a conclusion as to what is required, it should so state, and cite the State Board decisions for whatever, if any, precedential authority they may have.*

16. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, non-contact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

**CITY'S COMMENT:** *Please cite, in the finding, the studies on which this finding is based.*

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17. The intent of this Order is the implementation of the foregoing statutes and regulations to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes Receiving Water Limitations that require that storm water discharges neither cause violations of water quality objectives, nor cause a condition of nuisance or water quality impairment in receiving waters.

To meet the receiving water limitations, this Order requires the implementation of technically and economically feasible measures in accordance with the Storm Water Management Program (SWMP) described herein to reduce pollutants in storm water to the maximum extent practicable. The SWMP includes a monitoring program to assess compliance with the objectives and requirements of this Order. This Order also sets forth the procedure that the permittees will undertake in case of exceedance of any receiving water quality objective.

**CITY'S COMMENT:** *The order has no "intent." The Board may have an intent in issuing the order, and should so state.*

18. This Regional Board has implemented the Watershed Protection Approach (WPA) in addressing water quality management in the region. The objective of the WPA is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationship between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available.

**CITY'S COMMENT:** *Is it a fact that the Regional Board has "implemented" the WPA? Or has it simply adopted it as an approach? It is the City's position that the new permit should be tailored to the distinctly different needs of each water shed, as the needs of the Santa Clara watershed are significantly different than those of the Los Angeles River watershed, for example .*

20. Federal, or regional entities within the Permittees' boundaries or jurisdictions outside the County of Los Angeles, not currently named in this Order, operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. The Regional Board may consider issuing separate NPDES permits for storm water discharges to these entities within the Permittees' boundaries. Such designated Permittees may include large landowners such as State Parks, Universities, and similar entities.

**CITY'S COMMENT:** *This is a rather cavalier, and incorrect, analysis of the extent to which federal facilities are subject to state authority under the Clean Water Act. In short, in enacting, and amending the Clean Water Act, Congress waived a significant measure of its federal sovereign immunity. The term "regional entities" seems irrelevant, as no "regional entities" (SCAG?) are discussed in this finding. State parks are state entities. Universities, per se, are not exempt, although state universities and the University of California entities may be.*

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21. Approximately 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay, in the County of Los Angeles. The County of Ventura is a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water from the MS4 in the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the County of Ventura has opted to be the Principal Permittee to the Ventura permit and manage the areas draining into Los Angeles County, under Order No. CAS063339. The County of Ventura will ensure that its storm water management program for the portion of its area draining into Los Angeles County is made consistent with the requirements of this Order issued to Los Angeles County.

**CITY'S COMMENT:** *The last sentence is little more than a hope, it is hardly an appropriate finding.*

22. About nine (9) square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay. The City of Thousand Oaks initially opted to apply for an individual permit for the area that drains into Malibu Creek, instead of becoming a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water and urban for the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the City of Thousand Oaks elected to be a Permittee to the Ventura permit including the areas which drains into Los Angeles County. The City of Thousand Oaks will ensure that its storm water management program for the portion of its area draining into Los Angeles County is consistent with the requirements of this Order issued to Los Angeles County.

**CITY'S COMMENT:** *See comment 21, above.*

23. The California Department of Transportation (Caltrans), discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans submitted an ROWD on July 3, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements issued to Caltrans will be made consistent with this Order and Order No. 94-082.

**CITY'S COMMENT:** *The last sentence is, at best, a prediction. It is hardly appropriate for a finding.*

26. This Order requires the formation of an Executive Advisory Council (EAC) comprising of representatives from the six watershed management areas. The main role of the EAC is to facilitate development of storm water quality management programs within the six watersheds and to promote consistency in the implementation of these programs among Permittees. However, the Regional Board recognizes that, similar to the Principal Permittee, the EAC is not responsible for insuring compliance of any individual permittee with the requirements of this Order.

**CITY'S COMMENT:** *The first sentence should be revised to state "...comprised of representatives of...." As to the responsibilities of the EAC, is their respective lack of responsibility "similar to" or "the same as" that of the Principal Permittee?*

28. The Report of Waste Discharge (ROWD) submitted by Permittees include: (i) Summary of BMPs implemented; (ii) Storm water management plans for six WMAs; (iii) Countywide evaluation of existing storm water quality data, and (iv) Workplan for Phase I, II, and III, Monitoring Program.

In most MS4 permits, the Storm Water Management Program (SWMP) requirements are components proposed by permittees and are incorporated in the permit by reference to a storm water management plan. In the case of the County of Los Angeles, however, the submitted plans were determined to be incomplete and inadequate in proposed program components necessary to reduce pollutants in storm water to the "maximum extent practicable" as required by CWA Section 402(p)(3)(B). Therefore, the submitted plans served as partial bases for the development of the SWMP requirements of this Order.

**CITY'S COMMENT:** *Please provide citations, for each submitted plan, that will inform the permittees, in detail, of the deficiencies in their respective plans, and how, when and by whom the "submitted plans were determined to be inadequate. Please reference the US EPA's comments on the applications (ROWD).*

29. Each Permittee under the existing permit (Order No. 90-079), was required to implement Best Management Practices (BMPs), conduct monitoring of storm water discharges, and evaluate their impacts on receiving waters. Information obtained from these activities would have provided a basis for establishing numerical criteria or goals, and in lieu of specific program requirements. However, these activities were not fully accomplished during the five-year term of the permit. Storm water criteria development has been recently sponsored by the USEPA in partnership with the Water Environment Federation.

**CITY'S COMMENT:** *As "these activities were not fully accomplished" is apparently the basis for imposing specific program requirements, please state, as to each permittee, just what "activities" were not fully accomplished, and how, when and in precisely what respect it was determined that they were not fully accomplished. Unless it can be demonstrated that all activities were not fully accomplished, by all permittees, the Board should carve our exemptions for permittees which did accomplish all "activities".*

**CITY'S COMMENT:** *What is the relevance of the EPA partnership with the Environment federation? Apparently the sponsorship no longer exists: "has been" refers to a continuing action in the past.*

30. The SWMP required in this Order contains the components developed by the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force described in Finding 27 and with the cooperation of representatives from the Permittees, environmental groups, and the industrial community.

**CITY'S COMMENT:** *To be accurate, the finding should recite that numerous permittees objected to the SWMP required in this order.*

The SWMP includes requirements with compliance dates to provide specificity and certainty of expectations. It also includes provisions that promote customized initiatives,

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both on a countywide and watershed basis, in developing and implementing cost effective measures to minimize discharge of pollutants to the receiving water.

The various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water to the "maximum extent practicable". The Permittees are required to conduct annual evaluations on the effectiveness of the Storm Water Management Program, and, if necessary, institute modifications to meet this criterion.

**CITY'S COMMENT:** *This is a statement of hope, not a "finding."*

- 31. This Order provides Permittees the flexibility to petition the Executive Officer to substitute a BMP included under the requirements with an alternative BMP, if they can provide scientific information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP.

**CITY'S COMMENT:** *Cities should have the flexibility to adopt or substitute BMPs, subject to objection by the Executive Officer for good and sufficient reasons. Cities should not be required to petition the Executive Officer.*

- 32. Besides the above referenced state and federal laws and regulations, and water quality control plans, the requirements in this Order are also based on the following guidelines, studies, considerations, reports and events:

- b. In November 1992, the USEPA issued guidance for submittal of Part II application for MS4s. This guidance provides clarification on specific municipal storm water program requirements that were not available to the Regional Board when Order 90-079 was adopted. This Order incorporates these requirements to be consistent with the USEPA guidance.

**CITY'S COMMENT:** *The EPA document referred to here is "Guidance Manual For The Preparation Of Part 2 Of The NPDES Permit Applications For Discharge from Municipal Separate Storm Sewer Systems" (EPA 833-B-92-002, November, 1992). That document sets baseline requirements for this program. These baseline standards should be clearly identified in this WDR/Permit, perhaps by using italic fonts. This technique would enable policy makers and the public to readily identify those provisions which are EPA baseline requirements, and to distinguish them from other requirements inserted by the Board staff.*

- g. USEPA review of activities conducted by the automotive service sector (including auto body shops, gas stations, auto repair, used car dealers, specialized repair, car washes, car rental, and truck rental) indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water. A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings.

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**CITY'S COMMENT:** "EPA review . . . indicates . . . ." is hardly a basis for a finding. If the EPA studies establish as fact that activities at these facilities result (rather than simply present the "potential") in discharges of pollutants in significant amounts, the findings should so state, with citation to the scientific evidence relied on as the basis for the finding.

- h. The USEPA sponsored a study in 1992 in California to characterize storm water from gasoline stations, and demonstrate the effectiveness of BMPs in reducing pollutants in storm water. The study indicated that pollutants build up during dry periods, and pollutant concentrations in storm water reflect the length of the buildup period. The study found that BMPs that address gas station conditions such as high volume vehicle traffic, and leaks and spills of vehicle fluids, to be the most effective in improving storm water quality. The Western States Petroleum Association has separately identified appropriate BMPs for implementation at gas service stations to reduce pollutants in storm water.

**CITY'S COMMENT:** See preceding comment.

- i. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County and the experience of other California MS4s indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water.

**CITY'S COMMENT:** See the preceding comment. Simply put, if the Board is going to make findings of fact, they should be expressed as such, and the evidence relied on should be cited or incorporated by reference.

- k. The Federal District Court, Central District, ruled in NRDC vs Caltrans (C.D. Cal. 1994) that the California Department of Transportation had not substantially complied with Order No. 90-079. The court issued a separate Order to Caltrans to enforce compliance with the requirements of Order No. 90-079. The Court stated that in order to reduce pollutants to the "maximum extent practicable", a Permittee must evaluate and implement BMPs, except where, (i) other effective BMPs will achieve greater or substantially similar pollution control benefits; (ii) the BMP is not technically feasible; or (iii) the cost of BMP implementation greatly outweighs the pollution control benefits.

**CITY'S COMMENT:** Cities, as permittees, should have the option of evaluating and implementing BMPs. This choice should rest with the permittee, not the Executive Officer.

**CITY'S COMMENT:** The name of the court is "United States District Court" not "Federal District Court."

- l. The Natural Resources Defense Counsel (NRDC) filed a lawsuit against the County of Los Angeles for non-compliance with Order 90-079 in the Federal District Court, Central District, on October xx, 1994. The parties to the suit are

in the process of reaching a settlement out-of-court. The NRDC settled similar lawsuits out-of-court in 1993 with the cities of Beverly Hills, Culver City, El Segundo, and Hermosa Beach.

**CITY'S COMMENT:** *The purpose of this finding is unclear.*

- m. 40 CFR 122.26(d)(2)(i) requires each MS4 Permittee to demonstrate that it can implement and enforce the storm water management program pursuant to legal authority established by ordinance, statute, and/or contracts. Each Permittee must, in addition, acquire legal authority to enforce specific prohibitions which are included in this Order but were no [sic] specified in Order 90-079, to encourage countywide consistency.

**CITY'S COMMENT:** *EPA guidance on this point is provided in Section 3-3, page 3-4 of "Guidance Manual For The Preparation Of Part 2 Of The NPDES Permit Applications For Discharge from Municipal Separate Storm Sewer Systems" (EPA 833-B-92-002, November, 1992). The language of that document should be used as a model for this provision, and throughout the document. Also, 40 CFR 122.26 (d) (2) (i) (E) and (F) requires permittees to demonstrate legal authority to implement permit requirements. Since much of the program requirements are still to be developed, cities can not comply with this requirement in the time frame dictated in the permit.*

**CITY'S COMMENT:** *The approach taken in the December 18, 1995, Draft, which is to leave specific requirements unstated until such time in the future as they are developed will render it impossible for a City Attorney to certify that the City has the requisite legal authority to implement th permit, as the requirements of the permit will not be known at the time the certification is required. The Board's counsel should address this point.*

**CITY'S COMMENT:** *The inclusion of requirements to inspect facilities to determine their compliance status presents serious, unresolved issues of constitutional magnitude. At present, however, in the absence of citation to authority for the preposition that cities have the legal authority to conduct such inspections over the objection of non-consenting permittees, it appears that such inspections would be unconstitutional infringement of the rights of non-consenting permittees. Consequently, no City Attorney will be able to certify that the City Attorney's city has the legal authority to implement the permit. This is a point which should be addressed by the Board's counsel, with citation to specific authority to conduct such inspections. In addition, the Board should indemnify the permittees with respect to the inspection program.*

- 33. The Regional Board has notified each Permittee, interested agencies, and interested persons of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

**CITY'S COMMENT:** *The City disagrees that interested persons were provided adequate notice. The City disagrees that the permittees had adequate opportunity to*

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*submit their written views and recommendations. Comment periods were far too short, given the complexity and changes in the draft documents.*

- 34. The Regional Board solicited comments on early drafts of this Order from Permittees, interested agencies, and interested persons. In addition, the Regional Board staff met with representatives from Permittees, business associations, environmental groups, and other interested persons to discuss permit requirements and resolve critical issues. Regional Board staff also solicited feedback from the Santa Monica Bay Oversight Committee on early drafts of the Order, and attended Permittee watershed meetings, and public workshops to hear concerns. Regional Board staff have incorporated suggestions wherever appropriate, and addressed comments where pertinent .

**CITY'S COMMENT:** *The City disagrees that interested persons were provided adequate notice. The City disagrees that the permittees had adequate opportunity to submit their written views and recommendations. Comment periods were far too short, given the complexity and changes in the draft documents. Numerous comments were not addressed at all.*

- 37. The requirements in this Order, as they are met, are in conformance with federal and state laws regulations, and guidelines developed for the implementation thereof, and water quality control plans applicable to the Los Angeles basin.

**CITY'S COMMENT:** *Indeed, in some areas they far exceed the EPA's baseline requirements. Unfortunately, neither public policy makers (the Board Members and the Mayors and council members of the permittees) had any effective way to distinguish EPA baseline requirements from provisions added by the board staff at the insistence of persons with special interests or constituencies. While in other areas (such as characterization, monitoring and certifying effort) the permit fails to comply with 40 CFR.*

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A. DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS

B. Permittees

~~1. The other cities and agencies are designated as Permittees.~~

1. Each Permittee shall:

a. Participate in the development and modification where necessary of the CSWMP and jointly prepare the WMAPs through participation in the WMC;

*CITY'S COMMENT: What does "where necessary of the CSWMP" mean? By what authority may a permittee be required to "jointly prepare" a WMAP? Jointly with whom? Is a permittee liable for errors of other joint preparers? Revise to state "May participate and may prepare jointly...."*

3. ~~The City Administrator/Public Works Director of each Permittee~~ Each Permittee's City Administrator/Public Works Director shall appoint a representative(s) to the WMC, who has the delegated authority to make decisions on storm water permit issues on behalf of the jurisdiction.

*CITY'S COMMENT: Whoever drafted this provision fails to understand that under the California Government Code, decision making authority of cities rests with the City council. It may be delegated only within narrowly prescribed limits.*

C. External Agency Coordination

1. The Principal Permittee will be provided an updated list of NPDES permits on a quarterly basis through the Regional Board's electronic bulletin board, which may be accessed at (213) 266-7663, for use by each Permittee to identify permitted sources of active non-storm water discharges into the MS4. ~~to verify permitted sources of the existing non-storm water discharges in the storm water drainage system.~~

*CITY'S COMMENT: Electronic bulletin boards are outmoded technology. The Board should make the information available on the Internet.*

2. Each Permittee will work with other agencies, to the extent necessary, and report to the Regional Board on recommendations to resolve any conflicts which are identified between the provisions of this permit and the requirements of other regulatory agencies, if they deem it necessary. ~~The Permittees will work with other regulatory agencies and report to the Regional Board on recommendations to resolve any conflicts which are~~

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~~identified between the provisions of this permit and the requirements of other regulatory agencies.~~ These agencies, include but are not limited to:

- a. California Department of Fish and Game
- b. California Department of Toxic Substances Control
- c. California Coastal Commission
- d. United States Environmental Protection Agency
- e. California Department of Transportation
- f. California Air Resources Board

**CITY'S COMMENT:** *This provision should be revised to make it clear that the "extent necessary" determination is to be made by the permittee and no other entity. Add the words "that the permittee determines it to be necessary, after the words "to the extent" in the first sentence.*

**I. Program Substitution**

Any Permittee may petition the Executive Officer to:

- a. Substitute for any BMP identified in this Order, the CSWMP, or the WMAP, if the Permittee can demonstrate through documentation and/or scientific data, that the proposed alternative BMP:
  - i. will achieve greater or substantially similar reduction in storm water pollutants; and
  - ii. will be implemented within a similar period of time.
- b. Eliminate any storm water BMP identified in this Order, the CSWMP, and/or the WMAP, for its jurisdiction if it can demonstrate through documentation and/or scientific data, that the BMP is:
  - i. Not technically feasible, or
  - ii. The cost of implementation greatly outweighs the pollution control benefits.

The Executive Officer will approve or disapprove the petition in accordance with Provision LJ (Requirements for Program Management: Administrative Review),

**CITY'S COMMENT:** *This process is backwards. Permittees should have the authority to select BMPs, and that selection should stand unless the Executive Officer demonstrates that the BMP will not achieve items a.i and ii, above. Similarly, permittees should be permitted to eliminate any BMP unless the Executive officer demonstrates that the BMP is technically feasible and that the cost does not outweigh the pollution benefits.*

**J. Administrative Review**

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The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees, prior to initiating enforcement action.

1. Storm water program documents, including progress reports, program summaries, and implementation and compliance schedules, developed by a Permittee under the provisions of this Order shall be submitted to the Executive Officer for approval. The Executive Officer will notify the Permittee and the Principal Permittee of the results of the review and approval or disapproval within 120 days. If the Executive Officer has not responded within 120 days, the Permittee shall implement the submitted CSWMP or WMAP program components without modification.
2. If the Executive Officer finds that a Permittee's storm water program is insufficient to meet the provisions of the Permit, the Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific findings in support of the insufficient determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.

**CITY'S COMMENT:** A system in which the Executive Officer makes findings without affording the permittee notice and an opportunity to be heard would violate the permittee's due process rights. This section should be revised to state that if the Executive Officer determines that the program "may not" be sufficient, the NIMC shall be prepared, with proposed findings.

~~2. Upon receipt of a NIMC, the Permittee shall meet and confer with RWQCB staff to clarify the steps to be taken to completely meet the provisions of this permit. The meet and confer sessions shall be for the purpose of developing additions and enhancements to the jurisdiction's stormwater program. The meet and confer period shall conclude with the submittal to and acceptance by the Executive Officer of a written "Stormwater Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPEP by a specified date.~~

a. The Permittee, upon receipt of a NIMC, shall meet and confer with Regional Board staff to clarify the steps to be taken to completely meet the provisions of this permit. The meet and confer sessions shall be for the purpose of developing additions and enhancements to the jurisdiction's storm water program. The meet and confer period shall conclude with the submittal to and acceptance by the Executive Officer of a written "Storm water Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack

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of progress on issues and may order submittal of the SPCA by a specified date. The NIMC shall include a date by which the Permittee must meet with Regional Board staff. Failure to submit an acceptable SPCA by the specified date shall constitute a violation of this Order.

*CITY'S COMMENT: Again, a process in which the Executive Officer resolves the issues, and leaves only implementation to be determined, violates fundamental due process rights. This provision should be revised to state that the Permittee is to meet with Regional Board staff to resolve whether or not the permittee's program is sufficient to meet requirements. Only if it is not, should the Executive Officer prepare final (as opposed to proposed) findings in support of the proposed insufficient determination. That determination by the Executive Officer should be subject to appeal by the Permittee to the regional Board. The City incorporates by reference its previous comments on this point.*

**II. REQUIREMENTS FOR ILLICIT DISCHARGES/ DISPOSAL CONNECTIONS / DISCHARGES**

**E. Public Reporting**

- 1. The Principal Permittee in consultation with the EAC shall develop a standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices by July 15, 1996.

Each Permittee shall implement the standard program to facilitate public reporting by October 15, 1996.

- 2. The Principal Permittee in consultation with the EAC shall develop a standard program by July 15, 1996, for reporting incidents of a reportable quantity of hazardous substances entering the storm drain system. The reports shall made to the State of California Office of Emergency Services (OES) at (800) 852-7550 and the Federal Hazardous Response Number at (800) 424-8802.

*CITY'S COMMENT: As pointed out in comments on the September draft, the federal response number (small f) is the National Response Center, not a nonexistent entity caller the "Federal Hazardous Response Number."*

Each Permittee shall implement the standard program for reporting hazardous substances entering the storm drain by October 15, 1996.

**III. PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES**

**D. Source Inspection**

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1. Each Permittee shall develop and implement an industrial/commercial facilities inspection program by October 15, 1996. The inspection shall at a minimum include:

a. For Phase I facilities (40 CFR 122.26), site visits to:

- i. Consult with a representative of the facility to explain applicable local storm water codes, regulations and ordinances;
- ii. Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;
- iii. Discuss appropriate BMPs and distribute educational materials;
- iv. Note that an NOI has been submitted to the State Water Resources Control Board, that a copy of a SWPPP is available on-site, and to notify the Regional Board if an NOI has not been submitted or a SWPPP is not available; and,
- v. Identify and report problematic facilities to the Regional Board, when deemed necessary by the Permittee.

b. For all other facilities, site visits to:

- i. Consult with a representative of the facility to explain applicable local storm water codes, regulations and ordinances;
- ii. Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;
- iii. Discuss appropriate BMPs and distribute educational materials;
- iv. Follow-up and take action against problematic or recalcitrant facilities; and,
- v. Identify and report problem facilities to the Regional Board, when deemed necessary by the Permittee.

**CITY'S COMMENT:** *This section was apparently drafted without regard to whether or not the City/Permittee had any legal authority to conduct inspections of the facilities to be inspected. In short, in the absence of specific legal authority to conduct an inspection, which authority is not derived by fiat from the Regional Board, a permittee would have no authority to conduct an inspection over the objection of the facility owner/operator. This section must be revised to cast it in terms of informational visits unless the permittee has specific legal authority to conduct the inspection.*

2. Each Permittee shall submit a schedule for inspection of industrial/commercial facilities prioritized in Provision III.B.2 by October 15, 1996. The schedule with frequency shall include:

- vii. Restaurants (SIC Industry Number 5812), twice in five years; and,

**CITY'S COMMENT:** *The provision for permittees to conduct restaurant inspections is ludicrous overregulation. This responsibility should rest with the County Health Department, which already conducts public health inspections.*

**IV. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING / CONSTRUCTION**

**CITY'S COMMENT:** *The Regional Board has no authority to issue regulations which preempt local authority over land use. To the extent (which is considerable) which the regulations in this section would do so, they should be deleted.*

**VI. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION**

**b. Audio Material.**

**CITY'S COMMENT:** *Given that radio and television stations which broadcast in Los Angeles County may be received everywhere in the county, this responsibility should rest with the Principal Permittee. It is nonsensical for the Regional Board to require each of 86 cities to have a program for audio outreach, especially when some of these cities have tiny staffs, ill-equipped to develop such programs.*

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**SUPPLEMENTAL ADDITIONAL PRELIMINARY COMMENTS**  
on Draft of Waste Discharge Requirements  
for the Discharge of Stormwater in Los Angeles County  
(NPDES Permit No. CAS0051654)  
(Draft of December 18, 1995)

**A. General Narrative Comments.**

1. **Comment:** Numerous terms are undefined.

*Recommendation: Add definitions, to include "disturbed area," "creation of impervious area," "effectively prohibit," "authorized discharges," "SPCA" and "GCASP" to the Glossary.*

2. **Comment:** The draft permit is vague. For example, the draft permit provides, in numerous places, that ". . . the Principal Permittee in *consultation* with the EAC . . ." (Italics added.) However, the term "in consultation with the EAC" is vague and undefined. Is the Principal Permittee required to follow the advice of the EAC? If not, is the Principal Permittee required to state reasons for failing to follow the EAC's guidance? Who, if anyone, is liable for failure to follow the EAC's advice? Who, if anyone, is liable if the advice is bad, but is followed? Could the County develop programs required by the draft permit without the comments and of the EAC? The permittees?

*Recommendation: Clarify the draft permit to make it clear that it is the County, as Principal Permittee, and not the Cities, as permittees, which is responsible for developing permit requirements to be approved by the RWQCB, after notice and hearing.*

3. **Comment:** The deadlines for compliance are unrealistic. Many requirements of the draft permit would be due simultaneously.

*Recommendation: Compliance schedules should be adjusted to reflect time necessary to comply.*

4. **Comment:** The draft permit imposes redundant requirements and creates an unnecessary additional level of redundant government oversight of already-overseen activities. The Regional Board's attempt to shift this burden to local government permittees is an attempt to impose an unfunded mandate.

*Recommendation: Specifically, the draft permit's requirements for permittees with respect to all land use, industrial and commercial facilities, and construction activities under draft permit from the Regional Board should be eliminated. For example, construction over five acres requires a permit from the Regional Board; it should be excluded from this permit. Phase I and other industries are permitted by the Regional Board and should therefore be excluded from our permit. Permittees should not be required to be "Junior Water Board Cops."*

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5. **Comment:** The development and inclusion of performance standards is unrealistic and difficult to apply universally.

*Recommendation:* Each permittee should have the option of developing its own stormwater management plan.

6. **Comment:** The draft permit requires the development and implementation of the "Storm Water Management Program (SWMP)," a "Countywide Storm Water Management Program (CSWMP)" (which is supposed to include all of the components of the SWMP), and a "Watershed Management Area Plan (WMAP)." While it is clear that a CSWMP must be developed, no authority or need for the development of a WMAP is apparent. Areas of the text of the draft permit note that a WMAP may be developed following implementation of the CSWMP. The development of multiple plans/programs is confusing, awkward and redundant.

*Recommendation:* Development of a CSWMP should include all activities that can be shared by all permittees, including reporting and BMPs such as public education. This framework plan can then be used to tailor an agency-specific storm water management plan. Although agencies within the same watershed may share similar experiences, very few agencies will be able to or will have a need to implement all requirements of a Watershed Management Area Plan. This area of the draft permit should be revised accordingly.

7. **Comment:** No legal authority exists for the imposition of duties on the Watershed Management Committees (WMC) or its members, or member agencies. The committees are simply working groups formed to deal with the development and implementation of the first permit.

*Recommendation:* These committees should be for exchange of information and views, and nothing more. The draft permit should be revised to delete any provision which might arguably give rise to an inference that these committees may have any legally enforceable duties, or liability for failing to carry out any such "duties."

8. **Comment:** There is no stated legal authority for the requirement in the draft permit for co-permittees to conduct commercial/industrial inspections.

*Recommendation:* In view of the potential for litigation over unlawful searches and civil rights violations, this requirement should be deleted and replaced with a requirement to conduct site visits, public meetings or other informational activities, with the consent of the entities to be visited.

B. **Page and Section-Specific Comments.**

9. **Page 3, No. 7:** The findings provides that permittees are to "effectively prohibit" (quotation marks in original) non-stormwater discharges.



The term "effectively prohibit" should be defined, as it has the potential to be a magnet for citizen suit litigation.

10. Page 13, A.II:

At the end of the first paragraph, change the period after the word "appropriate" and add the words: "after review and comment by the permittees and upon receiving public testimony." Also, B.II effectively negates B.I and must be eliminated.

I. Requirements for Program Management

11. Page 21, No 2.c: The EAC has no legal authority to compile information for submittal. This section should be removed.

12. Page 21, No. 2.g: Coordinating the implementation of pilot projects is beyond the legal authority of the EAC. This section should be deleted.

13. Page 21, No. E.1: The Regional Board should have no authority to appoint persons to the WMCS. These should remain as staff working groups as previously mentioned.

14. Page 22, No. E.2: This section should specifically provide that selection and participation on the EAC by permittees other than the county and City of Los Angeles is imposes no duty on the EAC member, the city represented or any other person, and that, in the event of litigation (under CWA citizen suit provisions or otherwise) the State of California will protect, defend, indemnify and hold the EAC member and the EAC's city harmless. Why and what resources is the county expected to provide permittees with populations under 100,000?

15. Page 27, No. J.1: Considering the schedule of implementation forced upon the permittees and the sense of urgency on the part of the Regional Board to implement the permit, review period for all submittals to the Regional Board should be a maximum of 60 days. This is still twice that allowed by CEQA for project approvals. Submittals will be deemed approved if no response is received prior 60 days. This section should be amended accordingly.

16. Page 27, No. J.2.a: "SPCA" should be defined in the glossary.

17. Page 28, top of page: Again, the Regional Board should be allowed 60 days for review and approval. Revise section as necessary.

18. Page 28, No. J.4: Amend section to read ". . . frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Executive Officer in the SPCA."

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II. Requirements for Illicit Connections/Discharges

19. Page 29, No. A.1.b: Prioritization of problem areas should be left to the discretion of the individual permittees.
20. Page 30, No. B.1.c: Prioritization of illicit disposal areas should be left to the discretion of the individual permittees; section should be deleted.
21. Page 31, No. B.1.g.: Standard enforcement procedures are unnecessary as each agency maintains its own legal authority to deal with illicit discharges; delete section.
22. Page 32, No. D.1: What about water system main breaks, utility vaults, and other similar problems which will be regulated under separate general permits or those discharges authorized by the Regional Board? Should include such discharges here.
23. Page 32, No. D.2: The notion of conditionally exempt discharges is unclear. How are such discharges identified? When are they identified? Who identifies them? Who decides appropriate BMPs and using what criteria?  
  
What about such activities as saw cutting, grinding, and other similar activities? Are curb drains to be prohibited?
24. Page 33, No. 2.i: Reinsate commercial roof drains to Conditionally Exempted Discharges.

III. Program Requirements for Industrial/Commercial Sources

25. Page 35, No. A.1: This section is very onerous. We do not agree with the Regional Board's position that this is useful information, including the collection of SIC codes, and suggest that it be deleted.
26. Page 35, No A.1: Please clarify what "database format" required.
27. Page 36, No. A.2.b: Eliminate the word "or" from the phrase "... with the EAC and/or the Regional Board ...".
28. Page 39, No. D.1.a.iii: Should inspections become part of the permit requirements, of which we protest, eliminate "appropriate BMPS" from this section. Businesses should know best or hire consultants to determine which BMPs may best for their business. (same with No. D.1.b.iii)
29. Page 39, No. D.1.a.iv: This section should and is the responsibility of the Regional Board. It should be eliminated.
30. Page 40, No. D.2.viii: Please clarify the meaning of this paragraph. We trust that the Regional Board is not attempting to require additional inspection groups without reason.

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31. Page 41, No. D.4: Eliminate this section. An enhanced inspection program cannot be applied to all agencies universally. Individual permittees should address problem locations, if any, within their respective inspection programs.

IV Program Regs. For Development Planning/Redevelopment

32. Page 45, No A.3.c: "Public Utilities" is not a mandatory element required in most California general plans, as are a number of other optional elements with different titles such as "community facilities," "community design," "environmental resource management," or "redevelopment." We recommend that item iv. be deleted and language added to the effect of:

"Each permittee shall reference or cross reference these standards to any optional element of the general plan which may have a bearing on stormwater discharge."

33. Page 47, No. B.1.a: For what purpose is this information to be assembled? Will the permittee be required to submit it to the Regional Board? For what purpose? We suggest that this requirement should be deleted.

VI. Program Regs. for Public Information and Participation

34. Page 65, No. A.3: What type of analysis of residents and businesses is the City to conduct? How detailed must it be?

VII. Requirements for Monitoring Program

No comments.

VIII. Program Evaluation and Reporting

35. Page 83, No. A.4: Please define in the draft permit how a uniform data collection can be established for each of the required BMPs and identify the purpose of this data collection.

IX. Additional Provisions

No comments.

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# City of El Segundo

**EDUARD SCHRODER, Director of Public Works**

January 26, 1996

**Board Officials:**  
Carl Jacobson,  
Mayor  
Lisa Weston,  
Mayor Pro Tem  
Michael S. Robbins,  
Commissioner  
Richard J. Dells,  
Commissioner  
Jane Pfeiffer,  
Commissioner  
Garry Morrison,  
City Clerk  
Dennis Steinfield,  
City Treasurer

**Appointed Officials:**  
James W. Markham,  
City Manager  
Fred C. Duffy,  
City Attorney

**Department Directors:**  
James Hansen,  
Economic Development  
Boris Shurell,  
Planning Services  
Jacob Milson,  
Fire  
Robert Hyland,  
Human Resources  
Barbara Pearson,  
Library  
Linda Jester/Ann Daville,  
Planning/Building Safety  
Therese Ottomano,  
Police  
Edward Schroder,  
Public Works  
James Paul,  
Recreation & Parks

**Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754**

**Re: Request for Extension of Comment Period; Draft of Waste Discharge Requirements for the Discharge of Storm Water in Los Angeles County (NPDES Permit (NPDES No. CAS0051654) (Draft of December 18, 1995)**

**Dear Ms. Tyrrell:**

Yesterday at the San Gabriel River Watershed meeting the Regional Board Counsel advised the Cities that if we had questions concerning the Board's legal authority to impose actions required of the Cities that we should bring them up on a point-by-point basis. Since the Regional Board did not respond to our last point-by-point questions, the City of El Segundo was not planning to submit the same level of detailed comments. However, given your counsels new instructions we will be revising our submittal.

The City of El Segundo hereby requests extension of the time for submission of comments on the December 18, 1995 draft of the proposed new WDR/Storm Water NPDES Permit, until March 29, 1996 to prepare our revised submittal.

350 Main Street, El Segundo, California 90245-0089  
Phone 310.322.4670 FAX 310.322.4167

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Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
January 26, 1996  
Page 2 of 2

Extension of the comment period is also essential in view of the size (over 90 pages, single spaced) and significant new material included in the new revision. In addition, the new draft fails to address fully numerous comments previously submitted on the September 18th draft. Despite numerous requests by a number of cities, the new draft again reflects what we must characterize a "breathtaking overreach" coupled with failure to identify specific requirements.

In addition, it again appears that some provisions required by the EPA for storm water permits are missing. Moreover, we must point out that the EPA has released for comment a document which bears directly on your December 18, 1995 draft. The new EPA document is "Non-point Source Program and Grants Guidance for Fiscal Year 1997 and Future Years." It was released in draft by the EPA Office of Water on or about December 18, 1995. I am informed that the EPA expects to publish a final version of the draft document in March. Quite clearly, it will be most important to consider the new EPA guidance as the RWQCB refines its draft permit. For the RWQCB to proceed with its December 18th draft independently of the EPA draft non-point source guidance would seem to reflect an unformed approach.

Finally, we must point out that the failure of the December 18, 1995 draft to clearly identify the specific section of the Clean Water Act, or a specific provision in the implementing regulations, which provides the basis for each requirement proposed to be included in the new permit necessarily slows the review process. It is our view that decision makers and the public are entitled to be able to readily identify those sections of the permit required by federal law, and to distinguish those sections not required by federal law but which the Board staff desires to include in the new permit. Only when these distinctions are made can an informed judgement be made as to the appropriateness of inclusion of permit provisions.

In view of the ominous chilling effect on the economy and budget of every city in Los Angeles County should the draft permit be adopted, we believe that more time for deliberate review of the enormously complex document is absolutely essential.

Thank you for your anticipated cooperation.

Sincerely,



Ed Schroder  
Director of Public Works

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OK YS - please respond

Public Works Department

City of El Segundo

Eduard Schroder, Director

City Engineer: Belhar K. Devaraj

General Services Manager: John W. Hihun

Interim Water/Wastewater Supervisor: Bobby Joe Green



March 28, 1996

Ms. Catherine Tyrell  
California Regional Water  
Quality Control Board - Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject: NPDES Permit Renewal

Dear Ms. Tyrell:

Thank you and Mr. Ghirelli for taking the time to meet with Ray Tahir and me on March 21, 1996 to discuss the renewal of our NPDES Permit. We look forward to receiving your response to the material we presented.

During my review of material forwarded to me by the USEPA, I came across some information I felt was related to our March 21, 1996 meeting. Attached for your information is a copy of NPDES Permit No. OKS(KK)201 issued to the City of Tulsa, Oklahoma. I was sent this permit when I requested a copy of an approved permit from a municipality outside of California which USEPA felt was appropriate and in accordance with the current requirements of the Clean Water Act.

I would like to direct your attention to Part II STORM WATER POLLUTION PREVENTION MANAGEMENT PROGRAM(S). The interesting aspect of this section is that it is almost exactly the same format and requirements we discussed in our meeting. It appears that USEPA already approved an NPDES Permit with requirements similar to those we proposed. It is hoped that you will include this information in your consideration of the material we submitted.

If you desire additional information or wish to discuss the matter further, please call me at 310.607.2230.

Sincerely,  
*Ed Schroder*  
Ed Schroder  
Director of Public Works

ES:dr  
Enclosure

cc: (w/attachments)  
Mr. Robert Ghirelli; Mr. Rufus Young; Mr. Don Wolf; Mr. Ray Tahir

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NPDES Permit No. OKS000201

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

City of Tulsa  
Department of Public Works  
200 Civic Center  
Tulsa, Oklahoma 74103

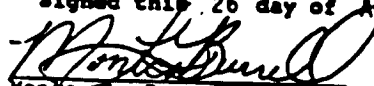
is(are) authorized to discharge, in accordance with the Storm Water Management Program(s), effluent limitations, monitoring requirements, and other provisions set forth in Parts I, II, III, IV, V, VI, VII, and VII' herein,


from all portions of the City of Tulsa Municipal Separate Storm Sewer System (MS4) owned or operated by any permittee listed above, to waters of the United States.

This permit will become effective October 1, 1994

This permit and the authorization to discharge under the National Pollutant Discharge Elimination System shall expire at midnight, on September 30, 1999

Signed this 26 day of August, 1994

  
Monica L. Burrell  
Environmental Engineer  
Municipal Section (6W-PH)

  
Myron O. Knudson, P.E.  
Director  
Water Management Division (6W)

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- e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the Municipal Separate Storm Sewer System should interjurisdictional agreements allocating responsibility between permittees be dissolved or in default.
2. Permittees are jointly responsible for permit compliance on portions of the Municipal Separate Storm Sewer System where operational or Storm Water Management Program implementation authority over portions of the Municipal Separate Storm Sewer System is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

**D. Discharge Goals.**

The following goals are established for discharges from the Municipal Separate Storm Sewer System:

1. No discharge of toxics in toxic amounts.
2. No discharge of pollutants in quantities that would cause a violation of State Water Quality Standards.
3. No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts.
4. No discharge of non-storm water from the municipal separate storm sewer system (except as provided in Part I.B.2.).
5. No degradation or loss of State-designated beneficial uses of receiving waters as a result of storm water discharges from the municipal separate storm sewer (unless authorized by the State in accordance with the State's Antidegradation Policy).

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**PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT.**

A. **Permit Area.** This permit covers all areas located within the corporate boundary of the City of Tulsa that are served by municipal separate storm sewers owned or operated by the permittee(s).

B. **Authorized Discharges.**

1. Except for discharges prohibited under Part I.B.2, this permit authorizes all existing or new storm water point source discharges to waters of the United States from those portions of the Municipal Separate Storm Sewer System owned or operated by the permittee(s).

2. The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:

a. **Non-storm Water and Industrial Storm Water:** discharges of non-storm water; any Storm Water Discharge Associated with Industrial Activity; or other storm water discharges required to obtain an NPDES permit, except where such discharges are:

(1) regulated by a separate NPDES permit (or the discharger has applied for such permit); or

(2) identified by and in compliance with Part II.A.6.a.

b. **Spills:** discharges of material resulting from a spill. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or insure the responsible party for the spill takes, all reasonable steps to minimize or prevent any adverse effects on human health or the environment. (See also Part II.A.7 and Part VI.E.) This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittee(s) nor relieve the party(ies) responsible for a spill from the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302.

C. **Permittee Responsibilities.**

1. Each permittee is responsible for:

a. Compliance with permit conditions relating to discharges from portions of the Municipal Separate Storm Sewer System where the permittee is the operator;

b. Storm Water Management Program implementation on portions of the Municipal Separate Storm Sewer System where the permittee is the operator;

c. Compliance with annual reporting requirements as specified in Part V.C.;

d. Collection of representative wet weather monitoring data required by Part V.A., according to such agreements as may be established between permittees; and

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- e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the Municipal Separate Storm Sewer System should interjurisdictional agreements allocating responsibility between permittees be dissolved or in default.
2. Permittees are jointly responsible for permit compliance on portions of the Municipal Separate Storm Sewer System where operational or Storm Water Management Program implementation authority over portions of the Municipal Separate Storm Sewer System is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

**D. Discharge Goals.**

The following goals are established for discharges from the Municipal Separate Storm Sewer System:

1. No discharge of toxics in toxic amounts.
2. No discharge of pollutants in quantities that would cause a violation of State Water Quality Standards.
3. No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts.
4. No discharge of non-storm water from the municipal separate storm sewer system (except as provided in Part I.8.2.).
5. No degradation or loss of State-designated beneficial uses of receiving waters as a result of storm water discharges from the municipal separate storm sewer (unless authorized by the State in accordance with the State's Antidegradation Policy).

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**PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM(S).**

Each permittee shall contribute to the development, revision and implementation of a comprehensive Storm Water Management Program including pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Sewer System. The Storm Water Management Program shall be implemented in accordance with Section 402(p)(3)(B) of the Act, and the Storm Water Regulations (40 CFR Part 122.26).

Controls and activities in the Storm Water Management Program shall identify areas of permittee responsibility on a jurisdiction, applicability, or specific area basis. The Storm Water Management Program shall include controls necessary to effectively prohibit the discharge of non-storm water into municipal separate storm sewers and reduce the discharge of pollutants from the Municipal Separate Storm Sewer System to the Maximum Extent Practicable (MEP).

The Storm Water Management Program shall cover the term of this permit and shall be updated as necessary, or as required by the Director, to ensure compliance with the statutory requirements of Section 402(p)(3)(B) of the Act. Modifications to the Storm Water Management Program shall be made in accordance with Parts II.G., and III. Compliance with the Storm Water Management Program and any schedules in Part III. shall be deemed compliance with Parts II.A, and II.B. The Storm Water Management Program, and all updates made in accordance with Part II.G., are hereby incorporated by reference.

Implementation of the Storm Water Management Program may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II. in lieu of creating duplicate program elements for each individual permittee. The Storm Water Management Program, taken as a whole, shall achieve the "effective prohibition on the discharge of non-storm water" and "MEP" standards from Section 402(p)(3)(B) of the Act.

**A. Storm Water Management Program Requirements.**

1. **Structural Controls and Storm Water Collection System Operation:** The Municipal Separate Storm Sewer System and any storm water structural controls shall be operated in manner to reduce the discharge of pollutants to the Maximum Extent Practicable.
2. **Area of New Development and Significant Redevelopment:** A comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant re-development after construction is completed shall be implemented. The goals of such controls shall be:
  - a. New development - limiting increases in the discharge of pollutants in storm water as a result of development, and
  - b. Re-development - reducing the discharge of pollutants in storm water.
3. **Roadways:** Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.

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4. **Flood Control Projects:** Impacts on receiving water quality shall be assessed for all flood management projects. The feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated.
5. **Pesticide, Herbicide, and Fertilizer Application:** Each permittee shall implement controls to reduce the discharge of pollutants related to the permittee's storage and application of pesticides, herbicides, and fertilizers. Permittees with jurisdiction over lands not directly owned by that entity (e.g. incorporated city with authority over activities occurring anywhere within their city limits) shall also implement programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers.
6. **Illicit Discharges and Improper Disposal:** Non-storm water discharges to the municipal separate storm sewer system shall be effectively prohibited.
  - a. In accordance with 40 CFR 122.26(d)(2)(iv)(B)(1), certain non-storm water discharges to the municipal separate storm sewer system need not be addressed as illicit discharges or improper disposal. The Storm Water Management Program shall identify any non-storm water discharges that the permittee(s) does not prohibit, along with any conditions placed on such non-storm water discharges to the municipal separate storm sewer system. The permittee(s) shall prohibit, on a case-by-case basis, any individual non-storm water discharge (or class of non-storm water discharges) otherwise allowed under this paragraph that is determined to be contributing significant amounts of pollutants to the municipal separate storm sewer system.
  - b. Each permittee shall prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry and wet weather overflows from sanitary sewers into the Municipal Separate Storm Sewer System. Each permittee shall limit the infiltration of seepage from sanitary sewers into the Municipal Separate Storm Sewer System.
  - c. The permittee(s) shall ensure the implementation of a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables control program shall include source controls and, where necessary, structural controls.
  - d. The discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal wastes into separate storm sewers shall be prohibited. The permittee(s) shall ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis.
  - e. A program to locate and eliminate illicit discharges and improper disposal into the Municipal Separate Storm Sewer System shall be implemented. This program shall include dry

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weather screening activities to locate portions of the Municipal Separate Storm Sewer System with suspected illicit discharges and improper disposal. Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors. This program shall establish priorities and schedules for screening the entire Municipal Separate Storm Sewer System at least once per five years. The permittee(s) shall utilize a consistent method (e.g. by land area, by outfall, etc.) for determining the percentage of the municipal separate storm sewer system that has been screened. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the municipality.

- f. Each permittee shall require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within thirty (30) days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the Municipal Separate Storm Sewer System.
  - g. The permittee(s) shall maintain, and update as necessary, a list of discharges to municipal separate storm sewers that has been issued a NPDES permit. The list shall include the name, location and NPDES permit number of the discharger.
7. **Spill Prevention and Response:** A program to prevent, contain, and respond to spills that may discharge into the Municipal Separate Storm Sewer System shall be implemented. The spill response program may include a combination of spill response actions by the permittee(s) (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction.
  8. **Industrial & High Risk Runoff:** A program to identify and control pollutants in storm water discharges to the Municipal Separate Storm Sewer System from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System shall be implemented. The program shall include:
    - a. priorities and procedures for inspections and establishing and implementing control measures for such discharges;
    - b. a monitoring program (Part II.A.11.c.); and
    - c. a list of industrial storm water sources discharging to the Municipal Separate Storm Sewer System shall be maintained and update as necessary.

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9. **Construction Site Runoff:** A program to reduce the discharge of pollutants from construction sites shall be implemented. This program shall include:
  - a. requirements for the use and maintenance of appropriate structural and nonstructural best management practices to reduce pollutants discharged to the Municipal Separate Storm Sewer System during the time construction is underway;
  - b. inspection of construction sites and enforcement of control measures (in accordance with priorities and procedures established in the Storm Water Management Program);
  - c. appropriate education and training measures for construction site operators; and
  - d. notification of appropriate building permit applicants of their potential responsibilities under the NPDES permitting program for construction site runoff.
10. **Public Education:** A public education program with the following elements shall be implemented:
  - a. a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the Municipal Separate Storm Sewer System;
  - b. a program to promote, publicize, and facilitate the proper management and disposal of used motor vehicle fluids and household hazardous wastes.
  - c. a program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors.
11. **Monitoring Programs:** The following monitoring programs shall be implemented in addition to the monitoring required by Part V.:
  - a. **The Dry Weather Screening Program** shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the Municipal Separate Storm Sewer System. All areas of the Municipal Separate Storm Sewer System must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.

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- b. **Wet Weather Screening Program:** The permittee(s) shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System. The wet weather screening program:
- (1) shall screen the Municipal Separate Storm Sewer System, in accordance with the procedures specified in the Storm Water Management Program.
  - (2) shall specify the sampling and non-sampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular discharger is a source of significant quantities of pollutants should conform to the requirements of 40 CFR Part 136.
- c. **The Industrial and High Risk Runoff Monitoring Program** shall include monitoring for pollutants in storm water discharges to the Municipal Separate Storm Sewer System from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System.
- (1) Except as provided in (2) below, the monitoring program shall include the collection of quantitative data on the following constituents:
    - (a) any pollutants limited in an existing NPDES permit for a subject facility;
    - (b) oil and grease;
    - (c) chemical oxygen demand (COD);
    - (d) pH;
    - (e) biochemical oxygen demand, five-day (BOD<sub>5</sub>);
    - (f) total suspended solids (TSS);
    - (g) total phosphorus;
    - (h) total Kjeldahl nitrogen (TKN);
    - (i) nitrate plus nitrite nitrogen; and
    - (j) any information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv).

Data collected by the industrial facility to satisfy the monitoring requirements of an NPDES or State discharge permit may be used to satisfy this requirement. Permittee(s) may require the industrial facility to conduct self-monitoring to satisfy this requirement.
  - (2) **Alternative Certification:** In lieu of monitoring, the permittee may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Where the permittee(s)

accept a "no exposure" certification, the permittee(s) shall conduct at least one site inspection of the facility every five years to verify the "no exposure" exemption.

- B. Area-specific Storm Water Management Program Requirements. Reserved.
- C. Deadlines for Program Implementation. Except as provided in Part III., full implementation of the Storm Water Management Program shall begin within 90 days from the effective date of the permit.
- D. Roles and Responsibilities of Permittee(s). The Storm Water Management Program, together with any attached interagency agreements, shall clearly identify the roles and responsibilities of each permittee.
- E. Legal Authority. Each permittee shall ensure legal authority to control discharges to and from those portions the Municipal Separate Storm Sewer System over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:
  - 1. Control the contribution of pollutants to the Municipal Separate Storm Sewer System by Storm Water Discharges Associated with Industrial Activity and the quality of storm water discharged from sites of industrial activity;
  - 2. Prohibit illicit discharges to the Municipal Separate Storm Sewer System;
  - 3. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the Municipal Separate Storm Sewer System;
  - 4. Control through interagency or interjurisdictional agreements among permittees the contribution of pollutants from one portion of the Municipal Separate Storm Sewer System to another;
  - 5. Require compliance with conditions in ordinances, permits, contracts or orders; and
  - 6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.
- F. Storm Water Management Program Resources. Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the Storm Water Management Program.
- G. Storm Water Management Program Review and Update.
  - 1. Storm Water Management Program Review: Each permittee shall participate in an annual review of the current Storm Water Management Program in conjunction with preparation of the annual report required under Part V.C.
  - 2. Storm Water Management Program Update: The permittee(s) may change the Storm Water Management Program during the life of the permit in accordance with the following procedures:
    - a. The approved Storm Water Management Program shall not be changed by the permittee(s) without the approval of the Director, unless in accordance with Parts II.0.2.b. and 2.c.

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- b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made by the permittee(s) at any time upon written notification to the Director.
  - c. Changes replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Director, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal of the request. Such requests shall include the following:
    - (1) an analysis of why the BMP is ineffective or infeasible (including cost prohibitive),
    - (2) expectations on the effectiveness of the replacement BMP, and
    - (3) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
  - d. Changes resulting from schedules contained in Part III. may be requested following completion of an interim task or final deadline. Unless denied by the Director, proposed changes meeting the criteria contained in the applicable Part III schedule shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal date.
  - e. Change requests and/or notifications shall be made in writing, signed in accordance with Part VI.H. by all directly affected permittees, and include a certification that all permittees were given an opportunity to comment on proposed changes.
3. Updates Required by the Permitting Authority: The permitting authority may require changes to the Storm Water Management Program as needed to:
- a. address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;
  - b. include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or
  - c. include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Act.

Changes requested by the Director shall be made in writing, set forth the time schedule for the permittee(s) to develop the changes, and offer the permittee(s) the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Director shall be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.

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4. Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation: The permittee(s) shall implement the Storm Water Management Program on all new areas added to their portion of the municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

Prior to land annexation, the permittee(s) shall include a schedule for extending the Storm Water Management Program to the annexed areas in the Storm Water Management Program. At least 30 days prior to transfer of operational authority or responsibility for Storm Water Management Program implementation, all parties shall prepare a schedule for transfer of responsibility for Storm Water Management Program implementation on the affected portions of the Municipal Separate Storm Sewer System.

5. Retention of Storm Water Management Program Records. The permittee shall retain the Storm Water Management Program developed in accordance with Parts II. and III. for at least 3 years after coverage under this permit terminates.

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**PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE**

The Permittee(s) shall comply with the following schedules for Storm Water Management Program Implementation and augmentation, and permit compliance.

**A. Implementation and Augmentation of Storm Water Management Program(s)**

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	DATE DUE/FREQUENCY
1. New & Re-Development	a. Adoption of the Storm water Management Criteria Manual or another construction storm water runoff control program.	January 1, 1995
	b. Implementation of the Stormwater Management Criteria or another construction storm water runoff control program.	February 1, 1995
2. Household Hazardous Waste	a. Provide summary of evaluation and assessment of results from various collection/recycling/safe disposal program options, including those currently underway, to determine the most applicable program for long term use which meets criteria specified in b. below.	July 1, 1996
	b. Develop collection/recycling/safe disposal program which includes periodic collection events and should ensure a publicly available drop off location(s) that provides for occasional long weekday hours, or weekend operations.	August 1, 1996
	c. Implement collection/recycling/safe disposal program.	August 1, 1997

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STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	DATE DUE/FREQUENCY
3. Floatables	a. Implement public education program.	January 1, 1995
	b. Install two floatable monitoring locations.	May 1, 1995
	c. Complete study for targeting of structural controls and develop schedule for implementation.	May 1, 1996
4. Illicit Discharges and Improper Disposal	a. Implement public education program.	January 1, 1995
	b. Complete dry weather screening of 20% of MS4.	June 1, 1995
	c. Complete dry weather screening of 40% (cumulative) of MS4	June 1, 1996
	d. Complete dry weather screening of 60% (cumulative) of MS4	June 1, 1997
	e. Complete dry weather screening of 80% (cumulative) of MS4	June 1, 1998
	f. Complete dry weather screening of 100% (cumulative) of MS4	June 1, 1999
5. Legal Authority	a. Adopt comprehensive Storm Water Ordinance	July 1, 1996
6. Wet Weather Screening Program	a. Update SWMP to include wet weather screening program.	July 1, 1995
	b. Complete wet weather screening of 50% of MS4.	July 1, 1997
	c. Complete wet weather screening of 100% (cumulative) of MS4.	July 1, 1999

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STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	DATE DUE/FREQUENCY
7. Flood Control Projects	a. Complete evaluation of existing flood control structures for feasible water quality retrofit projects.	October 1, 1998
	b. Complete schedule for proposed water quality retrofits to existing flood control structures.	November 1, 1998
8. Industrial and High Risk	a. Develop program to identify, monitor, and control pollutants from targeted facilities	July 1, 1995
	b. Implement program	July 1, 1996
9. Pesticide, Herbicide, and Fertilizer Application	a. Implement annual training/education on pesticide and fertilizer management techniques.	January 1, 1995
	b. Establish requirement for commercial pesticide applicators to be licensed under the Oklahoma Pesticide Applicators Law.	April 1, 1995

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- B. Compliance with effluent limitations. Reserved.
- C. Reporting compliance with schedules. No later than 14 days following a date for a specific action (interim milestone or final deadline) identified in the above schedule(s), the permittee(s) shall submit a written notice of compliance or noncompliance to the Director in accordance with Parts V.E.
- D. Updating Storm Water Management Program. The permittee(s) shall update the Storm Water Management Program(s), as appropriate, in response to changes required by Part III.A. Such updates shall be made in accordance with Part II.G.2.

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NPDES Permit No. OK5000301  
PART IV. DISCHARGE LIMITATIONS.

Page 1 of Part IV

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**PART V. MONITORING AND REPORTING REQUIREMENTS.**

**A. Storm Event Discharges.**

1. **Representative Monitoring:** Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System.
  - a. **Monitoring Requirements:** Refer to Table(s) V.A.1.a(1).
  - b. **Outfall Descriptions:** Refer to Table V.A.1.b.
  - c. **Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Director, use of an alternate monitoring location (except for outfalls with numeric effluent limitations) may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, the permit must be modified prior to substitution of alternate monitoring locations. Six samples shall be collected during the first year of monitoring at substitute outfalls.**

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Table V.A.1.a.(1) - Representative Monitoring Requirements: Outfalls 001, 002, 003, 004, & 005

PARAMETERS	REPORT FOR EACH MONITORING PERIOD (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY <sup>1</sup>
	Minimum	Average	Maximum	Grab	Composite	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) (mg/l)		Yes	Yes		Yes	1/season <sup>2</sup>
Chemical Oxygen Demand (COD) (mg/l)		Yes	Yes		Yes	1/season
Oil and Grease (mg/l)		Yes	Yes	Yes		1/season
Total Suspended Solids (TSS) (mg/l)		Yes	Yes		Yes	1/season
Total Dissolved Solids (TDS) (mg/l)		Yes	Yes		Yes	1/season
Total Nitrogen (mg/l)		Yes	Yes		Yes	1/season
Total Kjeldahl Nitrogen (TKN) (mg/l)		Yes	Yes		Yes	1/season
Total Phosphorus (mg/l)		Yes	Yes		Yes	1/season
Dissolved Phosphorus (mg/l)		Yes	Yes		Yes	1/season
Total Cadmium (ug/l)		Yes	Yes		Yes	1/season
Total Copper (ug/l)		Yes	Yes		Yes	1/season
Total Lead (ug/l)		Yes	Yes		Yes	1/season
Total Zinc (ug/l)		Yes	Yes		Yes	1/season
Fecal Coliform (colonies/100 ml)		Yes	Yes	Yes		1/season
pH (S.U.)	Yes		Yes	Yes		1/season
Hardness (as CaCO <sub>3</sub> ) (mg/l)	Yes	Yes	Yes	Yes		1/season
Temperature (°C)	Yes	Yes	Yes	Yes		1/season

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MONITORING FREQUENCY	SAMPLE TYPE(S)	REPORT FOR EACH MONITORING PERIOD (each sample type)			PARAMETERS	
		Maximum	Average	Minimum	Diazinon (ug/l)	Total Phenol (mg/l)
1/season	Composite	Yes	Yes	Yes		
1/season		Yes	Yes	Yes		

Monitoring frequency for each year unless monitoring under Alternative Disassessment Option (see Part V.A.2.)  
 Seasonal monitoring periods are: July - October, November - February, and March - June.  
 Total phenol shall be monitored only at outfall 002.

Table V.A.1.b - Representative Monitoring Outfall Descriptions

OUTFALL	LOCATION	DESCRIPTION	RESPONSIBLE PERMITTEE
001	2400 26th Street East, 200 feet west of Lewis Avenue and 5 ft south of 26th Street	100% old residential, drains 39.3 acres	City of Tulsa
002	11th Street (Southwest Blvd.), on the east bank of the Arkansas River, 50 ft north of the old 11th St. Bridge	Old commercial area, drains approximately 16.7 acres	City of Tulsa
003	71st Street East @ Joe Creek, 50 ft. south of 71st Street on the west bank of Joe Creek	100% New Commercial, drains 15.1 acres	City of Tulsa
004	54th Street East @ Mingo Creek, on the west bank of Mingo Creek at the end of 54th Street	100% Industrial, drains 25.0 acres	City of Tulsa
005	9717 58th Street East, directly north of 9717 E. 58th Street on the south bank of Mingo Creek	100% Industrial, drains 23.0 acres	City of Tulsa

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2. **Representative Monitoring - Rapid Bioassessment Option:** The permittee(s) has the option of developing and implementing a rapid bioassessment monitoring program.
- a. The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies (e.g. State Fish and Game Commission).
  - b. Permittee(s) utilizing the rapid bioassessment monitoring option shall conduct monitoring of the separate storm sewer system as described in Part V.A.1., except the monitoring for years 2, 3, and 5 are no longer required. All other requirements of Part V.A.1., A.3., and A.4. (e.g.: samples types, parameters,...) remain unchanged.
  - c. If the permittee(s) elects to develop and implement a rapid bioassessment monitoring program, the permittee(s) shall submit an approvable monitoring program to EPA no later than one year from the effective date of this permit. An approvable program must include:
    - (1) monitoring of at least two waterbodies receiving storm water discharges from the municipal separate storm sewer system plus a reference site located within the same ecological region as the municipal separate storm sewer system;
    - (2) monitoring of each station at least twice per year, with monitoring conducted at essentially the same time periods each year; and
    - (3) concurrent (e.g. within a day or two) monitoring of the reference site each time a station located in the receiving waters of the municipal separate storm sewer system is monitored.
  - d. Unless disapproved by the Director within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittee(s) may implement the alternate rapid bioassessment program.
3. **Storm Event Data:** For Part V.A.1. and any additional sampling conducted for Part V.A.6., quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.
4. **Sample Type, Collection, and Analysis:** The following requirements apply only to samples collected for Part V.A.1 and any additional sampling conducted for Part V.A.6.

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- a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken.
- b. Grab samples taken within the first two hours of discharge shall be used for the analysis (if required) of pH, temperature, cyanide, oil & grease, fecal coliform, fecal streptococcus, total phenols, residual chlorine, and (at the permittee's option) volatile organics. For all other parameters, data shall be reported for flow weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.
- c. Samples shall be collected from the discharge resulting from a representative storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.  
  
The required 72 hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge. The required 72 hour storm event interval may also be waived where the permittee(s) documents that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.
- d. Analysis and collection of samples shall be done in accordance the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit.
- 5. **Seasonal Loadings and Event Mean Concentrations.** All necessary sampling data shall be collected to provide estimates for each major outfall of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in Table V.A.1.a.(1) - Representative Monitoring Requirements. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations shall be included in the Annual Report for year four of the permit.

**B. Floatables Monitoring.**

Shall establish two monitoring locations for removal of floatable material in discharges to or from the Municipal Separate Storm Sewer System. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less that twice per year. The amount of material collected shall be estimated in cubic yards.

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**C. Annual Report.** Each permittee shall contribute to the preparation of an annual system-wide report to be submitted by no later than October 15, 1995, and annually thereafter by October 15th in accordance with this permit. The report shall cover the previous year from July 1 to June 30 (with first annual report period beginning on the effective date of the permit) and include the following separate sections, with an overview for the entire Municipal Separate Storm Sewer System and subsections for each permittee:

1. The status of implementing the storm water management program(s) (status of compliance with any schedules established under this permit shall be included in this section);
2. Proposed changes to the storm water management program(s) ;
3. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26(d)(2)(iv) and (d)(2)(v);
4. A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
5. Annual expenditures for the reporting period, with a breakdown for the major elements of the storm water management program, and the budget for the year following each annual report;
6. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
7. Identification of water quality improvements or degradation.

Preparation and submittal of a system-wide annual report shall be coordinated by the city of Tulsa. The report shall indicate which, if any, permittees have failed to provide required information on the portions of the Municipal Separate Storm Sewer System for which they are responsible to the core municipality by 45 days prior to the report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report. Each individual permittee shall be individually responsible for content of the report relating to the portions of the Municipal Separate Storm Sewer System for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part VI.H. and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been appraised of the content of the Annual Report.

**D. Certification and Signature of Reports.** All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part VI.H.

**E. Reporting: Where and When to Submit.**

1. Representative monitoring results (Part V.A.1) obtained during the reporting period running from July 1 to June 30 shall be submitted on Discharge Monitoring Report Form(s) no later than the due date for the annual report required by Part V.C.. The Discharge Monitoring Reports should be submitted along with the Annual Report. A separate Discharge Monitoring Report Form is required for each monitoring period (e.g. season) specified in Part V.A.1.

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2. Signed copies of discharge monitoring reports required under Part V., the Annual Report required by Part V.C., and all other reports required herein, shall be submitted to:

U.S. EPA, Region 6  
Water Management Division  
Enforcement Branch (6W-EA)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

3. Requests for Storm Water Management Program updates, changes in monitoring locations, or application for an individual permit shall be submitted to:

U.S. EPA, Region 6  
Water Management Division (6W-PN)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

4. Additional Notification. In addition, the permittee(s) shall provide copies of discharge monitoring reports, annual reports, requests for Storm Water Management Program updates or changes in monitoring locations, and all other reports required herein, to:

Program Manager  
Oklahoma Department of Environmental  
Quality  
Water Quality Program  
1000 N.E. 10th Street, WQS 0207  
Oklahoma City, OK 73117-1212

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**PART VI. STANDARD PERMIT CONDITIONS.**

- A. Duty to Comply.** The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- B. Penalties for Violations of Permit Conditions.**
1. **Criminal Penalties.**
    - a. **Negligent Violations:** The Act provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
    - b. **Knowing Violations:** The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
    - c. **Knowing Endangerment:** The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.
    - d. **False Statement:** The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309(c)(4) of the Act).
  2. **Civil Penalties.** The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.
  3. **Administrative Penalties.** The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:
    - a. **Class I penalty:** Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$25,000.

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- b. **Class II penalty:** Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.
- c. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR 122.6 and any subsequent amendments.
- d. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- e. **Duty to Mitigate.** The permittee(s) shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- f. **Duty to Provide Information.** The permittee(s) shall furnish to the Director, within a time specified by the Director, any information which the Director may request to determine compliance with this permit. The permittee(s) shall also furnish to the Director upon request copies of records required to be kept by this permit.
- g. **Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Director, he or she shall promptly submit such facts or information.
- h. **Signatory Requirements.** All Discharge Monitoring Reports, storm water management programs, reports, certifications or information either submitted to the Director or that this permit requires be maintained by the permittee(s), shall be signed by:
  - 1. for a municipality, State, or other public agency: by either a principal executive officer or ranking elected official; or
  - 2. a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director.
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
    - c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written authorization satisfying the requirements of this paragraph must be submitted to the Director prior to or together with

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any reports, information, or applications to be signed by an authorized representative.

3. **Certification:** Any person signing documents under this section shall make the following certification: "I certify 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 manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- I. **Penalties for Falsification of Monitoring Systems.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the Act.
- J. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act or section 106 of CERCLA.
- K. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- M. **Requiring a Separate Permit.**
1. The Director may require any co-permittee authorized by this permit to obtain a separate NPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any co-permittee authorized to discharge under this permit to apply for a separate NPDES permit only if the co-permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the co-permittee to file the application, and a statement that on the effective date of the separate NPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shown in Part V.E. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner a separate NPDES permit application as required by the Director, then the applicability of this permit to the co-permittee is automatically terminated at the end of the day specified for application submittal.

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2. Any co-permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an separate permit. The co-permittee shall submit a separate application as specified by 40 CFR 122.26(d) with reasons supporting the request to the Director. Separate permit applications shall be submitted to the address shown in Part V.E. The request may be granted by the issuance of a separate permit if the reasons cited by the co-permittee are adequate to support the request.

**N. State/Environmental Laws.**

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

- O. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water management programs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

**P. Monitoring and Records.**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The time(s) analyses were initiated;
  - e. The initials or name(s) of the individual(s) who performed the analyses;
  - f. References and written procedures, when available, for the

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analytical techniques or methods used; and

- g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- Q. Monitoring Methods. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- R. Inspection and Entry. The permittee shall allow the Director or an authorized representative of EPA, or the State, upon the presentation of credentials and other documents as may be required by law, to:
  1. Enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
  2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance or parameters at any location.
- S. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- T. Additional Monitoring by the permittee. If the permittee monitor more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

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**PART VII. PERMIT MODIFICATION.**

- A. Modification of the Permit. The permit may be reopened and modified during the life of the permit to address:
1. changes in the State's Water Quality Management Plan, including Water Quality Standards;
  2. changes in State or Federal statutes or regulations;
  3. add a new permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System;
  4. changes in portions of the Storm Water Management Program that are considered permit conditions; or
  5. other modifications deemed necessary by the Director to meet the requirements of the Clean Water Act.

All modification to the permit will be made in accordance with 40 CFR 122.62, 122.63, and 124.5.

- B. Termination of Coverage for a Single Permittee. Permit coverage may be terminated, in accordance with the provisions of 40 CFR 122.64 and 124.5, for a single permittee without terminating coverage for other permittees.
- C. Modification of Storm Water Management Program(s). Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the Storm Water Management Program (as described in Part II.G.2.b. and 2.c.) and not modifications to the permit.
- D. Changes in Monitoring Outfalls. Changes in monitoring outfalls, other than those with specific numeric effluent limitations (as described in Part V.A.1.c.), shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

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## PART VIII. DEFINITIONS.

All definition contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

- A. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- B. "CWA" or "The Act" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.
- C. "Co-permittee" is defined at 40 CFR 122.26(b)(1).
- D. "Core Municipality" means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).
- E. "Director" means the Regional Administrator or an authorized representative.
- F. "Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (Municipal Separate Storm Sewer System).
- G. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
- H. "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- I. "Illicit discharge" is defined at 40 CFR 122.26(b)(2).
- J. "Individual Residence" refers, for the purposes of this permit, to single or multi-family residences. (e.g. single family homes and duplexes, townhomes, apartments, etc.)
- K. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
- L. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
- M. "Large or medium municipal separate storm sewer system" is defined at 40 CFR 122.26(b)(4) & (7).
- N. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by CWA 5402(p).
- O. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is

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used to refer to either a Large or Medium Municipal Separate Storm Sewer System (e.g. "the Dallas MS4").

- P. "Municipal Separate Storm Sewer" is defined at 40 CFR 122.26(b)(8).
- Q. "Part #." refers, unless otherwise indicated, to Part "#" of this permit (e.g. Part V.E.2.).
- R. "Permittee" refers to any "person," as defined at 40 CFR 122.2, authorized by this NPDES permit to discharge to Waters of the United States.
- S. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- T. "Storm sewer", unless otherwise indicated, refers to a municipal separate storm sewer.
- U. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- V. "Storm Water Discharge Associated with Industrial Activity" is defined at 40 CFR 122.26(b)(14).
- W. "Storm Water Management Program" refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this permit, the Storm Water Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- X. "SWMP" is an acronym for "Storm Water Management Program."
- Y. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
- Z. "Waters of the United States" is defined at 40 CFR 122.2.

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CITY OF

# Glendale CALIFORNIA

633 E. Broadway, Room 205, Glendale, CA 91206-4388

(818) 548-3945  
FAX (818) 242-7087

Public Works  
Division  
ENGINEERING  
SECTION

January 25, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RECEIVED  
LOS ANGELES REGION  
JAN 25 1996

Subject: Comments on the Draft Permit

Dear Mr. Ghirelli:

This letter is in response to your staff's memo requesting comments on the NPDES draft permit dated December 18, 1995. Some of the following comments/concerns may have been included in our last letter regarding the September 15, 1995 draft. We are resubmitting them because the new draft did not address these concerns.

First, we would like to express our full support to the letter dated January 24, 1996 from the Executive Advisory Committee (EAC) to you regarding the subject draft. In addition, please find our comments/concerns below:

1. In general, the draft permit is too lengthy, too complex and cumbersome. The details and extensive requirements both in the development of the program and reporting phases would make it very difficult to implement. Some detailed requirements could instead be included in the Watershed Management Plan. The permit should be simple, clear and concise.
2. Compliance dates and deadlines are not realistically achievable. In addition, deadline sequences are inappropriate, which could affect the effectiveness of the program (e.g. outreach efforts to inform industries need to be implemented before inspections.)
3. There are too many programs that are "to be developed in the future". This is far too open-ended with unknown requirements imposed in the future.



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4. The requirement of pilot and scientific studies to support every requested change in the program is unrealistic. Since much of the requirements in this permit are based upon "probable likely impact" without strong scientific back-up, changes that may result in a more efficient program should also be based upon "probable likely benefit".
5. The phrase "exceedances of receiving water limits" in section B-II on page 14, is directly contradictory with the Boards expressed desire of not having numerical limitations. Any reliance on, or mention of, numerical limits could result in the permittees being in violation immediately upon issuance of the permit.
6. The budget requirements (pages 23, 24) are excessive and too detailed.
7. The requirement of having Joint Powers and inter-jurisdictional agreements should be removed from required legal authority. Instead, working relationships should be developed through watershed committees.
8. The statements on pages 26 and 84 requiring city attorneys to sign under penalty of perjury should be eliminated. Our City Attorney cannot be personally liable nor will he wave his immunity.
9. The administrative review process (page 26) should state that the permittees are not in violation until the review process is completed.
10. Under "Conditionally Exempted Discharges" II.C.2.i. (page 33), other discharges, such as commercial roof drains, should also be included.
11. The development of a BMP check list for specific SIC groups cannot be completed by the July 1996 deadline.
12. The numerical ranking within the "high", "medium" and "low" groups is not feasible on a large scale where many different groups and personnel are involved. In addition, ranking will be subject to yearly change as results of monitoring detect fluctuations in the levels of pollutants. Section B-2 on page 37 should be eliminated entirely.
13. There are several requirements that would require permittees to perform work that should be the responsibility of the Regional Board. Inspecting industrial facilities that require NPDES General Industrial permits is one example. Cities should not be responsible for assisting the state in enforcing its requirements.

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14. The draft permit, as proposed, requires cities to identify, prioritize, and inspect industrial facilities that require NPDES General Industrial permits. But these industries are already subject to inspections by the Regional Board.
15. The "enhanced" inspection program (page 41) is not much different from the inspection program on page 39. Therefore, it should be deleted.
16. It is not clear if cities have the authority to inspect facilities that are operating in compliance without a search warrant or just cause.
17. An arbitrary number of critical sources have been selected for monitoring without supporting data (page 76). The principal permittee and concerned cities should be allowed the discretion to determine the number, location and parameters to be tested as part of a comprehensive program.
18. The requirement to demonstrate that adopted BMPs and other actions are effective to the maximum extent practicable (page 82) is not achievable.

We appreciate the opportunity to comment on the draft permit. Again, we urge the CRWQCB to take into consideration the limited resources cities have available and the need for the permit to be as simple, clear and concise as possible.

Very Truly Yours,

  
Marcelino M. Martinez  
Acting City Engineer

CC: Donald L. Wolfe, EAC Chairman

RL/Lmd/BNQCB

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CITY OF

# Glendale CALIFORNIA

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141 North Glendale Ave., 4th Level, Glendale, CA 91206-4496

(818) 548-2107

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Public Service  
Division  
WATER - LIGHT  
POWER

May 1, 1996

Catherine Tyrell  
Assistant Executive Officer  
Surface Water Programs  
California Regional Water Quality Control Board  
Los Angeles,  
101 Centre Plaza Drive  
Monterey, CA 91754

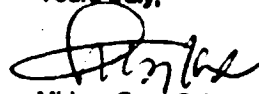
Subject: NPDES Permit Revision

Dear Ms. Tyrell:

As you are aware, the proposed State Permit for dischargers of water from underground vault and water maintenance activities is currently on hold and as discussed with Mr. Xavier Swamikannu of your office, there is probability that it will be abandoned because of conflicts. The water agencies have been advised to look into their municipal storm water permit to determine that water operations and maintenance activities are covered. At present, the City of Glendale is a co-permittee of the National Pollution Discharge Elimination System (NPDES) Permit Number CA0061654, which is currently being revised. A draft copy of the permit dated December 18, 1995, Page 32, mentions that some non-storm water discharges either need not be prohibited or conditionally exempted. These include landscape irrigation, water line flushing, irrigation water and residential swimming pool discharges, to name a few. Potable and reclaimed water discharges from operation and maintenance activities are similar to the exempted discharges and we would like to request that they be included in the permitted discharges in the new NPDES permit. This will eliminate the need for a new permit and confusion.

We appreciate your consideration of this matter. If you have any questions, please call me at 818-548-3966.

Yours truly,



Miriam Caro Sykes  
Water Quality Specialist

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cc: Farid Hentabli, Public Works

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PRINTED ON RECYCLED PAPER



**CITY OF GLENDORA** CITY HALL

(818) 914-8200

116 EAST FOOTHILL BLVD. GLENDORA, CALIFORNIA 91741

January 29, 1996

Mr. Robert Ghirelli, Executive Officer  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, Ca. 91754-2158

Dear Mr. Ghirelli:

Please accept this letter as the City of Glendora's written endorsement of the Executive Advisory Committee's Comments regarding the December 18, 1995 Draft NPDES Permit (copy of comments attached). As stated by Don Wolfe in his January 24, 1996 letter, Glendora is among the cities within Los Angeles County that are "environmentally conscious and desirous of implementing and enforcing the provisions of the Clean Water Act." However, the current draft of the Permit is not conducive to the efficient use of our limited resources to accomplish the Act's goals. We will have serious problems trying to comply with the overwhelming scope and complexity of the present draft permit.

Tasks that involve adjustment of existing procedures to become more sensitive toward preventing polluted runoff are logical, but the creation of new bureaucracy with broad tasks that require new staff and new resources are a fantasy in today's fiscal environment.

If you have any questions regarding this letter, please call Mr. Brad Miller or myself at (818) 914-8246.

Sincerely,

Richard Cantwell  
City Engineer/Public Works Director

PRIDE OF THE FOOTHILLS

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Major items of concern regarding the December 18 Draft Permit, as identified by the Executive Advisory Committee.

a) **GENERAL**

1. Unknown requirements to be imposed in the future
  - Many programs in the Countywide Program/Watershed Management Plan are "to be developed" with unknown requirements imposed in the future.
  - Too many levels of plans could impose undue requirements on the Permittees.
2. The Permit is too lengthy and complex.
  - Detailed requirements belong in the Watershed Management Plan, not in the Permit.
3. The Permit exceeds Clean Water Act authority.
4. The Permit should clearly state that the Permittee should only be required to meet the requirements of the Permit. If the Permit does not meet all requirements of the Clean Water Act, Permittees should not be held accountable.
5. The outline headings sequence should be consistent throughout the Permit.
6. Compliance dates are not realistic.
  - The Permit should use periods of time after Permit adoption, instead of dates, for completion
  - Too short
  - Inappropriate deadline sequences which could impact action effectiveness, e.g., inspection before outreach to inform industries
7. Permit demonstrates lack of understanding for local government decision-making and budgeting process.

b) **FINDINGS**

1. Findings should be limited to those relevant to stormwater quality enhancement.
2. Some information presented as factual is not correct.
3. No. 20 (page 5), "other entities," should be clearly identified and included as Co-Permittees

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4. Findings should not give any implication of wrong doing by any agency.
5. Findings should not be self serving or biased.
6. Findings should not repeat what is contained in the requirements.
7. Pollutants of Concern are not adequately identified and referenced.
8. Major land areas are exempted from the Permit which may have significant discharge/runoff
  - Universities, State, and Federal Hospitals
  - School Districts
  - State and Federal facilities and lands

c) DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS SECTION

Receiving water limits

- Unachievable  
Permittees will be in violation immediately upon issuance of the Permit
- Water quality objectives should be goals and not compliance standards
- Compliance of permit should not be related to exceeding any water quality objectives, but should only be evaluated based on implementation of programs

d) REQUIREMENTS FOR PROGRAM MANAGEMENT SECTION

1. Budget requirements are too detailed.
2. Makeup of Executive Advisory Committee
  - Members should be limited to permittees
  - Mandating members are not acceptable
  - Permittees should determine membership on Executive Advisory Committee
3. The Program Substitution requirements (page 26) are too burdensome on individual Permittees.
4. The appeal process is not acceptable.
  - Administrative review process (page 26) should state that the Permittees are not in violation until the review process is completed.

5. The time period given to Board staff to respond to submittals from Permittees is too long.
6. The time needed for the Board staff to review submittals should be included in the time allowed for plan implementation.
7. Joint powers/inter-jurisdictional agreements (page 25) requirement are not achievable by Permittees.

e) REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES SECTION

Exempted Nonstormwater Discharges

- Other discharges, such as commercial roof drains, should be included.

f) REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES SECTION

Industrial/Commercial Inspections

- How priorities are established that target certain industrial activities for inspection are not clear.
- The "Enhanced" Inspection Program (page 41) is not much different from the inspection program on page 39, therefore, it should be deleted.
- The Permit should allow for the public outreach program to inform industries to be implemented prior to beginning inspections.

g) REQUIREMENTS FOR DEVELOPMENT PLANNING/CONSTRUCTION SECTION

- The Director of Public Works' discretion on limited priority projects requires more definition.
- Post-development runoff requirement is not achievable.
- Changes to the California Environmental Quality Act requirements should be limited to addressing stormwater pollution and not watershed management or other water quality concerns.
- Do not lump planning and construction together because they have separate requirements.
- Need to provide a correlation between types of construction projects to pollutants of concern.

h) REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION SECTION

Public education and the development of Stormwater Management Plans do not include public participation.

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i) REQUIREMENTS FOR MONITORING PROGRAM SECTION

1. Co-Permittee Water Quality Monitoring
  - An arbitrary number of critical sources have been selected for monitoring by other than the Principal Permittee without data to support the need for them.
2. There is no relationship between Water Quality Monitoring and the Stormwater Management Plans. Monitoring results should be used to refine plans.

j) PROGRAM EVALUATION AND REPORTING SECTION

1. Best Management Practice Effectiveness
  - Pilot studies cannot be undertaken for every best management practice in the Permit.
2. Requirement (page 82) to demonstrate Maximum Extent Practical standard for best management practices is not achievable.
3. Delete performance standards development requirements (page 87).

k) ADDITIONAL PROVISIONS

Certification requirements by Principal Executive Officer (page 90) for reporting are not practical

l) GLOSSARY OF TERMS

Needs to be expanded

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OF 63



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3885

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January 30, 1996

QUALITY CONTROL DIVISION  
LOS ANGELES REGION  
55 FEB -1 PM 1:37

Ms. Catherine Tyrrell  
Assistant Executive Officer  
Storm Water Programs  
Los Angeles Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

**Subject:** Comments Regarding December 18, 1995 Draft NPDES Municipal Permit (NPDES No. CAS0061654)

Dear Ms. Tyrrell:

The City of Hermosa Beach is in receipt of your letter dated December 18, 1995 and the draft Los Angeles County Storm Water Permit. We have reviewed the permit and attached are our comments for your consideration. We have also reviewed comments and suggestions submitted by the Executive Advisory Committee (EAC) and the cities of Long Beach, La Verne, Azusa, and Alhambra. Please consider them to be the comments of the City of Hermosa Beach as well. We ask that you incorporate all the letters and comments into the administrative record of the Permit. In addition, comments provided by our legal council, Richard, Watson & Gershon, should be incorporated as part of our response.

The City of Hermosa Beach is committed to implement a reasonable storm water pollution prevention program. We believe that our current program works for a small residential community. The permit in its current format will not work. It contains provisions that are unclear, contradictory, confusing, and excessive. Beyond this, the draft permit contains findings that have little or no bearing on storm water problems.

A specific watershed storm water management program in lieu of the permit, such as the City of Hermosa Beach's plan, is preferable. However, the permit delays development of the county-wide and watershed storm water management program to the future.

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The other major problem is that the draft permit denies small city representation and participation on the Executive Advisory Committee. As a serious consequence, small cities such as Hermosa Beach would have little or no opportunity to influence decisions regarding such things as the development of the storm water public education/information program (to which all cities must contribute a "fair share").

We hope that our comments will prove useful to you. If you have any questions or require additional information, I can be contacted at (310) 318-0211.

Sincerely,

*Amy Amirani*

Amy Amirani  
Director of Public Works

**Attachment**

cc: Stephen R. Burrell, City Manager  
Michael Jenkins, City Attorney  
Dr. Robert Ghirelli, California Regional Water Quality Control Board  
Donald L. Wolfe, Deputy Director, Department of Public Works,  
County of Los Angeles

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**Comments on the Draft December 18, NPDES Stormwater Permit.**

The State Water Board has requested that all comments on the Draft Permit be returned to them by January 29, 1996. Please review the following and return to us along with your comments, if any. If you include several blank sheets of letterhead, we will transfer the comments to your letterhead and return to you for your signature.

**1** The permit is too long and too cumbersome. Foundational type work should be implemented at this time, detailed implementation should wait until the watershed management area plans are completed.

A suggestion to help reduce confusion by individual permittees is to place all Principle Permittee requirements in a single section.

**2** There are too many programs that are to be developed in the future. This is far too open-ended, with, unknown requirements or consequences.

**3** The EAC membership should be determined by the watershed.

**4** The requirement of pilot and scientific studies to support every requested change in the program is unrealistic. Since much of the requirements in this permit are based upon "probable likely impact" (of BMPs and industrial operations) without strong scientific back-up. Changes that may result in a more efficient program should also be based upon "probable likely benefit".

**5** The phrase "exceedances of receiving water limits" in section B-11 on page 14, is directly contradictory with the Boards expressed desire of not having numerical limitations. Any reliance on, or mention of, numerical limits could result in the permittees being in violation immediately upon issuance of the permit.

**6** The budget reporting requirements are excessive. Since essentially no equipment, staff or other facilities are exclusively used for stormwater purposes, any budget reports will be subject to a wide interpretation (ie: 88 cities may use 88 different criteria making consistency impossible). Permittees that use a criteria that results in "low end" reporting could be inviting lawsuits. A simple reporting requirement should be used.

Suggested language for section G 1 & 2 (page 23-4) is:

The budget summary shall include at a minimum:

- (1) Capital expenditures for and listing of equipment used exclusively for control of pollutants in stormwater runoff,
- (2) staff and consultant expenditures exclusively dedicated to the control of pollutants in stormwater runoff,
- (3) an estimate of the

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number of personnel fully or partially involved in stormwater control listed by one of three categories.

Administrative  
Engineering/Technical  
Support

Hours spent and specific duties do not need to be listed.

- 7** The Legal authority requirements (section H-1-d) should be amended to include:  
"if Federal, State or County ordinances already control specific aspects of stormwater discharges, then the local municipalities need not adopt redundant ordinances"
- 8** The requirement of having Joint Powers and interjurisdictional agreements should be removed from required legal authority. Instead, working relationships should be developed through the Watershed committees.
- 9** The statement on page 26 requiring that the City Attorneys sign under penalty of perjury should be eliminated.
- 10** The Administrative review section (j) needs to be restored to the previous wording so that municipalities are considered in compliance until after an administrated review process in completed.
- 11** Sections 1, 2 and 3 on pages 35 and 36 require that a database be developed using a specific format. Some permittees already have a format developed. This may not be compatible with an as of yet unknown format. Some flexibility must be available to avoid costly re-entering of data.
- 12** The numerical ranking within the "high", "medium" and "low" groups is not feasible on a large scale where many different groups and personnel are involved. In addition, ranking will be subject to yearly change as results of monitoring detect fluctuations in the levels of pollutants. Section B-2 on page 37 should be eliminated entirely.
- 13** The development of a BMP check list for specific SIC groups can not be completed by the July 1996 deadline.
- 14** The "enhanced" inspection, section should be dropped entirely. This may give the impression that the first series of inspections can be less than optimum. Inspections should be real inspections. (This is not to prevent courtesy or public outreach inspections if desired.)

15 There is confusion as to what type of enforcement action should be taken if a phase I facility or a 5+ acre construction site with an NOI has a violation. Should the permittee take corrective action, or should it be referred to the Board. The agency with the enforcement responsibility should be made absolutely clear in the permit to avoid confusion.

16 It is not clear if municipalities, or the principle permittee, has the authority to inspect facilities that are operating (as far as known) in compliance without a search warrant or just cause.

17 Hospitals, school districts, State and Federal lands which are listed as exempt should not be exempted, otherwise permittees may be in violation from sites that they have no jurisdiction or control over.

18 The selection of 100 monitoring stations (and additional monitoring for cities with populations >100,000) appears to be a number selected at random and not as a part of an overall pollution monitoring strategy. The principle permittee (and noted cities) should be allowed the discretion to determine the number and location and parameters to be tested as part of a comprehensive program.

19 The "analysis of the residents and businesses" (pg 65 -3) is unclear as to the scope, goals and methodology. This may be more cost effectively performed on a county wide basis.

misc.:

Page 1, 'the Findings - - -' The word bases is used twice in the first paragraph. The correct word is basis.

Both High Priority and Priority projects on page 43 contain the parameter of a 25% slope. This should only apply to one or the other.

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# CITY OF INDUSTRY

Incorporated June 18, 1957

January 29, 1996

56 JUN 20 PM 4:00  
REGIONAL WATER CONTROL BOARD  
LOS ANGELES REGION

Catherine Tyrrell, Assistant Executive Director  
California Water Quality Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject : December 18, 1995 Draft Municipal NPDES Permit Comments

Dear Ms. Tyrrell:

The following comments are in response to the latest draft permit, dated December 18, 1995, and are intended to be used to better refine and create a more workable Permit for all the Co-Permittees. There is still a need for the Regional Water Control Board to understand how city government functions as it relates to decision making and budgeting. The deadlines prior to June 1996 are unrealistic and will result in an ineffective program.

1. **Program Management**

Detailed requirements of the Countywide Storm Water Management Plan and Watershed Management Plans are not defined. Permittees can not accept or work with an open ended permit.

2. **Fiscal Resources**

The Annual Report requirement is too detailed, excessive and not productive in eliminating pollutants. More efforts could be used toward other areas in the program. This requirement should be deleted.

3. **Legal Authority**

No ordinance, permit, order or contract can allow for surveillance of businesses or facilities. This is not an effective use of city government resources.

A City Councils' approval of an ordinance is sufficient for legal authority over non-compliant individuals. The statement under penalty of perjury is not acceptable.

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4. Administrative Review

Written correspondences in lieu of "Notice of Intent to Meet and Confer" is sufficient to resolve any non-compliances. Delete the NIMC.

Response time by the Permittee to the Storm Water Program Compliance Amendment should be 90 days.

No reference to how and when the Permittee is relieved of the SWPCA requirements and returned to the requirements of this Order.

Administrative review should include the individuals or companies responsible for illegal discharges as part of the compliance requirements and any civil liability.

5. Illicit Dischargers

A surveillance program is not practical and an unreasonable requirement which is open to litigation. This requirement is not acceptable.

The wash down of impervious surfaces is routinely performed in preparation for public works construction projects such as re-surfacing of existing asphalt pavements and is a necessity to ensure proper adhesion. Delete this item as prohibited activities.

6. Exempted Discharges

Include fire hydrant flows for purposes of flow testing; building wash downs prior to painting and flow testing of newly placed asphalt paving, curbs and gutters.

Street washing is a must prior to repaving of streets. Therefore discharge from this activity must be exempted.

7. Source Control Measures

Permittees deadline for additional legal authority is too short based on the current and realistic time frame approval for this Order. The cut-off date should be at minimum 180 days after this Order is approved.

If the restriction that no repair of machinery and equipment may occur in areas exposed to storm water, then this is interpreted to mean that no repairs may occur in areas exposed to normal rainfall then this restriction is an unreasonable demand upon businesses which already use available BMP's to clean up leaked oil or other pollutants.

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In the matter of storage of hazardous substances and other petroleum products, this restriction is unreasonable as it will impose additional requirements upon individuals to cover all hazardous materials from rain water beyond the current laws and regulations for the storage of such materials.

8. **Source Inspection**

If a facility does not have a NOI or SWPPP, the Permittee should have the option to notify the Regional Board. This requirement jeopardizes the business relationship and good will between the city and the business facility.

9. **Countywide Guidelines**

The prevention of development in areas susceptible to erosion is self-defeating since development creates impervious surfaces that eliminates erodible soil and sediment loss. This guideline is inconsistent with basic erosion control measures and industry accepted practices.

The preservation of native vegetation is not consistent with the cities' codes and development guidelines. Cities can not prevent the development of commercial or industrial property as each and every land owner has the inherent right to develop his/her land to the "maximum extent possible". The Cities current standards require a minimum of 12 percent landscaping for each parcel of developed land. This policy to leave native vegetation is in direct conflict with industry practices and would result in underutilization of valuable land.

The requirement that pre-development levels for peak runoff rates be maintained, will underutilize existing storm drains which were designed to handle peak storm flows. Storm drains are public substructures that are designed, paid and maintained by tax payers therefore the tax payers should receive the benefits from these improvements.

10. **Planning Control Measures**

The concept of detention ponds, sediment pond or infiltration pits may in fact encourage individuals to discard pollutants into such ponds. This could result in pollutants being diluted in storm water retention ponds or infiltration pits.

All drainage including roof drains must be directed towards impervious surfaces since planter areas can not handle the over flooding and excessive turbidity will occur. The ponding of storm water creates a health and safety hazard to the public as large ponding

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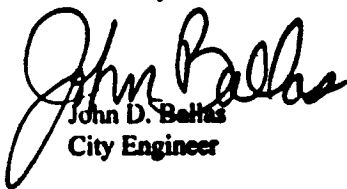
Draft NPDES Municipal Permit  
January 29, 1996  
Page Four

ponding of storm water creates a health and safety hazard to the public as large ponding breeds mosquitoes and viruses.

In addition to the above comments, the concerns of the EAC raised at the January 8, 1996 meeting are endorsed and hereby included in this letter by reference for your consideration.

Your efforts and cooperation in this matter is greatly appreciated. If you should have any questions, please contact Mr. John Kao, NPDES Program Coordinator, of C & C Engineering at (818) 333-0336.

Sincerely,

  
John D. Baltas  
City Engineer

JDB:jk

c: Chris Rope, City Manager  
Carl Burnett, Executive Agency Director  
John Kao, C & C Engineering, NPDES Program Coordinator  
Donald L. Wolfe, Chairman, Executive Advisory Committee, LACDPW

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CITY OF INGLEWOOD CALIFORNIA  
ONE MANCHESTER BOULEVARD / INGLEWOOD CALIFORNIA 90301-1750  
FAX (310) 412-6662



QUALITY CONTROL BOARD  
LOS ANGELES REGION  
26 FEB - 1 PM 1:27

January 29, 1996

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

COMMENTS ON THE DECEMBER 18, 1995, DRAFT OF WASTE DISCHARGE  
REQUIREMENTS FOR MUNICIPAL STORM WATER DISCHARGES WITHIN THE  
COUNTY OF LOS ANGELES

**I. REQUIREMENTS FOR PROGRAM MANAGEMENT**

Each WMC should be allowed to select their representative(s) for the EAC from any permittee within a particular WMC, with no more than one representative from any agency.

The budget summary format requirement should be simplified. Small agencies can not create new departments within the limits placed on existing staff and programs.

**II. REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES**

July 15, 1996, is not a reasonable date to prohibit by legal authority, when legal authority is not required to be established until 120 days of the effective date of this order.

**III. PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES**

October 15, 1996, date for permittee(s) to develop and implement an industrial/commercial facilities inspection program is not reasonable. The proposed permit requirements represent substantially increased duties for the permittee.

The industrial/commercial inspection schedule proposed by the draft permit places an unreasonable burden on the permittee and could be more efficiently accomplished by agencies already performing inspections on some of these facilities.

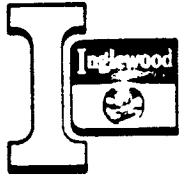
"QUALITY SERVICE THROUGH TEAM WORK"

DIRECTOR  
WILLIAM J. MAMAR  
ENGINEERING DEPARTMENT  
TELEPHONE (310) 412-5333

WILLIAM K. WYANT  
FACILITIES DIVISION  
PARVIZ KOUZAN  
TRANSPORTATION DIVISION

AAS REZAI  
ENGINEERING DIVISION  
BURT BOWARDS  
EQUIPMENT DIVISION

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CITY OF INGLEWOOD CALIFORNIA  
ONE MANCHESTER BOULEVARD / INGLEWOOD CALIFORNIA 90301-1750



### VII. REQUIREMENTS FOR MONITORING PROGRAM

The requirement for medium and large population permittees to conduct additional monitoring is strongly opposed.

The Principal Permittee is best equipped and prepared to conduct all monitoring required by the permit and accomplish the stated goals for the permit. The scope and objective of paragraph, B.5.b. of this Section, which requires monitoring five additional critical sources, is not clearly stated.

The extremely brief review period extended to permittees prohibits detailed comments on this lengthy draft permit. The EAC comments (Draft Major Items of Concern) was received in advance of the Draft Permit. Distribution to this agency was certainly misdirected and untimely.

The City of Inglewood Executive Staff and Legal Department have yet to review this document and consider its impact on the City.

Sincerely,

WILLIAM J. MAHAB  
ENGINEERING DIRECTOR

*Richard A. Kennon*  
Richard A. Kennon  
Associate Engineer

cc: Frank Kuo

DISTRIBUTE BY FAX AND MAIL

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*for copy rec'd 1/20*



# CITY OF IRWINDALE

5050 North Irwindale Avenue • Irwindale, California 91706  
(818) 962-3381 • Facsimile: (818) 962-4209

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January 30, 1996

File No. P47-22

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality  
Control Board - Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Subject: Draft NPDES Permit

Dear Ms. Tyrrell:

We have reviewed the draft NPDES permit from the California Regional Quality Control Board (RWQCB). This letter outlines our comments on the draft NPDES permit.

1. Standards - The permit does not identify specific standards to comply with. The permit should address specific pollution levels (preferably by watershed) to measure progress.
2. Compliance Dates - The permit should be modified to reflect new compliance dates that concur with the new permit adoption schedule of April 1996. The City may not be able to meet the program requirements with the old timetable.
3. Maximum Extent Practicable - The definition does not establish specific requirements and is greatly open to interpretation. In my opinion, this definition leaves the City liable even if in process of complying with the permit. This relates to the standards section.
4. Process for Substituting Programs - (pp. 26, 41) - For substituting programs, the co-permittee must prove that another program would substantially work better than those outlined in the permit. However, L.A. County data does not exist for many of the programs established in the permit. Therefore, the City would need to provide a database, including extensive monitoring, to prove that a program doesn't work. Meanwhile, if a program isn't working, the City is still liable for reducing pollution. In addition, demonstrating "technical feasibility" or "implementation outweighs the pollution control benefits" is a subjective decision and open to interpretation.
5. Executive Advisory Committee (EAC) and Watershed Management Committee (WMC) (pp. 19-20) - These committees have power over co-permittees. Their control includes, but is not limited to, evaluating compliance and guiding conflict resolution. There will

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Ms. Catherine Tyrrell  
January 30, 1996  
Page 2

be industry representatives and public representatives on each committee. Although industry and public representatives will be non-voting committee members, they still advise these committees on major decisions. This establishes a precedent where the co-permittees further lose control over which programs they implement to special interests and politics rather than addressing real pollution control.

6. **Identifying Sources of Industrial/Commercial Pollution (pp. 36-37)** - The city must compile a database on any possible discharge from each SIC code category. It should be the RWQCB's responsibility to provide this information to the co-permittees from the separate permits already applied for by certain industries. If this information already exists (as it appears that it does in Section III, A., 3a. and 3b.), this information should be provided to the co-permittees. As written, this requirement will lead to inconsistencies between co-permittees' databases. One standard should be developed so that all co-permittees know what the accepted primary material discharges are.
7. **Prioritization of Sources (p. 37, B1. and B2.)** - The ranking criteria should be a solid procedure, not a subjective system ("may include"). criteria should be established if the co-permittee does not agree with the ranking system.
8. **Time Allotted for Source Inspection (p. 39)** - At one meeting, the Heal the Bay representative said that each inspection should not take more than thirty minutes. However, industrial cities like Irwindale 1) will have more industrial/commercial inspections than others, and 2) have larger facilities than other cities which will take much longer to inspect. The RWQCB and EAC should take into consideration that the burden will fall more heavily on cities like Irwindale than more residential cities. There should be a residential versus commercial ratio where heavily industrial cities will be given more time and/or assistance to comply.
9. **Multiple Departments** - Many requirements of the permit will require Public Works, Building and Safety, Code Enforcement, and Planning Department coordination. Municipal and zoning codes may have to be changed in order to accommodate the permit. In addition, the inspections and monitoring will most likely lead to additional staff requirements and new personnel. Even if L.A. County provides some of the services required by the permit, the City will still need to provide inspections and supervision of this project.

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Ms. Catherine Tyrrell  
January 30, 1996  
Page 3

We request that you review the City's comments and allow these points to be considered in preparing your final guidelines of the proposed changes to the NPDES permit procedures.

Very truly yours,

*Carlos Alvarado*

Carlos Alvarado  
City Engineer

CA/ap

cc: David A. Caretto, City Manager  
Luis Ramirez, City NPDES Coordinator  
Heather Wurtz, Charles Abbott Associates

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Robert G. Wagner  
Vice Mayor

Joseph Esquivel  
Council Member



Marc Taet  
Council Member

Larry Van Noy  
Council Member

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January 25, 1996

Catherine Tyrrell  
Assistant Executive Officer  
Surface Water Programs  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrrell:

**SUBJECT: COMMENTS ON DECEMBER 18 DRAFT STORM WATER PERMIT**

We have reviewed the proposed draft storm water permit and find it in need of significant improvement. This draft permit is overly long and complex and it tries to do too much of what should be developed in Watershed Management Plans. It contains a great deal of posturing by the Board, presumably intended to chastise permittees for not doing more than the previous permit required. It places the burden on permittees to prove that their complying with the requirements of the permit will be effective in achieving water quality standards, when neither the water quality standards have been established, nor the effectiveness of any program been determined. The following is a list of more specific deficiencies:

1. **Receiving water limitations are unclear and confusing.** The draft permit actually contains two sets of receiving water limitations which appear to be in conflict. One set is derived from water quality objectives contained in the ocean and basin plans developed by the State Water Resources Control Board, and another set, although not specifically referred to as water quality objectives or receiving water limitations, is identified in the permit as qualitative objectives in items A.II.1 through 7.

The draft permit also appears to contain two contradictory and ambiguous compliance standards. Under B.I, *Compliance with Discharge Prohibitions and Receiving Water Limitations*, the draft permit says a permittee may comply with receiving water limitations by: "... demonstrating timely implementation of BMPs and other actions to reduce pollutants in the discharge from their municipal separate storm sewer system to the maximum extent practicable...". In other words, the permittee is in compliance by implementing the requirements of the permit. As it should be. But under B.II, a permittee who is fully implementing the requirements of the permit can be found in non compliance and have to guarantee the effectiveness of a SWMP, which presumably would have been approved by the

**Lakewood**

5050 N. Clark Avenue, Lakewood, CA 90712 • (310) 866-9771 • Fax (310) 866-0505

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Board, and further be required to prove that "storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance." Furthermore, the term "other actions" is ambiguous and should be removed.

Clearly, this provision is in conflict and confusing, and is potentially punitive. It should be revised to simply say that conformance with receiving water limitations will be achieved by meeting requirements of the permit. This is how other regional boards have dealt with this issue.

2. **The draft permit, despite its glossary of terms section, does not define key terms. The term "industrial activity" is a very important NPDES term, yet it is not found in the draft permit (though construction activity is defined) While the permit provides a broad definition of industrial/commercial facilities, it does not provide a separate definition of each. This is important because the term "industrial" has special significance within the context of NPDES provisions of the Clean Water Act (CWA). Also absent from the draft permit is the term "control," which is very important to understanding certain legal authority requirements. Another term referenced in the draft that is not defined is "treatment."**
3. **The draft permit contains provisions that would impose additional requirements after its adoption. The permit (in the glossary, inappropriately), defines the County-wide Storm water Management Plan as follows:**

A comprehensive plan for implementation of the permit requirement described in Sections C.4 through C.VIII of the NPDES storm water permit that are applicable to all Permittees and all Watershed Management Areas. The County wide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance from the EAC and participation from the permittees, according to the schedule prescribed in the permit. This shall be used as a tool to develop watershed specific storm water management plans."

A complete analysis of this provision cannot be provided because the references to permit sections C.4 through C.VIII of the draft permit do not exist. Nevertheless, in general, this provision -- which is not found in the previous draft version -- calls for the Principal Permittee to develop another storm water management program by way of a County-wide Storm Water Management Plan and a Watershed Management Plan. Both plans are to be developed after the permit is adopted. If, however, this provision remains, the County and LARB/SWU would have a blank check to impose other requirements, in addition to those contained in the draft permit, without approval from permittees. While a need for a watershed management program/plan is reasonable, an additional storm water management program clearly is not. County-wide program requirements should be dealt with only in this draft permit, not in some future document.



- 4. **The draft permit, unlike the previous version, does not allow small city representation on the EAC.**

To allow only those permittees with the largest population to participate on the EAC is unfair. Eligibility for participation on the EAC should not be exclusive. It should allow small cities to participate and should be based on the permittee's interest in and knowledge of storm water management issues, not to mention desire and willingness to participate, not on population.

- 5. **The draft permit arbitrarily determines area-wide storm water management requirements.** Nowhere in the permit is there any explanation as to why certain storm water management requirements have been selected for area-wide implementation. Take for example inspecting restaurants, which are a suspected source of non-storm water runoff pollution. According to the LARB/SWU, restaurants tend to wash-out garbage cans and trash bins, and hose down floor mats outdoors, causing contaminated runoff (containing nutrients and bacteria) to enter the municipal storm water system. While this may be a problem in the Santa Monica watershed, as asserted by Heal the Bay and the Santa Monica Bay Restoration Project, it may not be a problem in the other watersheds. Therefore, until this is proven to be a problem in other watersheds, managing non-storm water pollution from restaurants should be a watershed-specific requirement, not an area-wide one.

This is not to say that cities should ignore restaurants as potential sources of non-storm water discharge. At a minimum, County-wide, all cities should provide restaurants and other suspected sources of runoff pollution with public education materials discouraging them from illicit discharge practices. Then on watershed level, additional requirements can be imposed, but based on compelling data.

- 6. **Many of the requirements proposed by LARB/SWU exceed federal and state storm water management regulations.**

The draft permit contains several provisions that clearly are not called for either in federal or state NPDES requirements. The following examples are provided below:

**A. Inspections of Industrial Commercial Facilities**

The draft permit would require cities to identify, prioritize, and inspect other industrial facilities that require General Industrial Storm Water Activity NPDES permits (GIASWPs) that are already subject to inspections by LARB. In addition, the draft permit would also require cities to identify, prioritize, and inspect other industrial facilities that do not require GIASWPs. These facilities are identified in *Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA, Washington D.C.*

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Nothing, however, contained in NPDES storm water provisions of the federal Clean Water Act specifically mandates inspections of this other category of facilities (referred to by LARB/SWU staff as Phase II facilities) It is understood that the State Water Resources Control Board has asserted its authority to mandate additional requirements. Such requirements should not be arbitrary and should not be performed at the county-wide level.

LARB/SWU must rely on scientific data to justify the need for any additional requirement. This, ostensibly, is the purpose of performing a characterization study and performing storm water/non-storm water monitoring and analysis. But the criteria proposed by LARB/SWU staff to identify and prioritize facilities for inspection are ineffective. They include, for example, "types and quality of non-storm water discharges, professional understanding of the industrial/ commercial sector waste management practices, and experience of local agency industrial inspection programs." These criteria are subjective and involve a lot of administrative work, but do absolutely nothing to facilitate a meaningful selection of industries for inspection. If anything, they only confuse the selection process (e.g., how do you determine a facility's professional understanding of the industrial/commercial sector waste management practices?).

It is noted that LARB/SWU has, in response to many permittee complaints about the draft permit exceeding federal and state authority, asserted the following:

Regional Board staff has discussed this Order extensively with Counsel. It is Counsel's opinion that, given the fact that no numerical criteria have been prescribed and Permittees have had more than five years to develop an MS4 program to reduce pollutants in storm water to the maximum practicable, and that progress in implementing the County wide program has been slow, it is appropriate to include specific program components based on the permit reissuance application submitted by Permittees and the MS4 BMPs practiced by other California MS4 programs ..."

LARB/SWU is essentially saying that it has the prerogative to require what it deems necessary. While LARB/SWU may have the discretion to exceed federal and state requirements with regard to this permit, it cannot do so arbitrarily. Extra-requirements must be based on a demonstrated problem, using acceptable evidence (e.g., scientific data), as opposed to unsubstantiated opinion. LARB/SWU staff's contention that permittees have been slow in implementing the County wide program is not true. The reason permittees have seemingly been slow in developing a County wide storm water management program is that LARB/SWU did not require anything more in the existing permit. LARB/SWU has not even specified legal authority requirements under the existing permit --requirements that are critical to any storm water management program. Beyond this, it has not been able to define what "inspection" means within the context of that Additional Best Management Practice that requires inspections of gas stations, restaurants, etc.

**B. Public Education**

The draft permit is too controlling. LARB/SWU has no authority to compel cities to contribute a "fair share" (which is not defined), to a public education program that is to be developed in the future by the Principal Permittee. This would deny cities the opportunity and right to develop a public education program of its own, which in the final analysis might prove more efficient and cost-effective than what the Principal Permittee's consultant could produce.

7. The draft permit unilaterally denies several non-storm water discharges exemptions that are allowed under NPDES provisions of the Clean Water Act.

According to CFR 40, 122.26, the following non-storm discharges are exempted unless such discharges or flows are identified by the municipality as sources of pollutants to waters of the United States *water line flushing water; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street wash water; and discharges resulting from fire fighting (only where such discharges or flows are identified as significant sources of pollutants to waters of the United States.*

The draft permit unconditionally exempts only 6 of these 18 non-storm water discharge categories and conditionally exempts other discharges already exempted by federal regulations.

Surprisingly, the draft permit exempts non-storm water discharges that are not even exempted by federal regulations. They include: *hydraulic graffiti abatement, inductive traffic loop flushing (discharges not contemplated by CFR 40 §122.26).* Then the draft permit conditionally exempts residential roof drain discharges, but denies such discharges from industrial roof drains, both of which are comprised of storm water and, therefore, are not even non-storm water discharges. The permit also flatly denies street washing (an exempted non-storm water) and sidewalk washing, because they are deemed by the Executive Director of LARB to be significant pollutant sources.

It is apparent that LARB/SWU (1) has exceeded its authority by denying permittees non-storm water discharge exemptions granted to municipalities in *CFR 40, §122.26*; and (2) has been arbitrary in determining which non-storm water discharges should be exempted. As mentioned, federal regulations entitle municipalities to exempt the 18 categories of non-storm water discharges, unless they have been identified as pollutant sources. Until these non-storm water discharges are determined as such by municipalities through their respective Watershed Management Committees (e.g., through scientific means), such discharges should be allowed.

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8. **The draft permit, incorrectly, lumps illicit connections with illicit discharges and eliminates illegal disposal practices.** Actually, illicit connections are a sub-set of an illicit discharge. An illicit connection is a device by which an illicit discharge (a fluid) is conveyed to the MS4. An illegal disposal/dumping practice, however, is an activity that causes the placement of a solid material (e.g., refuse), into the MS4. To put it another way, eliminating an illicit connection is a task connected to the basic requirement of controlling illicit discharges. Other tasks associated with this basic requirement include (a) encouraging public reporting of non-storm water discharges through public education/outreach, (b) devising an internal mechanism for recording and responding to such reports, and (c) ordinance enforcement (through routine inspection or discovery by code enforcement).

(Note: It is recommended that "removing" an illicit connection be replaced with "eliminating" an illicit connection. Removing an illicit connection could be construed to mean the physical transfer of such connection from its location to another. However, according to its statutory definition, an illicit connection could be any conveyance, including "any device through or by which non-storm water is discharged into the municipal storm water system, including but not limited to floor drains, pipes or any fabricated or natural conduits." But removing or taking-out the illicit connection could be costly. Using "eliminating" instead would give the owner/operator of the facility where the illicit connection is located the option of rendering it incapable of operating as an illicit connection. A floor drain, for example, could be plugged, thereby preventing it from being a conveyance of an illicit discharge.)

9. **The draft permit is disjointed and contradictory in many places.** For example, the permit requires permittees to prohibit non-storm water discharges to the MS4. Yet, under the industrial/commercial section, the draft permit states that non-storm water discharges to the MS4 from gas stations are permissible as long as they are pretreated. However, nowhere in that part of Code of Federal Regulations that covers NPDES storm water provisions are such discharges exempted, nor is there an NPDES permit available to service stations/auto repair facilities for this purpose. Furthermore, the term "pretreatment" is not defined anywhere in the permit. If not corrected, this problem will lead to confusion and non-compliance.
10. **The draft permit is unnecessarily lengthy (almost 90 pages long).** LARB/SWU staff explained that the permit is lengthy because permittees wanted more detail -- a criticism of the existing permit. However, much of the detail contained in the draft permit does not provide clarity. In many cases, it only increases confusion. Permittees have always desired defined requirements (i.e., "ends") not just detailed explanations as how to achieve them (i.e., "means"). For example, under the 1990-1995 permit, permittees are required to establish "requisite legal authority" and conduct inspections of auto repair/parts facilities, gas stations, and restaurants. Yet, neither the current permit nor any other documents issued by LARB/SWU contain any information that identifies criteria required to establish legal authority. Nor does it define "inspection" relative to auto repair/parts facilities, gas stations, and restaurants (e.g., inspection for non-storm water discharges from these sites or inspection for good housekeeping practices or other BMPs that operate to prevent storm water discharges to the MS4?). Clearly without such information compliance would be very difficult.

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- 11. The section on legal authority, located under program management, contains requirements that are taken directly from CFR 40 §122.26, but are not more specifically defined by LARB/SWU. A case in point is controlling "through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system". The problem is that nothing in the draft permit translates this federal requirement into a task, nor does the draft permit provide a clue as to how permittees are to meet this legal authority requirement.
- 12. The draft permit contains language that is difficult to understand. For example, under Section IV.A 1, the permit reads, "For unitized development the common plan of development or sum of all units shall be considered in determining the priority rating of the development." First of all, no definition of "unitized" is provided. Beyond this, the entire sentence in which this undefined term is contained is also unclear. The language used in the permit should be as simple as possible, otherwise an inordinate amount of time will be spent on trying to interpret its meaning. And since LARB/SWU staff has not in the past been forthcoming in responding to questions from permittees regarding some of the gray areas of the existing permit (e.g., inspections and legal authority), requirements and procedures must be easy to understand.
- 13. The findings section of the draft permit contains inappropriate information. For example, under finding 36, LARB/SWU acknowledges those cities that contributed money to the guidance document. Clearly such reference should not be made here or anywhere else in the proposed permit. Furthermore, as a matter of accuracy, LARB/SWU has named some cities that have decided not to contribute. Another example is finding 32 (k) which mentions the Natural Resources Defense Council (NRDC) law suit against Caltrans for failing to comply with existing NPDES permit requirements, and 32(l), which references NRDC's settlement agreements with several cities for their alleged failure to comply with existing NPDES permit requirements. It is unclear as to what purpose such information would serve with regard to the proposed permit.

The EAC also developed a summary of issues. We agree with each position and in particular that much more "good faith" negotiations are necessary to achieve a workable permit that can be accepted by all of the permittees.

Sincerely,



Carl G. Brooks  
Director of Public Works

cc: [unclear]

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CITY OF  
LA MIRADA



*Dedicated to Service*

City Hall  
100 La Mirada Boulevard  
La Mirada, California 90638  
Tel. (818) 828-  
La Mirada, California 90637-0825  
Tel. (818) 861-1122 FAX (818) 943-1264

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January 29, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

LOS ANGELES REGION  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

Dear Mr. Ghirelli:

Given that the Board is still drafting the final National Pollutant Discharge Elimination System Permit, I feel that it is necessary to express my concerns regarding the draft version dated December 18, 1995.

I have enclosed a summary of my concerns for your review. Please note that this summary is based upon facts and information presently known and available to us. Further analysis may disclose the existence of additional facts or possibly lead to amendment. The City of La Mirada reserves the right to change or supplement these remarks as additional facts are discovered or ascertained.

I truly believe that all participants want a draft that is environmentally sound without creating an undue hardship upon permittees or their industrial/commercial businesses. This being the case, I appreciate the Board's willingness to accept my comments and suggestions, so that together we may create a permit that is agreeable to all parties.

Sincerely,

CITY OF LA MIRADA

Gerald Winterburn  
Assistant City Manager/Planning Director

cc: Perry Turigliatto, Director Environmental Services

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DR. C. DAVID PETERS  
Mayor

WAYNE REW  
Mayor Pro Tem

BOB CHOTINER  
Councilman

PETE DAMES  
Councilman

HAL MALKIN  
Councilman

GARY K. SLOAN  
City Manager

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**COMMENTS REGARDING NPDES DRAFT PERMIT  
JANUARY 29, 1996**

The following items pertaining to the NPDES Permit, draft version dated December 18, 1995, are of serious concern to the City of La Mirada:

**A. Language**

- The language that the Board uses throughout the Permit is often ambiguous and as a result the true intent of the Board on certain matters is confusing. For example, the public information section (VI.B.1.b.ii), on page 68, has requirements "For K-12 School Children." Does this mean that the Permittees must create a program for each grade? What is the intent of the Board in this instance? We recommend changing the language of the Permit to more accurately reflect the true intent of the Board.

**B. Unknown Future Requirements**

- Some programs in the Countywide Program/Watershed Management Plan are "to be developed" with unknown requirements imposed at some future date. These unknown requirements give the Board a "blank check" to impose demands on the Permittees that we might not be able to realistically meet.

**C. Clean Water Act**

- The Permit exceeds the requirements of the Clean Water Act with punitive intent. In response to comments about requirements in this Permit exceeding both federal and state authority, the Board has perceived the implementation of the storm water program by the Permittees to be too "slow" and feels that it is appropriate to include specific program components beyond the mandates of the Clean Water Act. Subsequently, the Board is inflicting harsher requirements upon the Permittees as punishment.

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- D. **Unrealistic Compliance Dates**
- If the Permit is adopted "as-is" it could impose great hardship on the smaller cities that lack both the staff and resources to meet the requirements of the Permit in the allotted time. If it isn't feasible to change the dates, a grace period should be adopted to allow the smaller cities the necessary time to meet all the requirements.
- E. **Requirements for Industrial/Commercial Source Inspection Section**
- There are legal issues concerning the Permittee's right of entry and the Permittee's legal position if a business refuses to be inspected. We recommend that the Board delete the source inspections requirement entirely, or replace it with an educational program that would target all the industrial/commercial facilities. Instead of an inspection, a brief seminar could be given to educate facilities on the storm water program. If necessary, a follow-up inspection could be conducted at a later date to review the facilities' progress and compliance with the municipal storm water codes.
- F. **Program Evaluation and Reporting Section**
- The requirement to demonstrate that all BMPs and other actions, as described by this Permit, "are implemented to reduce pollutants to the maximum extent practicable" could be impractical and/or cost prohibitive. Simple acknowledgment that BMPs have been implemented should be less expensive and sufficient.





# CITY OF LA VERNE CITY HALL

3660 "D" Street, LaVerne, California 91750

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January 29, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

re: Comments on December 18 Draft NPDES Permit  
NPDES Permit No. CAS0061654

Dear Dr. Ghirelli:

Thank you for providing us with a copy of the above referenced permit for our review and comment. The city of La Verne supports effective environmental practices and is interested in the development of a viable storm water permit. However, the current draft of the permit is not conducive to the efficient use of our limited resources and is widely open to interpretation.

Although the comment period was too limited for such a complex and lengthy document, we have made every attempt to be thorough in our review. Our comments are enclosed for your response. The city also supports the general comments submitted by the Executive Advisory Committee in its letter dated January 24, 1996.

Please feel free to contact me if you should have any questions or concerns regarding our comments. I can be reached Monday through Thursday between 8:00 a.m. and 6:00 p.m. at (909) 596-8741. I look forward to your response.

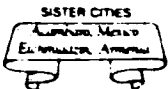
Sincerely,

Daniel W. Keesey  
Administrative Superintendent

LTRDK07(dan)

cc: Ms. Catherine Tyrrell, CRWQCB  
Mayor and City Council  
Martin R. Lomeli, City Manager  
Brian Bowcock, Director of Public Works  
Frank Kuo, L.A. Co. Public Works

General Administration 909/596-8726 • Water Customer Service 909/596-8744 • Parks & Community Services 909/596-8700  
Public Works 909/596-8741 • Finance 909/596-8716 • Planning 909/596-8706 • Building 909/596-8713  
Fax 909/596-8737



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## GENERAL COMMENTS

1. The entire permit is poorly structured and written in a passive voice with multiple compound constructions. This writing style confuses even skilled analysts.

We recommend that the Regional Board hire a professional text editor in an attempt to clarify the text so that it can properly serve its intended audience. The permit must be logically structured and outline permittee responsibilities in clear, non-bureaucratic language. The permit should be written in such a manner, it should not be explained within a permit guidance document.

2. A simple, easy to understand, summary checklist of Principal Permittee/permittee requirements and due dates should be provided in summary form so that users can easily develop their local programs. The current format is unwieldy.
3. Glossary or text needs to include additional definitions relating to areas of the text which are unclear, such as "disturbed area," "creation of impervious area," "effectively prohibit," "authorized discharges," "SPCA," "GCASP," plus others (which follow in this attachment).
4. The findings do not represent statements of fact or statements which are supported by factual evidence. They should present an accurate and descriptive record of the proceedings and leading to this action (the new permit).
5. The permit makes numerous references to "...the Principal Permittee in consultation with the EAC....". What exactly constitutes "in consultation with the EAC"? Is the County obligated to heed the advice of the EAC? Can the County develop programs required by the permit without reacting to the comments and desires of the

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permittees? We believe the county should be required to follow some democratic process which affords some protection to the permittees.

The County is charged with developing permit requirements which must be implemented by the permittees. Will permittees be forced to comply with County developed programs for which their participation in developing may be limited or for which they do not agree?

6. The deadlines imposed for compliance are at best optimistic. Many requirements of the permit are due at the same time resulting in many staff hours and much expense. Yet the Regional Board chooses to allow itself ample time to review simple permittee submittals. Compliance time should be adjusted to reflect the real world and the Regional Board should be held to the same standards.

The deadlines also fail to consider the "cart before the horse." The current draft requires the development and implementation of many program prior to the formulation of a public education campaign. We believe that the public education campaign will be one of the most effective programs and is a precedent to all others.

7. All land uses, industries and commercial facilities, and construction activities under permit from the Regional Board should be eliminated from this permit. For example, construction over five acres requires a permit from the Regional Board; it should be excluded from our permit as it is regulated by the Regional Board. Phase I and other industries are permitted by the Regional Board and should also be excluded from our municipal permit process. The Regional Board must be held accountable for its own permit compliance responsibilities, not the permittees. Should this requirement remain, we request funding be provided by the Regional Board.
8. The development and inclusion of performance standards is unrealistic and difficult to apply

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universally. Each permittee should develop its own stormwater management plan which will differ in many respects from their neighbors. The requirement should be deleted.

9. The permit requires the development and implementation of the "Storm Water Management Program (SWMP)," "Countywide Storm Water Management Program (CSWMP)" which is supposed to include all of the components of the SWMP, and the "Watershed Management Area Plan (WMAF)." It's clear that a CSWMP must be developed but unclear to the development of a WMAF. Areas of the text note that a WMAF may be developed following implementation of the CSWMP. The development of multiple plans/programs is very confusing and awkward. We suggest a more simplified approach.

Development of a CSWMP should include all activities that can be shared by all permittees, including reporting and BMPs such as public education. This framework plan can then be used to tailor an agency specific storm water management plan. Although agencies within the same watershed may share similar experiences, very few agencies will be able to or need to implement the complete requirements of a Watershed Management Area Plan. This area of the permit should be revised accordingly.

10. Watershed Management Committees (WMC) should be free of any obligations under the permit. The committees are essentially the working groups formed three and four years ago to deal with the development and implementation of the first permit. These committees should remain working groups with all responsibility for participation resting with the local agencies.
11. The requirement for commercial/industrial inspections is well beyond the means of most communities. Should the Regional Board wish to keep this requirements, it should be delayed until such time that the federal or state governments provide funding, similar to the recently adopted

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water fluoridation bill. Our public outreach programs have been excellent for the most part and provide necessary information required under the inspection program. Limited inspections may be developed in lieu of the proposed inspection program.

12. The EAC and the WMC should remain comprised of agency staff members only. Staff members use these meetings to share ideas and eliminate any duplication of effort within the county. We are offended by the Regional Board's position that it be allowed to appoint members to both committees.

**PERMIT SPECIFIC COMMENTS**

**Findings**

13. Page 3, No 7: The findings indicate that permittees "effectively prohibit" non-stormwater discharges. What does this mean?
14. Page 5, No. 20: Please identify the outside agencies which operate storm drain facilities and which affect or contribute to runoff in Los Angeles County. These agencies should be included as part of our permit.
15. Page 7, No. 31: Insert "/or" following and in the phrase "if they can provide scientific information and/or documentation on the effectiveness...".
16. Page 8, No. 32.c: This finding notes that the Regional Board is the permitting agency for the listed activities. We maintain that the Regional Board must enforce its own permits and relieve permittees of the task. There is no duplication of effort, only a separation of tasks, should these Regional Board permitted groups be removed from local municipal permits.
17. Page 10, No. 32.k: It has been mentioned that this court case is the standard for compliance.

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However, it is unclear within the permit. Please incorporate this standard within the permit.

18. Page 13, No. II: What are the effluent limitations on receiving waters imposed by the documents that are incorporated by reference?
19. Page 13, No. II: Insert following last sentence, first paragraph "...as appropriate, after review and comment by the permittees and upon receiving public testimony."
20. Page 13, No. II: Define "authorized discharges" as used in this context.
21. Page 15, No. II.2.b: What defines adequacy of the CSWMP or WMAP to effectively deal with exceedances? Who determines the adequacy of the plans?

I. Requirements for Program Management

22. Page 18, No. d: Appointment of a chair to the Watershed Management Committees (WMC) is unnecessary. The county convenes and conducts the meetings. The WMC may select a chair if it determines it to be necessary.
23. Page 19, No. B.3: Few agencies can or will appoint a staff member with the delegated authority required under this permit. Many of the issues are budgetary or policy which will require city council or board action. This provision reflects a limited understanding of local government processes and should be stricken from the permit.
24. Page 20, No. D.1: The EAC should be comprised of agency staff only; the Regional Board should not have authority to appoint any members. It is an advisory group formed to guide and coordinate decisions of permittees. The public has an opportunity to comment on the permit/program requirements during regular periods and the EAC has the right to invite public or private speakers. The section should be stricken from the permit.

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25. Page 20, No. 2.i: What exactly is meant by "the Principal Permittee shall provide the EAC with the opportunity...?" Must the EAC do these things? Is the county obligated to heed the advice of the EAC?
26. Page 21, No 2.e: The EAC hasn't the ability to compile information for submittal. This section should be removed.
27. Page 21, No. 2.f: Explain how the EAC may "guide conflict resolution among permittees and advise the county on its liaison responsibilities to the Regional Board."
28. Page 21, No. 2.g: Coordinating the implementation of pilot projects is beyond the means of the EAC. This section should be stricken.
29. Page 21, No. E.1: What issues will the WMC be voting upon? The Regional Board should have no authority to appoint persons to the WMCs. These should remain as staff working groups as previously mentioned.
30. Page 22, No. E.2: This section should note that selection and participation on the EAC by permittees other than the county and City of Los Angeles is voluntary. Permittee members of the EAC will be selected by a vote of the respective WMCs. In the absence of voluntary participation, the current wording should follow.  
  
Why and what resources is the county expected to provide permittees with populations under 100,000?
31. Page 22, No. E.3: There is no reason to have such a structured format in the WMC. The county can and should continue to convene and run the meetings. Strike this section.
32. Page 23, No. E.4.f: Who pays to circulate the draft annual report? If the WMC, how will it be apportioned and administered?

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33. Page 23, No. G.1: What is the purpose of providing financial information? The permittees are already overburden with unfunded mandates and ever shrinking financial resources. This task in no way aids in achieving our objectives and should be deleted.
34. Page 25, No. H.1.c: We can prohibit but how can we control or be responsible for spills? This section should be amended.
35. Page 25, No. H.1.d: Explain the thought behind and the need for interagency agreements. Each agency is responsible for its own system and actions and should not need such agreements. These agreements will most certainly be unachievable and will delay implementation of the permit. Section should be deleted.
36. Page 26, No. I: The section requires the substitution of acceptable programs should an adopted program be proven too costly or ineffective. However, acceptable alternatives may not exist. This section should be amended to include program deletion as well. It is foolish to implement a program which is costly or ineffective only because no other alternative exists.
37. Page 26, No. J: This section infers that a permittee is in violation during an administrative review. The section should be revised to clearly state that a permittee is in compliance with the provisions of the permit or similar holding pattern while under any administrative review.
38. Page 27, No. J.1: Considering the schedule of implementation forced upon the permittees and the sense of urgency on the part of the Regional Board to implement the permit, review period for all submittals to the Regional Board should be a maximum of 60 days. This is still twice that allowed by CEQA for project approvals. Submittals will be deemed approved if no response is received prior 60 days. This section should be amended accordingly.

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39. Page 27, no. J.2.a: Define Stormwater Program Compliance Amendment.
40. Page 28, top of page: Again, the Regional Board should be allowed 60 days for review and approval. Revise section as necessary.
41. Page 28, No. J.4: Amend section to read "...frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Executive Officer in the SPCA."

II. Requirements for Illicit Connections/Discharges

42. Page 29, No. A.1.b: Prioritization of problem areas should be left to the discretion of the individual permittees; section should be deleted.
43. Page 29, No. A.1.c: This section is unclear. Please explain.
44. Page 30, No. A.1.e: Inspections for illicit connections should be left to the discretion of the individual permittees; section should be deleted.
45. Page 30, No. B.1.a: Standard enforcement procedures are unnecessary as each agency maintains its own legal authority to deal with illicit discharges; delete section.
46. Page 30, No. B.1.c: Prioritization of illicit disposal areas should be left to the discretion of the individual permittees; section should be deleted.
47. Page 31, No. B.1.g: Standard enforcement procedures are unnecessary as each agency maintains its own legal authority to deal with illicit discharges; delete section.
48. Page 32, No. D.1: What about water system main breaks, utility vaults, and other similar problems which will be regulated under separate general permits or those discharges authorized by the

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Regional Board? Should include such discharges here.

49. Page 32, No. D.2: The notion of conditionally exempt discharges is unclear. How are such discharges identified? When are they identified? Who identifies them? Who decides appropriate BMPs and using what criteria?

What about such activities as saw cutting, grinding, and other similar activities? Should we no longer permit the use of curb drains from properties? How about roof drains? Use of flares during emergencies? These are many, many activities which must and will occur regardless of the permit provisions and restrictions. As there are an infinite number, the permit should include general language which permits these and similar activities without specifically identifying them.

50. Page 33, No. D.3: Please clarify this section to note whether an agency or residents are prohibited from street and sidewalk washing.
51. Page 34, No. E.2: Define "reportable quantity". Also, what actions will the agencies listed take once notified?

III. Program Requirements for Industrial/Commercial Sources

52. Page 35, No. A.1: This section is very onerous. We do not agree with the Regional Board's position that this is useful information, including the collection of SIC codes, and suggest that it be struck.
53. Page 35, No. A.1: Please clarify "database format" required.
54. Page 36, No. A.2.b: Eliminate the word "or" from the phrase "...with the EAC and/or the Regional Board...".

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55. Page 38, No. C.2: Define "areas susceptible to or exposed to stormwater" which is used through this section.
56. Page 38, No. 2.f: A requirement to sweep parking lots of 25 spaces or more is an arbitrary number and opens permittees to potential litigation. The requirement should be deleted from the permit. Such programs may become part of an agency's own watershed management plan.
57. Page 39, No. D.1.a.iii: Should inspections become part of the permit requirements, of which we protest, eliminate "appropriate BMPs" from this section. Businesses should know best or hire consultants to determine which BMPs may be best for their particular business. (same with No. D.1.b.iii)
58. Page 39, No. D.1.a.iv: This section should and is the responsibility of the Regional Board. It should be eliminated.
59. Page 40, No D.2.viii: Please clarify the meaning of this paragraph. We trust that the Regional Board is not attempting to require additional inspection groups without reason. Similar requirements of the EPA have recently been removed from drinking water quality standards.
60. Page 41, No. D.4: Eliminate this section. An enhanced inspection program cannot be applied to all agencies universally. Individual permittees should address problem locations within their respective inspection programs.

IV. Program Requirements For Development Planning/Redevelopment

61. Page 43, No. A.1.a: Define "disturbed area".
- Has the City of La Verne received and reviewed a map containing the "Areas of Special Biological Significance?" Please provide us with a copy. We would also like to review and comment on the

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Biological Habitats of the Water Quality Control  
Plan, Los Angeles Region.

As previously stated, we believe that the Regional Board is responsible to monitor and enforce compliance on permits it issues, NOT PERMITTEES.

62. Page 43, No. A.1.b: Define "creation of impervious area".
63. Page 43, No. A.1.c: What criteria will the Public Works Director evaluate Limited Priority projects against to determine significance? Any developed checklist should be developed as part of the CSWMP or CEQA checklist which may be universally used.
64. Page 45, No. A.3.a.i: The date to incorporate guidelines into an agency's internal procedures should be revised to read similar to section A.3.c.
65. Page 45, No A.3.c: "Public Utilities" is not a mandatory element required in most California general plans, as are a number of other optional elements with different titles such as "community facilities," "community design," "environmental resource management," or "redevelopment." We recommend that item iv. be deleted and language added to the effect of:

"Each permittee shall reference or cross reference these standards to any optional element of the general plan which may have a bearing on stormwater discharge."

Note that the California Government Code, Sec. 65300 et seq., requires that general plan elements be both internally and externally consistent, meaning both consistent within themselves and consistent between elements; there, these guidelines need only reflect the thinking of the Government Code to assure that NPDES principles are observed in all appropriate chapters of a local general plan.

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66. Page 47, No. A.d.iv/v: Will this permit authorize and hold harmless permittees from approving projects where water is allowed to pond in accordance with these requirements? These sections should be deleted or amended accordingly to relieve permittees of potential liability exposure.
67. Page 47, No. B.1.a: What is the purpose of assembling this information? Will we be required to submit it to the Regional Board? What will the Board use this information for? We maintain that this requirement does little to meet our objectives and it should be deleted.
68. Page 48, No. B.3.i: Define "regulatory program."
- V. Public Agency Requirements
69. Page 52, No. B.2: The requirements outlined in this section are not clear; please clarify.
70. Page 53, No. C.2: Are these BMPs to be included in the model? The permit should be clarified.
71. Page 54, No. C.2.e: Add the words "potential pollutant" to the phrase "...on proper outdoor loading/unloading of potential pollutant materials."
72. Page 54, No. D.1: What is the purpose of this section? It requires greater clarification.
73. Page 57, No. D.1.d: Define the term "recording" as it's used in this context.
74. Page 58, No. D.3.a/b: These requirements are ambiguous; please refine.
75. Page 58, No. D.4: The investigation and analysis of program options which are well beyond reach are a waste of taxpayer time and money. This particular program is not feasible and should be deleted from the requirements.

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VI. Program Requirements for Public Information and Participation

76. Page 62, Section VII: Define "fair share."
77. Page 64, No. A.1.a.iv: This requirement is not clear; please revise.
78. Page 65, No. A.3: What type of analysis is being required of residents and businesses? Please address.
79. Page 66, No. B.1: We disagree about the development and inclusion of "quantifiable objectives for changing knowledge and behavior in each of the targeted audiences." This section should be removed as such objectives will be impossible to meet.

VII. Requirements for Monitoring Program

The requirements for monitoring essentially fall upon the principal permittee and larger permittees. Monitoring procedures, therefore, have no direct impact on smaller cities. We will reserve our right to comment should indirect impacts result in the future.

VIII. Program Evaluation and Reporting

80. Page 82, No. A.2: This section states that permittees must individually demonstrate the effectiveness of watershed specific BMPs through pilot/demonstration projects. We do not believe that this is feasible and the requirement should be removed from the permit.
81. Page 83, No. A.4: Please define in the permit how a uniform data collection can be established for each of the required BMPs and identify the purpose of this data collection; otherwise delete.
82. Page 87, No. E.1: This section should be deleted in its entirety. It should be revised to indicate that compliance with the permit through successful

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implementation of BMPs and other regulations shall be the standard of performance.

83. Page 88, No. E: Add the words "or permittees" to the phrase "The Principal Permittee or permittees in consultation with the EAC...".

IX. Additional Provisions

84. Page 89, No. 4: It will be impossible to get anyone to sign such a certification. This problem is exacerbated by the fact that the permit is ambiguous and subject to legal interpretation and will most certainly end up in court. The certification requirement should be deleted.

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# Memorandum

CITY OF LA VERNE

DATE: January 3, 1996  
TO: Executive Advisory Committee  
FROM: Daniel W. Keesey, Administrative Superintendent  
SUBJECT: Comments on December 18 Draft NPDES Permit

After reviewing the above referenced draft, the City of La Verne offers the following comments. The general comments should suffice as our top 10 things wrong with the permit. The remaining comments are more specific to the permit.

If you should have any questions or would like to discuss any of our comments, please feel free to call me Monday through Thursday between 8:00 a.m. and 6:00 p.m. at (909) 596-8741.

## GENERAL COMMENTS

1. The entire permit is poorly structured and written in a passive voice with multiple compound constructions. This writing style confuses even skilled analysts.  
  
We recommend that the Regional Board hire a professional text editor in an attempt to clarify the text so that it can properly serve its intended audience. The permit must be logically structured and outline permittee responsibilities in clear, non-bureaucratic language.
2. A simple, easy to understand, summary checklist of Principal Permittee/permittee requirements and due dates should be provided in summary form so that users can easily develop their local programs. The current format is unwieldy.
3. Glossary or text needs to include additional definitions relating to areas of the text which are unclear, such as "disturbed area," "creation of impervious area," "effectively prohibit," "authorized discharges," "SPCA," "GCASP," plus others (which follow in this memorandum).
4. The permit makes numerous references to "...the Principal Permittee in consultation with the EAC....". What exactly constitutes "in consultation with the EAC"? Is the County obligated to heed the advice of the EAC? Can the County develop programs required by the permit

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then be used to tailor an agency specific storm water management plan. Although agencies within the same watershed may share similar experiences, very few agencies will be able to or need to implement the complete requirements of a Watershed Management Area Plan. This area of the permit should be revised accordingly.

9. Watershed Management Committees (WMC) should be free of any obligations under the permit. The committees are essentially the working groups formed three and four years ago to deal with the development and implementation of the first permit. These committees should remain working groups with all responsibility for participation resting with the local agencies.
10. The requirement for commercial/industrial inspections is well beyond the means of most communities. Should the Regional Board wish to keep this requirements, it should be delayed until such time that the federal or state governments provide funding, similar to the recently adopted water floridation bill. Our public outreach programs have been excellent for the most part and provide necessary information required under the inspection program. Limited inspections may be developed in lieu of the proposed inspection program.
11. The EAC and the WMC should remain comprised of agency staff members only. Staff members use these meetings to share ideas and eliminate any duplication of effort within the county. We are offended by the Regional Board's position that it be allowed to appoint members to both committees.

#### PERMIT SPECIFIC COMMENTS

##### Findings

12. Page 3, No 7: The findings indicate that permittees "effectively prohibit" non-stormwater discharges. What does this mean?
13. Page 7, No. 31: Insert "/or" following and in the phrase "if they can provide scientific information and/or documentation on the effectiveness...".
14. Page 13, No. II: What are the effluent limitations on receiving waters imposed by the documents that are incorporated by reference?

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without reacting to the comments and desires of the permittees?

The County is charged with developing permit requirements which must be implemented by the permittees. Will permittees be forced to comply with County developed programs for which their participation in developing may be limited or for which they do not agree?

5. The deadlines imposed for compliance are at best optimistic. Many requirements of the permit are due at the same time resulting in many staff hours and much expense. Yet the Regional Board chooses to allow itself ample time to review simple permittee submittals. Compliance time should be adjusted to reflect the real world and the Regional Board should be held to the same standards.
6. All land uses, industries and commercial facilities, and construction activities under permit from the Regional Board should be eliminated from this permit. For example, construction over five acres requires a permit from the Regional Board; it should be excluded from our permit. Phase I and other industries are permitted by the Regional Board and should therefore be excluded from our permit. The Regional Board must be held accountable for its own permit compliance responsibilities, not the permittees.
7. The development and inclusion of performance standards is unrealistic and difficult to apply universally. Each permittee should develop its own stormwater management plan which will differ in many respects from their neighbors. The requirement should be deleted.
8. The permit requires the development and implementation of the "Storm Water Management Program (SWMP)," "Countywide Storm Water Management Program (CSWMP)" which is supposed to include all of the components of the SWMP, and the "Watershed Management Area Plan (WMAPlan)." It's clear that a CSWMP must be developed but unclear to the development of a WMAPlan. Areas of the text note that a WMAPlan may be developed following implementation of the CSWMP. The development of multiple plans/programs is very confusing and awkward.

Development of a CSWMP should include all activities that can be shared by all permittees, including reporting and BMPs such as public education. This framework plan can

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then be used to tailor an agency specific storm water management plan. Although agencies within the same watershed may share similar experiences, very few agencies will be able to or need to implement the complete requirements of a Watershed Management Area Plan. This area of the permit should be revised accordingly.

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Insert following last sentence, first paragraph "...as appropriate, after review and comment by the permittees and upon receiving public testimony."

Define "authorized discharges" as used in this context.

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31. Page 27, no. J.2.a: Define SPCA.
32. Page 28, top of page: Again, the Regional Board should be allowed 60 days for review and approval. Revise section as necessary.
33. Page 28, No. J.4: Amend section to read "...frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Executive Officer in the SPCA."

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problem locations within their respective inspection programs.

IV. Program Reqs. For Development Planning/Redevelopment

52. Page 43, No. A.1.a1 Define "disturbed area".

Has the City of La Verne received and reviewed a map containing the "Areas of Special Biological Significance?" Please provide us with a copy. We would also like to review and comment on the Biological Habitats of the Water Quality Control Plan, Los Angeles Region.

We further believe that the Regional Board is responsible to monitor and enforce compliance on permits it issues, NOT PERMITTEES.

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59. Page 48, No. B.3.i: Define "regulatory program."

V. Public Agency Requirements

60. Page 52, No. B.2: The requirements outlined in this section are not clear; please clarify.
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VI. Program Reqs. for Public Information and Participation

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68. Page 64, No. A.1.a.iv: This requirement is not clear; please revise.

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VII. Requirements for Monitoring Program

No comments.

VIII. Program Evaluation and Reporting

71. Page 83, No. A.4: Please define in the permit how a uniform data collection can be established for each of the required BMPs and identify the purpose of this data collection; otherwise delete.
72. Page 87, No. E.1: This section should be deleted in its entirety. It should be revised to indicate that compliance with the permit through successful implementation of BMPs and other regulations shall be the standard of performance.
73. page 88, No. E: Add the words "or permittees" to the phrase "The Principal Permittee or permittees in consultation with the EAC...".

IX. Additional Provisions

No comments.

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**CITY COUNCIL**

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**CITY OF LOMITA**

January 24, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
Storm Water Programs  
Los Angeles Regional Water Quality Control Board  
Storm Water Permit Section  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD  
STORM WATER PERMIT SECTION  
55 JAN 26 11:11:59  
COMMUNICATIONS

Dear Ms. Tyrrell:

**COMMENTS REGARDING DRAFT NPDES MUNICIPAL PERMIT**

The City of Lomita is in receipt of your letter dated December 18, 1995 and the draft Los Angeles County Storm Water Permit (hereinafter "draft permit"). City staff has reviewed the permit and has provided extensive comments (attached herewith).

In general, we believe that the draft permit has evolved substantially since it was first introduced last February. However, it is still in need of improvement. It contains provisions that are unclear, contradictory, confusing, and excessive (to the extent that they exceed federal requirements and are not based on compelling data). Beyond this, the draft permit contains findings that have little or no bearing on storm water problems.

Two of the permit's provisions are especially disturbing to us. First is the county-wide and watershed storm water management program plans which are to be developed and implemented after the permit is adopted. The problem is that two sets of additional storm water requirements can be arbitrarily imposed on permittees without their approval. This is obviously unacceptable. Second, the draft permit denies small city representation and participation on the EAC. As a serious consequence, small cities would have little or no opportunity to influence decisions regarding such things as the development of the storm water public education/information program (to which all cities must contribute a "fair" share).

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Jan. 24, 1996  
Mrs. Catherine Tyrrell  
Page 2

It is also recommended that the draft permit be written in a manner that employs a style and format that is consistent with other storm water permits.

We hope that the comments will prove useful to you. If you have any questions or require additional information, please call me.

Sincerely,



WILLIAM O. MCCONNELL  
PUBLIC WORKS COORDINATOR

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COMMENTS ON DECEMBER 18 DRAFT STORM WATER PERMIT

City staff has reviewed the proposed draft storm water permit and concluded that it is in need of much correction. The following is a "short list" of the draft permit's deficiencies:

1. **Receiving water limitations are unclear and confusing.** The draft permit actually contains two sets receiving water limitations which appear to be in conflict. One set is derived from water quality objectives contained in the ocean and basin plans developed by the State Water Resources Control Board (in Sacramento), and applicable to the Los Angeles region. Another set is actually specified in the permit as qualitative objectives. They include items A.II.1 through 7. Although they are not referred to as water quality objectives or receiving water limitations per se, they appear to be such (e.g., floating materials in concentrations of quantities that do not cause nuisance or adversely affect beneficial uses of receiving waters). The draft permit also appears to contain two contradictory compliance standards. Under B.I, *Compliance with Discharge Prohibitions and Receiving Water Limitations*, the draft permit says a permittee may comply with receiving water limitations by:

"... demonstrating timely implementation of BMPs and other actions to reduce pollutants in the discharge from their municipal separate storm sewer system to the maximum extent practicable, in accordance with Requirement C of this Order - Storm Water Management Program Requirements."

In other words, by complying with the permit, receiving water limitations (and presumably water quality standards) will also be satisfied.

But under B.II, the draft permit suggests that a permittee could exceed a receiving water limitation (either expressed as a narrative or numerical standard), in which case such permittee would be required to prove that "storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance." The question is how could the permittee exceed a receiving water quality standard if it has met all of the conditions of the permit?

The draft permit goes on to say that if the permittee cannot prove that the exceedance was not caused by discharges within its jurisdiction, it would be required to either (a) accelerate its BMP schedule (a new feature), if the County-wide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMAP) is adequate; or (b) if the CSWMP or WMAP is deemed inadequate, the permittee will be required to modify the plan with the corrected deficiencies for resubmittal to the regional board. The revised plan would contain new or revised BMPs aimed a preventing future exceedances of a receiving water limitation.

Clearly, this provision is in conflict and confusing, and is in need of resolution. It should be revised to simply say that conformance with receiving water limitations

will be achieved by meeting requirements of the permit. This is how other regional boards have dealt with this issue.

2. The draft permit does not clearly identify basic permit requirements. Here are a few of many examples:

a. The section dealing with pollutant discharges from construction sites does not clearly indicate what types of construction are subject to control. The term "construction activity," as defined by federal NPDES regulations, refers to the disturbance of soil by grading, clearing, and excavating. As it is understood, a construction project that results in the disturbance of five acres or more of soil by grading, clearing, and/or excavating, is subject to NPDES construction permit requirements. But the permit is not clear about other construction projects (i.e., those that do not cause the disturbance of five acres or more of soil). The basic problem here is that the permit does not identify all construction projects that are subject to permit requirements.

b. See also comment #14 regarding legal authority requirements.

c. The draft permit tends either to be vague about bottom line requirements or does not mention them at all, and then provides a list of tasks presumably associated with them. "Program Requirements for Industrial/Commercial Sources" illustrates this point. It begins with the following

"Each permittee is required to develop and implement an industrial/commercial program that focuses on identification and control of storm water pollutant and non-storm water discharges from industrial/commercial sources within its jurisdiction."

**A. Identification of Sources**

1. The Principal Permittee in consultation with the EAC shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by October 15, 1996 ..."

What is missing is the bottom line requirement, which in this case is "controlling" pollutant and non-storm discharges from industrial/commercial sources. Once the this basic requirement is established, sub-requirements can be determined. Here's an example of a basic requirement relating to controlling pollutant discharges from industrial/commercial sources:

**A. Controlling Pollutant Discharges from Industrial/Commercial Facilities**

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1. All industrial and commercial facilities shall be (i) prohibited from discharging non-storm water to the MS4 unless exempted by this Order; and (ii) required to implement appropriate best management practices that operate to minimize the discharge of pollutants associated with industrial or commercial operations to the MS4, to the maximum extent practicable.

Once these basic requirements have been identified, criteria or tasks for satisfying them can be more easily determined.

3. The draft permit, despite its glossary of terms section, does not define key terms. The term "industrial activity" is a very important NPDES term, yet it is not found in the draft permit (though construction activity is defined). While the permit provides a broad definition of industrial/commercial facilities, it does not provide a separate definition of each. This is important because the term "industrial" has special significance within the context of NPDES provisions of the Clean Water Act (CWA). Also absent from the draft permit is the term "control," which is very important to understanding certain legal authority requirements. Another term referenced in the draft that is not defined is "treatment."
4. The draft permit now contains provisions that would impose additional requirements after its adoption. The permit (in the glossary, inappropriately), defines the County-wide Storm water Management Plan as follows:

"A comprehensive plan for implementation of the permit requirement described in Sections C.4 through C.VIII of the NPDES storm water permit that are applicable to all Permittees and all Watershed Management Areas. The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance from the EAC and participation from the permittees, according to the schedule prescribed in the permit. This shall be used as a tool to develop watershed specific storm water management plans."

A complete analysis of this provision cannot be provided because the references to permit sections C.4 through C.VIII of the draft permit do not exist. Nevertheless, in general, this provision – which is not found in the previous draft version – calls for the Principal Permittee to develop another storm water management program by way of a County-wide Storm Water Management Plan and a Watershed Management Plan. Both plans are to be developed after the permit is adopted. If, however, this provision remains, the County and LARB/SWU would have a blank check to impose other requirements, in addition to those contained in the draft permit, without approval from permittees. While a need for a watershed management program/plan is reasonable, an additional storm water management program clearly is not. County-wide program requirements should be dealt with only in this draft permit, not in some future document.

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- 5. The draft permit, unlike the previous version, does not guarantee small city representation on the EAC, as the following indicates:

"In the interest of minimizing the burden on small cities of participating in the committee process, each WMC's representative to the EAC shall be a Permittee other than the City of Los Angeles, with the largest population. In VMAs with two representatives on the EAC, the WMC as a whole shall select the second representative. Where the population of the EAC representative municipality is less than 100,000, the Principal Permittee will provide some sources to the Permittee in carrying out its role on the EAC."

To allow only those permittees with the largest population to participate on EAC is unfair. Eligibility for participation on the EAC should not be exclusive. It should allow small cities to participate and should be based on the permittee's interest in and knowledge of storm water management issues, not to mention desire and willingness to participate, not on population. It is worth noting that with the possible exception of the City of Los Angeles, the combined population of small cities (under 100,000) is greater than that of any other municipality in Los Angeles County.

- 6. The draft permit arbitrarily determines area-wide storm water management requirements. No where in the permit is there any explanation as to why certain storm water management requirements have been selected for area-wide implementation. Take for example inspecting restaurants, which are a suspected to be source of non-storm water runoff pollution. According to the LARB/SWU, restaurants tend to wash-out garbage cans and trash bins, and hose down floor mats outdoors, causing contaminated runoff (containing nutrients and bacteria) to enter the municipal storm water system. While this may be a problem in the Santa Monica watershed, as asserted by Heal the Bay and the Santa Monica Bay Restoration Project, it may not be a problem in the other watersheds. Therefore, until this is proven to be a problem in other watersheds, managing non-storm water pollution from restaurants should be a watershed-specific requirement, not an area-wide one.

This is not to say that cities should ignore restaurants as potential sources of non-storm water discharge. At a minimum, County-wide, all cities should provide restaurants and other suspected sources of runoff pollution with public education materials discouraging them from illicit discharge practices. Then on watershed level, additional requirements can be imposed, but based on compelling data.

Furthermore, there are receiving waters in Los Angeles County that are equipped with structural controls that: (1) prevent non-storm water discharges from entering ocean waters; and (2) trap sediment in large detention basins, thereby also preventing such pollutants from entering ocean waters. Therefore, cities that discharge upstream of these structural controls should be allowed to discharge non-

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storm water (including non-storm water discharges from restaurants) into the MS4 and should not be required to implement costly BMPs.

- 7. Several of the draft permit's proposed requirements would require city permittees to perform work that should be the responsibility of LARB/SWU staff. Inspecting industrial facilities that require NPDES General Industrial Activity Storm Water permits (GIASWPs) is one example. This is a state-issued permit required by state law. While it is not unreasonable to require cities to assist the regional board in identifying those industrial facilities that are required to have permits and/or Storm Water Pollution Prevention Plans, and then report them to LARB/SWU staff, it should not be the permittees responsibility to assist the state in enforcing its requirements. For example, cities should not have to inspect an industrial activity site for best management practices implementation. This task would necessitate a review and evaluation of the facility's Storm Water Pollution Prevention Plan (SWPPP) which, therefore, requires a thorough knowledge of GIASWP requirements - complicated subject.
- 8. Many of the requirements proposed by LARB/SWU exceed federal and state storm water management regulations..

The draft permit contains several provisions that clearly are not called for either in federal or state NPDES requirements. The following examples are provided below.

**a. Inspections of Industrial Commercial Facilities**

The draft permit would require cities to identify, prioritize, and inspect other industrial facilities that require General Industrial Storm Water Activity NPDES permits (GIASWPs) that are already subject to inspections by LARB. In addition, the draft permit would also require cities to identify, prioritize, and inspect other industrial facilities that do not require GIASWPs. These facilities are identified in *Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA, Washington D.C.*

Nothing, however, contained in NPDES storm water provisions of the federal Clean Water Act specifically mandates inspections of this other category of facilities (referred to by LARB/SWU staff as Phase II facilities). It is understood that the State Water Resources Control Board has asserted its authority to mandate additional requirements. Such requirements should not be arbitrary and should not be performed at the county-wide level.

LARB/SWU must rely on scientific data to justify the need for any additional requirement. This, ostensibly, is the purpose of performing a characterization study and performing storm water/non-storm water monitoring and analysis. But the criteria proposed by LARB/SWU staff to identify and prioritize facilities for

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inspection are ineffective. They include, for example, "types and quality of non-storm water discharges; professional understanding of the industrial/ commercial sector waste management practices; and experience of local agency industrial inspection programs." However, all of these criteria are subjective and involve a lot of administrative work, but do absolutely nothing to facilitate selection of industries for inspection. If anything, they only confuse the selection process (e.g., how do you determine a facility's professional understanding of the industrial/commercial sector waste management practices?).

It is noted that LARB/SWU has, in response to many permittee complaints about the draft permit exceeding federal and state authority, asserted the following:

"Regional Board staff has discussed this Order extensively with Counsel. It is Counsel's opinion that, given the fact that no numerical criteria have been prescribed and Permittees have had more than five years to develop an MS4 program to reduce pollutants in storm water to the maximum practicable, and that progress in implementing the countywide program has been slow, it is appropriate to include specific program components based on the permit reissuance application submitted by Permittees and the MS4 BMPs practiced by other California MS4 programs ..."

LARB/SWU is essentially saying that it has the prerogative to require what it deems necessary. While LARB/SWU may have the discretion to exceed federal and state requirements with regard to this permit, it cannot do so arbitrarily. Extra-requirements must be based on a demonstrated problem, using acceptable evidence (e.g., scientific data), as opposed to unsubstantiated opinion. LARB/SWU staff's contention that permittees have been slow in implementing countywide program is an example of an unsubstantiated opinion. Furthermore, it is an erroneous opinion. The reason permittees have been slow in developing a countywide storm water management program is that LARB/SWU has not required it as condition of the existing permit. LARB/SWU has not even specified legal authority requirements under the existing permit – requirements that are critical to any storm water management program. Beyond this, it has not been able to define what "inspection" means within the context of that Additional Best Management Practice that requires inspections of gas stations, restaurants, etc.

**b. Non-storm water discharges**

See below comment #8.

**c. Public Education**

As proposed, cities would be required to implement an immediate outreach program that involves the performance of several public education tasks, including but not limited to developing and distributing brochures and door

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hangers, and issuing newsletters containing storm water management-related public education information. In addition, cities would be required to contribute their "fair share" to a long term public education program to be developed by the County of Los Angeles through a \$5,500,000 consulting contract over a five year period.

The draft permit is too controlling here. LARB/SWU has no authority to compel cities to contribute a "fair share" (which is not defined), to a public education program that is to be developed in the future by the Principal Permittee. This would deny cities the opportunity and right to develop a public education program of its own, which in the final analysis might prove more efficient and cost-effective than what the Principal Permittee's consultant could produce.

9. The draft permit unilaterally denies several non-storm water discharge exemptions that are allowed under NPDES provisions of the Clean Water Act.

According to CFR 40, 122.26, the following non-storm discharges are exempted unless such discharges or flows are identified by the municipality as sources of pollutants to waters of the United States: *water line flushing water; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street wash water, and discharges resulting from fire fighting (only where such discharges or flows are identified as significant sources of pollutants to waters of the United States.*

However, the draft permit only unconditionally exempts 6 of these 18 non-storm water discharge categories. They include flows from *riparian habitats or wetlands; diverted stream flows; springs; rising ground waters, uncontaminated groundwater infiltration, and discharges of flows from emergency fire fighting activities.*

Then the draft permit conditionally exempts the following nine non-storm water discharges (already exempted by federal regulations): *landscape irrigation; water line flushing; foundation drains; air conditioning condensate; irrigation water; water from crawl space pumps; retaining wall drains (same as footing drains); individual car washing, and residential swimming pool discharges.* Conditionally exempt means that the non-storm water discharges in question "need not be prohibited," provided that (1) the permittee or Executive Officer (of LARB), determines that the discharges are not pollutant sources; and (2) BMPs are developed to "minimize adverse impacts of such sources" (what ever that means).

Beyond this, the draft permit – surprisingly – exempts non-storm water discharges that are not even exempted by federal regulations. They include: *hydraulic graffiti*

*abatement, inductive traffic loop flushing (discharges not contemplated by CFR 40 §122.26). Then the draft permit conditionally exempts residential roof drain discharges, but denies such discharges from industrial roof drains, both of which are comprised of storm water and, therefore, are not even non-storm water discharges. The permit also flatly denies street washing (an exempted non-storm water) and sidewalk washing, because they are deemed by the Excessive Director of LARB to be significant pollutant sources.*

That the draft permit allows for the application of exemptions to LARB's Executive Director is not reassuring. There is no guarantee that the exemption will be granted if the basic criteria are met because they involve too much subjectivity.

It is apparent that LARB/SWU (1) has exceeded its authority by denying permittees non-storm water discharge exemptions granted to municipalities in CFR 40, §122.26; and (2) has been arbitrary in determining which non-storm water discharges should be exempted. As mentioned, federal regulations entitle municipalities to exempt the 18 categories of non-storm water discharges, unless they have been identified as pollutant sources. Until these non-storm water discharges are determined as such by municipalities (e.g., through scientific means), such discharges should be allowed.

- 10. The draft permit, incorrectly, lumps illicit connections with illicit discharges and eliminates illegal disposal practices. Actually, illicit connections are a subset of an illicit discharge. An illicit connection is a device by which an illicit discharge (a fluid) is conveyed to the MS4. An illegal disposal/dumping practice, however, is an activity that causes the placement of a solid material (e.g., refuse), into the MS4. To put it another way, eliminating an illicit connection is task connected to the basic requirement of controlling illicit discharges. Other tasks associated with this basic requirement include (a) encouraging public reporting of non-storm water discharges through public education/outreach; (b) devising an internal mechanism for recording and responding to such reports; and (c) ordinance enforcement (through routine inspection or discovery by code enforcement).

(Note: It is recommended that "removing" an illicit connection be replaced with "eliminating" an illicit connection. Removing an illicit connection could be construed to mean the physical transfer of such connection from its location to another. However, according to its statutory definition, an illicit connection could be any conveyance, including "any device through or by which non-storm water is discharged into the municipal storm water system, including but not limited to floor drains, pipes or any fabricated or natural conduits." But removing or taking-out the illicit connection could be costly. Using "eliminating" instead would give the owner/operator of the facility where the illicit connection is located the option of rendering it incapable of operating as an illicit connection. A floor drain, for example, could be plugged, thereby preventing it from being a conveyance of an illicit discharge.)

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11. The draft permit makes the mistake of combining construction activity program requirements with land use management requirements into one chapter. However, CFR 40 §122.26 and other authoritative documents relating to storm water management, including the California Storm Water Handbook, which is referenced in the draft permit, treats construction and land use management as two separate and distinct issues. The problem with combining these program components is that they contribute further to the confusion that already exists.
12. The draft permit is disjointed and contradictory in many places. For example, the permit requires permittees to prohibit non-storm water discharges (i.e., any material that is not entirely comprised of storm water) to the municipal storm water system (MS4). Yet, under the industrial/commercial section, the draft permit states that non-storm water discharges to the MS4 from gas stations are permissible as long as they are pretreated. However, no where in that part of Code of Federal Regulations that covers NPDES storm water provisions are such discharges exempted; nor is there an NPDES permit available to service stations/auto repair facilities for this purpose. Furthermore, the term "pretreatment" is not defined anywhere in the permit. If not corrected, this problem will lead to confusion and non-compliance.
13. The draft permit is unnecessarily lengthy (almost 90 pages long). LARB/SWU staff explained that the permit is lengthy because permittees wanted more detail – a criticism of the existing permit. However, much of the detail contained in the draft permit does not provide clarity. In many case, it only increases confusion. Permittees have always desired defined requirements (i.e., "ends") not just detailed explanations as how to achieve them (i.e., "means"). For example, under the 1990-1995 permit, permittees are required to establish "requisite legal authority" and conduct inspections of auto repair/parts facilities, gas stations, and restaurants. Yet, neither the current permit nor any other documents issued by LARB/SWU contain any information that identifies criteria required to establish legal authority. Nor does it define "inspection" relative to auto repair/parts facilities, gas stations, and restaurants (e.g., inspection for non-storm water discharges from these sites or inspection for good housekeeping practices or other BMPs that operate to prevent storm water discharges to the MS4?). Clearly without such information compliance would be very difficult.
14. The section on legal authority, located under program management, contains requirements that are taken directly from CFR 40 §122.26, but are not more specifically defined by LARB/SWU. A case in point is controlling "through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system." The problem is that nothing in the draft permit translates this federal requirement into a task; nor does the draft permit provide a clue as to how permittees are to meet this legal authority requirement.

15. The draft permit contains language that is difficult to understand. For example, under Section IV.A 1, the permit reads, "For unitized development the common plan of development or sum of all units shall be considered in determining the priority rating of the development." First of all, no definition of "unitized" is provided. Beyond this, the entire sentence in which this undefined term is contained is also unclear.

The language used in the permit should be as simple as possible, otherwise an inordinate amount of time will be spent on trying to interpret its meaning. And since LARB/SWU staff has not in the past been forthcoming in responding to questions from permittees regarding some of the gray areas of the existing permit (e.g., inspections and legal authority), requirements and procedures must be easy to understand.

16. The findings section of the draft permit contains inappropriate information. For example, under finding 36, LARB/SWU acknowledges those cities that contributed money to the guidance document. Clearly such reference should not made here or any where else in the proposed permit. Furthermore, as a matter of accuracy, LARB/SWU has named some cities that have decided not to contribute. Another example is finding 32 (k) which mentions the Natural Resources Defense Council (NRDC) law suit against Caltrans for failing to comply with existing NPDES permit requirements, and 32(l), which references NRDC's settlement agreements with several cities for their alleged failure to comply with existing NPDES permit requirements. It is unclear as to what purpose such information would serve with regard to the proposed permit.

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# CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (310) 570-6383

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January 29, 1996

Catherine Tyrrell  
Assistant Executive Director  
California Water Quality Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA. 91754-2156

LOS ANGELES REGION  
COURT REPORTER  
COURT REPORTER

**SUBJECT: Comments on the NPDES Draft Permit Dated December 18, 1995**

Dear Ms. Tyrrell:

The City of Long Beach has completed its review of the final draft permit dated December 18, 1995. As requested, the City is submitting review comments in hopes that the Regional Board will take them into consideration prior to issuing the Tentative Order. Our previous comments having been largely ignored in this draft, we incorporate all of our prior comments into this comment letter. Please incorporate this letter into the administrative record of this permit.

Prior to presenting our comments, the City of Long Beach believes it is necessary to comment on the permit review process. We agree with the City of Carson that the comment period is inadequate. We are also informed that the EPA is issuing a new guidance document; this permit should reflect the information contained therein, as should our review. We therefore ask that the permit schedule be extended to include consideration of the new EPA guidelines.

The schedule, as explained by Catherine Tyrrell at the January 25th watershed meeting, proposes a draft tentative permit be issued on March 19th. Since the most recent draft, issued several months after the close of our last comment period, failed to address or even acknowledge most of the concerns of the cities, we are gravely concerned that this abbreviated turn-around time will not allow staff to incorporate the previously-neglected comments, much less the additional comments and concerns generated by this draft. It appears that 1) additional review time will be needed and 2) an additional draft should be generated prior to the issuance of the draft tentative permit.

In addition, we request a copy of the written response from the State Board Counsel regarding the 10 legal issues developed by your office and addressed at the Watershed meeting. As a result of this meeting, among the items to be revised are the inspection program, legal authority section and open meeting issues.

Page 1 of 8

AIRPORT BUREAU  
4100 DONALD DOUGLAS DR.  
90808 (310) 570-2800  
FAX (310) 570-2801

ENERGY RECOVERY BUREAU  
120 HENRY FORD AVE.  
90802 (310) 570-1186  
FAX (310) 570-1230

ENGINEERING BUREAU  
333 W. OCEAN BLVD., 9th FLOOR  
90802 (310) 570-6383  
FAX (310) 570-8012

INTEGRATED RESOURCES BUREAU  
2829 EAST WILLOW ST.  
90806 (310) 570-2850  
FAX (310) 570-2861  
TDD (310) 570-2863

PUBLIC SERVICE BUREAU  
1601 SAN FRANCISCO AVE.  
90813 (310) 570-2709  
FAX (310) 570-2782  
TDD (310) 570-2778

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Catherine Tyrrell  
January 29, 1996

As expressed at the January 25th watershed meeting, our counsel has numerous concerns regarding the legality of the permit as drafted. While she has reviewed and participated in the preparation of this letter, her comments will be presented in depth in response to the legal memorandum to be prepared by Jorge Leon, your counsel, as agreed at the watershed meeting.

The City's comments have been grouped into two categories, general concerns and specific comments. The general concerns are set forth in the body of this letter; the specific comments are included as Attachment A and are incorporated by this reference. Due to the size (over 90 pages, single space) and significant new material included in the new revision, the City cannot perform a comprehensive review of this permit within the time frame allotted. The list of specific comments is not intended to be a line-by-line permit review but merely serves as a support for the general comments.

Considering the amount of comments the Regional Board has received from the EAC and from many other Permittees, it is quite evident this draft permit requires extensive revision work. Rather than burden the Regional Board with this tremendous task, the City of Long Beach would support the involvement of an impartial consultant to finalize this document. We would welcome the opportunity to explore this further.

**GENERAL COMMENTS:**

1. **The Goals and Objectives are Not Adequately Addressed in this Permit.**

The purpose of this program is to reduce, to the maximum extent practicable, the discharges of pollutants from MS4 which have a negative impact on the beneficial uses within the receiving waters. This focus seems to have been lost in this permit.

This permit fails to identify which receiving waters are impaired by municipal storm water discharges. This permit fails to identify which beneficial uses are impaired within those receiving waters. This permit fails to identify the significant pollutants that have impacted the beneficial uses within those receiving waters. All of the work should already have been accomplished by Board staff.

If the permit is approved as written, the Permittees will be put in the position of requiring specific unproven management practices to achieve unidentified goals. Permittees will be excessively regulating local industries, businesses and residences that may not be contributing

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Catherine Tyrrell  
January 29, 1996

significant pollutants to the municipal storm drain system. Permittees will be wasting limited City resources in yet-to-be justified storm water quality program.

Our storm water management program should be implemented jointly by the Board staff and the Permittees in the following sequence:

1. Implement an overall Public Education program.
2. Identify those bodies of water that receive municipal storm water discharge.
3. Identify the beneficial uses for each of those bodies of water and prioritize them.
4. Identify the beneficial uses impaired by municipal storm water discharge.
5. Identify the significant pollutants that have impaired the beneficial uses.
6. Prioritize the problem areas and identify the possible sources within the tributary drainage area for that body of water.
7. Develop BMPs to reduce the significant pollutant loadings within the storm water discharge and implement them.
8. Intensify the educational efforts to specific target groups which have been identified as possible sources within the tributary drainage area.
9. Focus the monitoring program on the problem areas to gauge the effectiveness of the BMPs and Permittees' efforts.
10. Based on the monitoring results, revise BMPs and redirect the Permittees' efforts, accordingly.

2. The Permit Lacks Clear Baseline Requirements While Micromanaging Solutions.

The permit should provide clear baseline requirements for each program element. Instead, this permit lists numerous detailed methods and procedures and imposes several levels of documents and Plans. Without knowing clear baseline requirements, many Permittees are extremely concerned about the ability to participate, plan and implement this program.

As stated several times before, the permit should establish the baseline requirements for the Watershed Management Area Plan (WMAP) rather than attempt to list numerous specific management practices or methods. Each program element of the WMAP should be developed after the adoption of the permit, with input from all interested parties, not just selected groups. Refer to the Federal Regulations 122.26 (d)(2)(iv):

Proposed management program. A proposed management program covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent

Catherine Tyrrell  
January 29, 1996

practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate.

The EPA regulations clearly contemplate a permit system with the flexibility to reflect local conditions. The regulations permit the applicant to prioritize its management programs, so long as all sources of pollutants are addressed.

Section A.1. of this permit clearly states the minimum requirements for a specific program element and how the Permittees are given the opportunity to develop their own specific management practices. This format should be used throughout the permit.

3. **The Findings Require Extensive Revisions.**

While we are pleased to see some findings at last, many of the findings are grossly inappropriate. Some items should be excluded, some of the explanations included in brackets should be in the findings, and many basic findings have been omitted. For example, the "footprint" of the permit area is not included. Not only the boundaries, but a recognition of major excluded sites should be included. The receiving waters should be listed, as well as an accurate listing of the beneficial uses of those waters. The findings section is crucial to the eventual implementation of this permit and should be negotiated among counsel, with technical staff available for assistance. The draft findings contained in the draft Santa Ana Region permit provide a good model.

4. **The Permit exceeds the Clean Water Act Authority: Any requirement which exceeds the conditions set forth in the Clean Water Act must be substantiated and justified.**

In several areas, the permit requirements greatly exceed the requirements of the Clean Water Act. The City of Long Beach will strongly resist efforts to expand the scope of the permit beyond the Clean Water Act. The City is extremely concerned about the required inspection program and the established ranking system to target certain industrial activities. This permit arbitrarily requires Permittees to invest their limited resources in regulating activities whose significance to stormwater quality impairment has not been determined.

In addition, the criteria for substituting or eliminating a BMP from the program is unduly burdensome. While, the existing BMPs that are being implemented have not been demonstrated through documentation and/or scientific data that they are technically feasible and cost effective. The inclusion of such stringent criteria in the permit goes beyond the federal regulations.

Catherine Tyrrell  
January 29, 1996

The requirements of the monitoring program also exceed the provisions of the Clean Water Act. Requiring other Permittees to monitor five additional critical sources above and beyond the five to eight critical sources required by the Principal Permittee is excessive and unwarranted.

5. This Permit Violates Water Code Section 13360.

The Porter-Cologne Water Quality Control Act (Water Code Sections 13000 et seq.) clearly states the Legislature's intent that water regulation be "reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible."

As currently drafted, the permit would violate Water Code Section 13360 which prohibits a regional board from specifying the manner in which its requirements are complied with. The attempt in the permit to dictate the powers and duties of the Executive Advisory Committee (EAC), indeed to require that there be an EAC, is one such violation. How the permittees choose to organize themselves, whether utilizing an EAC, by watersheds, or under another format, is not the concern of the Regional Board and therefore should be omitted from the permit. It should suffice that the permit make certain requirements of "all permittees" or specify which permittees must comply with certain requirements, (such as by size or watershed) rather than mandate the activities of the EAC.

6. The Inspection Programs Specified in this Permit Create Unfunded Mandates.

**INDUSTRIAL/COMMERCIAL**

It is inappropriate to hold a city responsible for the compliance of agencies and businesses over which it has no control, some of which have State-issued permits with which the State is charged with inspecting and insuring compliance. Requiring the cities to do State inspections creates another unfunded mandate on the cities which we will vigorously resist. Further, the permit must recognize that city jurisdiction does not extend to certain properties held by state and federal agencies (including military property) and school districts.

The requirement to inspect gas stations, restaurants, vehicle repair shops, vehicle body shops, vehicle part and accessories facilities is premature. The State has not fully implemented their industrial NPDES program and the pollutants of concern have not been identified for each watershed to link these facilities as significant contributors. There is no legal or scientific data to warrant such a requirement. To arbitrarily target these facilities, demonstrates the lack of flexibility and concern for cost effectiveness.

Catherine Tyrrell  
January 29, 1996

### CONSTRUCTION

The State General Permit Program for construction, > 5 acres in size, should be administered and enforced by the State. Permittees should not be required to perform the State's responsibility of conducting construction inspections since the State is collecting the fees for those permits and setting the standards and criteria to be met.

The developers that are required to obtain a State NPDES Construction Permit are those construction sites (>5 acres) that have been identified as having the greatest potential to contaminate storm water and urban runoff. Until the State fully implements their inspection and/or enforcement program, Permittees should not be required to inspect smaller construction sites that have a lesser impact on storm water quality. At this time, the implementation of the educational program in Section VI (page 62) should be sufficient. Both contractors and developers are included as target audiences.

7. **Compliance Dates are Not Realistic.**

The compliance dates need to take into consideration the government process in policy making and budgeting, especially for large cities.

In addition, to have an effective program, the implementation sequence needs to be well thought out. Some program elements should not begin until others have been fully implemented. For example, the public education element should precede the program requirements for development planning/construction and industrial/commercial sources.

8. **Reporting Requirements are Excessive.**

Reporting should be kept simple. The amount of reporting specified in this permit is too expensive, laborious and unreasonable. For examples, budget requirements (pg. 24) are too detailed; the database listing for construction sites (pg. 47) is excessive; the certification requirements by a Principal Executive Officer (pg. 90) are not practical.

9. **The List of Exempted Non-Stormwater Discharges is Unnecessarily Stringent.**

This list is inconsistent with other Regional permits. Why does the State impose such stringent procedures for discharge exemption on LA Basin cities? Also, some exempted discharges listed in other State permits were deleted from this permit such as uncontaminated pumped ground water and discharges from potable water sources. Is there a compelling reason or justification for these decisions?

Catherine Tyrrell  
January 29, 1996

10. Appeal Process is Not Acceptable.

The original version of the administrative review process should be reinstated. The administrative review process, as negotiated with the EAC, was intended to provide a mechanism to ascertain compliance with the intent of avoiding unnecessary legal action. The language " ...a Permittee shall not be in violation of any term or condition of this permit until the following administrative process has been completed " should be reinstated.

11. Receiving Water Limits are Unreasonable.

As prescribed, such water limits are virtually unattainable. We concur with the State Storm Water Quality Task Force that compliance with municipal storm water permits should be premised upon implementation of best management practices to reduce the discharge of pollutants to the maximum extent practicable (MEP), not achievement of water quality objectives.

12. The Permit Should Include a Reopener Provision.

Currently, at several points in the permit, staff has the ability to impose additional requirements on cities as it sees fit. Cities are asked to give the Regional Board a "blank check" on these matters, without any ability to plan for or cap expenses. We suggest the inclusion of a "right of reopener" provision regarding topics on which there is not currently sufficient information to regulate, but for which it is anticipated such information will become available. If such a mechanism was adopted and the Regional Board wanted to impose additional requirements in the future, there would a comment period and a public hearing. Conversely, such a mechanism should be available to delete requirements that have no demonstrable benefit.

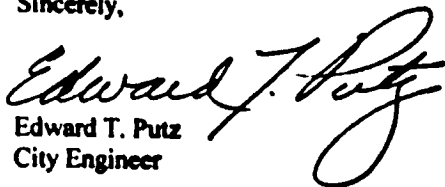
Most importantly, there should be a reopener provision triggered by amendments to the Clean Water Act.

The City strongly urges that the input of business, industry and residents be sought before a draft tentative permit is issued. Just as the staff has utilized the expertise of environmental groups to draft portions of the permit, so could it benefit from the contributions of the regulated community.

Catherine Tyrrell  
January 29, 1996

Thank you for giving the City of Long Beach the opportunity to comment on this draft.

Sincerely,

  
Edward T. Putz  
City Engineer

attachment

cc: Raymond T. Holland  
Lisa Peskay Malmsten  
Richard Schacht

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03-1-96

ATTACHMENT A

**SPECIFIC COMMENTS :**

Comments listed are not-all-inclusive but merely examples to substantiate our general concerns.

**FINDINGS**

1. Page 1. Comment in Brackets "...Permittees have had more than 5 years to develop an MS4 program to reduce pollutants in storm water to the 'max. extent prac.', and that progress in implementing the countywide program has been slow, it is appropriate to include specific program components based on the permit reissuance application submitted by Permittees and the MS4 BMPs practiced by other California MS4 programs."

THIS STATEMENT IS NOT TRUE -The majority of the LA County cities have not been involved in the MS4 program for more than 5 years. In fact, almost 1/2 of the cities have been involved less than 3 years. The NPDES permit, issued by the State, outlined a phased implementation program. Phase III cities (35+) came on board in July 1993.

Progress has been slow? Reviewing the past County monthly progress sheets (for Phase III cities), it appears most cities met their permit requirement target dates. This statement needs to be clarified.

2. Page 2 Finding 1, needs to clarify that the implementation of Order 90-079 was a three tier program with commencement dates staggered over a three year period. The reason for this clarification is to prevent future misconceptions as stated in Comment No.1 above.
3. Page 2 Finding 4, addresses pollutants of concern within the storm water discharges in the Los Angeles basin. Listed pollutants are several heavy metals, petroleum hydrocarbons, certain pesticides and others.

Since this area is a very critical point in developing an effective storm water program and serves as the basis in establishing, prioritizing, and enforcing the BMPs, the listed pollutants of concern warrant a more lengthy explanation and justification than one sentence.

1. What is the resource for this information?
2. Which bodies of waters were tested?
3. What were the pollutant loadings to warrant a concern?
4. Did the pollutants have measurable negative impacts on the beneficial uses?  
Which pollutants listed, if any, were considered significant?
5. Have the pollutants been prioritized for the bodies of waters tested?

Many areas within this permit such as III.A, III.B., III.C... refer to identifying sources, prioritizing sources, developing source control programs, etc. A more specific description and prioritization of the pollutants of concern is necessary in order to adequately and effectively implement the permit requirements. The glossary of terms only list the pollutants of concern for

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the Santa Monica Bay.

If the pollutants of concern need to be determined for the other watersheds, the findings should state this fact. For those watersheds, the focus should be to determine the pollutants of concern and to implement the public education program. Then, upon identifying the pollutants of concern, an effective WMP can be developed.

- 4. Page 2. Finding 6. is an arbitrary statement and a broad brush approach in identifying significant sources of storm water pollution. The assumptions stated regarding stormwater pollution have not been determined to apply to Los Angeles County specifically. Again, as stated before, the significant pollutants must be identified first before the significant sources can be identified.
- 5. Page 3 Finding 8. further justifies why the pollutants of concern must be identified. As stated, "The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants."

Without first determining the pollutants of concern, then identifying the sources and focusing our efforts in controlling those sources, cities will be excessively regulating sources that may not even be contributing pollutants to the MS4. Cities will be wasting limited resources on an inefficient program.

- 6. Page 3 Finding 12. is correct that the State may impose more stringent requirements. However, those requirements that exceed the conditions set forth in the Clean Water Act must be substantiated and justified.
- 7. Pages 3&4 Findings 13, and 16, need clarification. They are confusing and contradict each other. Finding 13 specifically states that this Order includes narrative limitations but no numerical limits for storm water discharges at this time due to insufficient information. Finding 16 states the Basin Plan contains both narrative and numerical water quality standards which is incorporated into this Order under Section A.II.(page 13)
- 8. Page 4 Finding 18. states the Regional Board has implemented the Watershed Protection Approach (WPA) in addressing water quality management in the region. It furthers states, the objective of the WPA is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts.

**What are the economic and environmental impacts? Has the Board consider the magnitude of effort involved to the benefit gained?**

- 9. Page 4. Finding 17. introduces the term "Storm Water Management Program (SWMP)" which needs to be added to the Glossary of Terms.
- 10. Page 5. Finding 20. needs to be expanded to include those areas that produce non-urban runoff,

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such as agricultural land. This Finding should also state Permittees are not responsible for permitted point source discharges.

- 11. Page 5 Finding 21, acknowledges portions of Ventura County draining into LA County. It further states that Ventura county will ensure that its storm water management program for the portion draining into Los Angeles County is made consistent with the requirements of this Order issued to Los Angeles County.

What about Orange County? Another finding needs to be added to acknowledge and address those portions of Orange County that drain into the Los Angeles County.

- 12. Page 8. Finding 32.c, concludes with the statement "a coordinated effort between the Permittees and the Regional Board is critical to avoid duplicative storm water regulatory activities and promote storm water program efficiency. There is no basis for local and state regulation of industry to be duplicative.
- 13. Page 8. Finding 32.f, is unclear. Will non-permittee organizations be required to participate in the L.A. County Municipal Stormwater Program, since this finding "prohibits" non-stormwater discharges from public agencies?

**A. DISCHARGE PROHIBITION AND RECEIVING WATER LIMITATIONS**

- 14. Page 13. Section A.I, should include the verbiage *to the maximum extent practicable*.
- 15. Page 13. Section A.II, is confusing. This section first states that the water quality objectives for the Los Angeles Basin are contained in two documents, the Basin Plan and the Ocean Plan, and are incorporated in this Order to serve as Receiving Water Limitations. Then the Section proceeds to describe objectives for authorized discharges. Are the objectives listed in the permit in addition to the Basin Plan and Ocean Plan objectives? Or does the list contain those objectives from the Basin Plan and Ocean Plan that are applicable?

**B. COMPLIANCE WITH DISCHARGE PROHIBITION AND RECEIVING WATER LIMITATIONS**

- 16. Page 14. Section B.I, can be simply written to state that "Each permittee that meets the requirements of this Permit shall be in compliance."
- 17. Page 14. Section B.II, This compliance portion is unreasonable and should be deleted.

**C. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS**

- 18. Page 15. Section C, mentions a program. Storm Water Management Program (SWMP), and two plans, the Countywide Storm Water Management Plan (CSWMP) and the Watershed

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Management Area Plan (WMAP).

How do these documents relate to one another? Section C.3. states the WMAP supersedes the CSWMP upon approval by the Executive Officer. Is this approval on a piece meal basis as each segment/program of the WMAP is completed and submitted? Does the CSWMP supersede the SWMP upon approval?

How and when are the documents developed? For example, Section II.A.1. (Page 29) states the Principal Permittee shall develop a model program for the elimination of illicit connections by July 15, 1996. The assumption is that the model program is part of the CSWMP. This Section further describes the minimum requirements for the model program. Is the list of minimum requirements part of the SWMP? The last portion of this Section states that each Permittee, based on the model program, shall implement a program to identify and eliminate illicit connections by January 15, 1997. Is this the WMAP portion?

This is one example of about 50 or more program elements that will be developed. Keeping track of the progress and reporting will be quite an ordeal by itself without the added burden of trying to keep tabs on which Program or Plan applies.

The complexity in administering this permit is becoming more cumbersome with each new permit version. As stated several times before, the permit should establish the required framework for the Watershed Management Plan (WMP) and clearly define the minimum requirements for each element/program of the WMP. If this is adequately done, there would be no need for a Countywide Storm Water Management Plan (CSWMP) which only complicates and prolong the process.

I. REQUIREMENTS FOR PROGRAM MANAGEMENT

- 19. Page 17. Comments in Brackets The 3rd paragraph states the CSWMP shall be developed by Principal permittee in consultation with the EAC. Clarify the verbiage *in consultation with the EAC*?

This paragraph also references when the WMAP can be developed. After all section requirements for CSWMP have been developed, and are being implemented, Permittees then have the option of developing a separate WMAP to replace the CSWMP. This requirement is not stated anywhere in the permit.

The last sentence in the paragraph states that the WMP must contain some components of the CSWMP but can customize others. Again, this is not stated anywhere in this permit. What are those components?

- 20. Page 19. Section B.1.b. needs to be clarified. Each Permittee shall implement all requirements described in this Order for a Permittee, the CSWMP, or the WMAPs *on approval by the*

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*Executive Officer.* What happened to the SWMP identified in Section C.1. (page 15)?

- 21. Page 19. Section B.2 should be deleted. Section B.1 holds the Permittee accountable for meeting the Permit requirements. How the Permittee coordinates and implements this program within it's agency should not be specified in this permit.
- 22. Page 19. Section B.3, wrongfully requires the delegation of authority from a City Official.
- 23. Page 20. Section D.1, the organizational structure should be chosen by the Permittees (who are obligated to meet the permit requirements) and it should not be specified in the permit.

The concern for public input is unwarranted. Public participation will take place during the development of the program elements. In addition, Section K (page 28) allows for a 45-day public review period for each program element submitted to the Executive Officer.

- 24. Page 21. Section D.2.a, introduces the term *countywide programs*, define it and describe how it differs from CSWMP.
- 25. Page 21 & 22. Sections E.1.2 & 3, same comment as 21 above.
- 26. Page 22. Section E.4.c, states the WMC shall develop a WMAP based on the CSWMP. The WMAP is not optional as stated in the preface of this Chapter. See comment 17 above. In order to prevent confusion or any misunderstandings, the Board's intentions must be clearly stated.
- 27. Page 23. Section G.1, The budget summary should be limited to those requirements specified in the CWA.
- 28. Page 24 & 25 Section H. 1 & 3 The verbiage to the maximum extent practicable needs to be inserted. The term *control* needs to be added to the Glossary.

Without knowing the specifics of the program or all of the requirements, how can a Permittee provide the Executive Officer of the Regional Board within 120 days from the effective date of this permit, a statement under penalty of perjury by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply wit this Order?

- 29. Page 26 Section I, is absolutely absurd and should be deleted. In order to substitute or eliminate a BMP, why must a Permittee be held to such standards? The existing BMPs that are currently being implemented have not been demonstrated through documentation and/or scientific data that they are technically feasible and cost effective.
- 30. Page 26. Section J, The original version of the administrative review process should be reinstated. The administration review process, as negotiated with the EAC, was intended to provide a mechanism for gauging the effectiveness for control measures without the need for parties to resort to legal action.

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The language totally differs from the original intent that was submitted by the EAC. Specifically, the wording "...a Permittee shall not be in violation of any term or condition of this permit until the following administrative process has been completed" was omitted.

## II. REQUIREMENTS FOR ILLICIT CONNECTIONS / DISCHARGES

31. Page 29. Section A.1. sets a good example on how to clearly state the minimum requirements for specific program. This section clearly indicates what requirements must be met. If each portion of this permit were written this clearly, a CSWMP would not be required. This would eliminate an unnecessary step in the process. The permit and the guidance document would serve as the foundation for each WMC to develop their respective WMAP. The permit would then allow Permittees the flexibility to design a program that best suits their watershed needs and priorities which is the intent of the Clean Water Act.
32. Page 30. Section B Comment 29 applies to this section as well. Again, to reiterate a previous comment, if the WMAP framework is adequately addressed in the permit, there would be no need for a Countywide Storm Water Management Plan (CSWMP) which only complicates the process.
33. Page 31. Section C. This entire section should be deleted. Without substantiating that these activities significantly contribute pollutants to MS4, how can these activities be prohibited? These activities should be referenced in the guidance document and addressed during the development of BMPs for the WMP. Furthermore, Section 11.1.b (page 25) already addresses the legal authority for illicit connections and discharges.
34. Page 32. Section D. This section varies from other State permits that were issued. Why does the State impose conditional exempt discharges and stringent procedures for exemption on the LA Basin cities? Is there a compelling reason or justification for this decision?  
  
Also, some exempted discharges listed in other State permits were deleted from this permit such as *uncontaminated pumped ground water and discharges from potable water sources*. Again, is there a compelling reason or justification for this decision?
35. Page 33. Section D.3. Designated Discharges states the Executive Officer has determined that street and sidewalk washing are *significant sources* of pollutants. On what basis was this determination been made?
36. Page 34. Section E.1. & 2. Neither of these sections list minimum program requirements. Sections A. & B. set good examples to follow.

Again, to reiterate a previous comment, if the WMP framework (minimum program requirements) is adequately addressed in this permit, there would be no need for a Countywide Storm Water Management Plan (CSWMP) which only complicates the process.

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**III. PROGRAM REQUIREMENTS FOR INDUSTRIAL / COMMERCIAL SOURCES**

- 37. Page 35. Section A. The information required for the database listing on industrial/commercial facilities is excessive. SIC numbers and site addresses should be sufficient. The status of the NPDES permit coverage should be provided by the State since they administer the program.

The heading for this section "Identification of Sources" is misleading. It implies that all the facilities listed in the database will be sources of pollutants. Since the pollutants for the LA Basin have not been identified, the heading should state the " Identification of Potential Sources."

- 38. Page 36. Section B, requires the Principal Permittee to rank industrial/commercial facilities into three priority groups (High,Medium,Low) based on criteria that does not include the State Industrial NPDES Program and pollutants of concern for the receiving waters within the LA Basin. From this list the Permittees are then required to numerically rank the facilities within each group.

The High priority group should be limited to all those industrial facilities that fall under the State NPDES Industrial Permit. The industries that are required to obtain a State NPDES Industrial Permit are those industries that have been identified by EPA as having the greatest potential to contaminate storm water and urban runoff. Until the State fully implements their inspection/enforcement program, Permittees should not be required to inspect industrial/commercial facilities that have a lesser impact on storm water quality.

The Medium priority group should be limited to those facilities that have a direct relationship to the pollutants of concern (those pollutants need to be first identified). The Low priority group should be limited to those facilities that have the potential of contributing significant amounts of pollutants into MS4.

- 39. Pages 37 Section C, is confusing and needs clarification. The first portion of this section requires the Principal Permittee to develop a checklist of BMPs which will be used by the Permittees in their inspection program. The second portion lists nine specific BMPs that Permittees must require through its legal authority. Does this mean in addition to the nine BMPs listed, the Principal Permittee must develop more? Will those BMPs developed by the Principal Permittee need to be specified in the legal authority as well?

The list of required BMPs are inflexible, contain excessive detail and set standards in excess of the Clean Water Act requirements. For example, regular sweeping to remove debris from commercial/industrial parking lots with more than 25 parking spaces that are located in areas susceptible to or exposed to storm water. Another example, no repair of machinery and equipment in areas exposed to storm water, including motor vehicles, which visibly leak oil, fluid or antifreeze.

BMPs should be developed by the WMC during the development of the Watershed Management

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Plan.

40. Page 39 Section D, should be deleted or clearly written to clarify the separation of responsibilities of the State and Permittees for permit tracking and enforcement. Permittees should not be responsible for inspecting and or enforcing those facilities that fall under the State Program since the State is collecting the fees for those permits and setting the standards and criteria to be met.

As stated above in comment 37, the industries that are required to obtain a State NPDES Industrial Permit are those industries that have been identified by EPA as having the greatest potential to contaminate storm water and urban runoff. These facilities should be targeted as the Highest priority. Until the State fully implements their inspection and enforcement program, Permittees should not be required to inspect industrial/commercial facilities that have a lesser impact on storm water quality.

The requirement to inspect gas stations, restaurants, vehicle repair shops, vehicle body shops, vehicle part and accessories facilities is premature at this time. The State has not fully implemented their industrial NPDES program and the pollutants of concern have not been identified for each watershed to link these facilities as significant contributors. There is no legal or scientific data to warrant such a requirement. To arbitrarily target these facilities, demonstrates the lack of flexibility and concern for cost effectiveness.

#### IV. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING / CONSTRUCTION

41. Page 43. Section A.1. The first statement needs to be clarified. Why establish a new list of criteria to segregate development projects into three categories in order to apply planning control measures? The federal regulations make a clear distinction between significant projects and non-significant projects. This dividing line being 5 acres or more of disturbed soil.

The description for High Priority Projects excludes the verbiage *of disturbed soil* and further defines this category to include development projects which create impervious area 100,000 square feet or more, or located in Biological Habitats, or located in hillside areas that exceed 25% slopes, or when redevelopment projects have improvements exceed 50% more than the value of the existing development. The descriptions for the other two categories, Priority and Limited Priority Projects, are also this detailed. This arbitrary criteria for the prioritization of development projects is excessive and unwarranted.

42. Page 45. Section A.4. The requirement to have SWMPs prepared for High Priority and Priority Projects (as defined in the permit) is excessive and unreasonable. There is no legal or scientific data to warrant such a requirement. To arbitrarily target these projects, demonstrates the lack of flexibility and concern for cost effectiveness.

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- 43. Page 47. Section B.1. The information required for the database listing on construction sites is excessive and unreasonable. Site address, type of construction activity, contractor's name and phone number should be sufficient. The status of the NPDES Construction permit coverage should be provided by the State since they administer the program.
- 44. Page 47. Section B.2. How do the minimum requirements for county guidelines differ from the State guidelines for developing construction Storm Water Mitigation Plans (SWMPs)? As stated above, the requirement to have SWMPs prepared for High Priority and Priority Projects (as defined in the permit) is excessive and unreasonable.
- 45. Page 49. Section B.4. should be deleted or rewritten to state that the Permittees will provide information to the State to assist them in implementing and enforcing their NPDES Construction Permit. Permittees should not be required to perform the State's responsibility of conducting construction inspections.

The developers that are required to obtain a State NPDES Construction Permit are those construction sites (>5 acres) that have been identified as having the greatest potential to contaminate storm water and urban runoff. Until the State fully implements their inspection and/or enforcement program, Permittees should not be required to inspect smaller construction sites that have a lesser impact on storm water quality. At this time, the implementation of the educational program in Section VI (page 62) should be sufficient. Both contractors and developers are included as target audiences.

**V. PUBLIC AGENCY REQUIREMENTS**

- 46. Page 51. Section V lists numerous requirements to be included into a model program which the Principal Permittee shall develop to reduce the impact of public agency activity on storm water quality. Such public activities include sewer system operations, public construction activities, vehicle maintenance/ material storage, parks & recreation facilities management, streets maintenance, storm drain operations, parking facilities management and flood control maintenance. Where in the Clean Water Act does it specifically list public agency requirements? Is there a study or a report that defines public agencies as significant pollutant sources to warrant such requirements?
- 47. Page 61. Section ? The last paragraph on page 61 where it specifies that "Each Permittee shall develop and implement a Public Agency Program..." should include the verbiage "*to the maximum extent practicable*".

**VI. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION**

- 48. Page 62. Section ? The first paragraph needs to be clarified. Is the public outreach program intended to have both short term and long term requirements. Section A being the short term and Section B being the long term? If so, this needs to be stated clearly.

The last sentence in this same paragraph states "As part of the longer term effort, each permittee is expected to contribute a "fair" share and to work collaboratively to develop a comprehensive outreach education program countywide and within their watersheds." What does 'a fair share' mean? What if a Permittee has an established educational program for some of the program requirements specified? Must the Permittee change their program to fit the CSWMP?

- 49. Page 63. Section VI.A. Is this section part of the SWMP or the CSWMP?

**VII. REQUIREMENTS FOR MONITORING PROGRAM**

- 50. Page 71. Section 2 The first paragraph lists the objectives of the monitoring program. The most critical objective which is not listed is to complete the characterization of the six watersheds. Specifically, the pollutants of concern need to be identified for each watershed. Then the tracking, monitoring, assessing and evaluating can take place.

As stated in the Bracketed Comment at the top of the page, the writing style for this entire section needs to be modified to reflect the format of the permit.

- 51. Page 72. Section A.5. states a description of responsibilities of all the participants in this program including cost sharing shall be part of the Monitoring Plan. Who are the participants of this cost sharing? If the participants are the Permittees, what is the cost share for each Permittee?

- 52. Page 72 Section B.1. is not complete.

- 53. Page 74 Section B.5. requires other Permittees to participate in monitoring five additional critical sources above and beyond the five to eight critical sources required by the Principal Permittee. This arbitrary requirement is excessive and unwarranted.

**VIII. PROGRAM EVALUATION AND REPORTING**

- 54. Page 82 Section A. should be limited to the first paragraph only. The demonstration of compliance should be defined as the Permittee demonstrating its fulfillment of implementing permit requirements. The effectiveness of BMPs should not be considered a compliance measure.

Paragraphs 2 through 4 should be removed from this section and placed under Section C, Program Reporting.

- 55. Page 84. Section C.1.b should be deleted. A statement under penalty by each Permittee's representative legal counsel is excessive.

- 56. Page 84. Section C.2.a&b. requires excessive reporting information. The reports should be limited to a brief summary on the progress of each program and the number of illicit connections and discharge practices eliminated.

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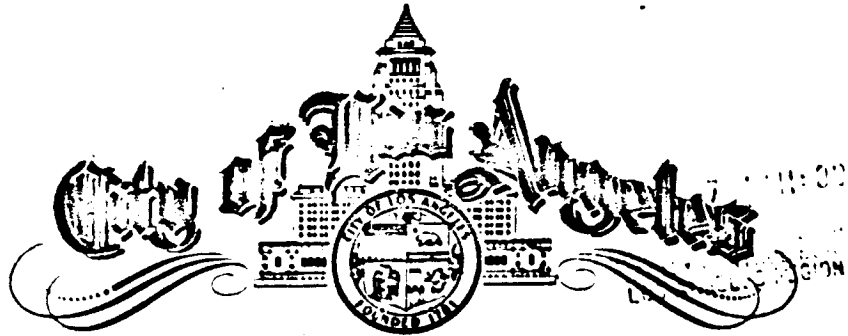


- 57. Page 85. Section C.6.b. includes a reporting requirement from a public survey which was not mentioned as a requirement for the public education program in Section VI.
- 58. Page 86 Section E. should be deleted. Requiring performance standards when the pollutants of concern have yet to be identified and the CSWMP has yet to be developed is premature. This entire section should be postponed until the next permit is issued.

**IX. ADDITIONAL PROVISIONS**

- 59. Page 89 Section 1. Define the term *Discharger*.
- 60. Page 89 Section 3. needs to be clarified. The Board's intentions are not clearly stated.
- 61. Page 89 Section 4. requires all reports or submittal to the Regional Board to be certified by an executive officer. This requirement is excessive and should be deleted.

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CITY HALL  
LOS ANGELES, CALIFORNIA 90012

February 6, 1996

Robert P. Ghirelli  
Executive Officer  
Los Angeles Region  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Dr. Ghirelli :

Subject: Comments on the December 18, 1995, Draft Waste Discharge Requirements for Municipal Storm Water Discharges Within Los Angeles County

The City of Los Angeles has reviewed the December 18, 1995, draft of the Waste Discharge Requirements for Municipal Storm Water Discharges Within Los Angeles County. The City has developed a model storm water program under the initial Storm Water Permit and strongly supports the continuation and expansion of the municipal storm water program in a sensible and programmatic fashion under the new Permit. As discussed during the Permit negotiation process, the City has a number of concerns regarding various draft Permit provisions. The City has prepared and attached specific recommended permit language modifications as well as, general comments explaining the purpose and need for the recommended changes. The City believes that with the requested language modifications, the proposed draft Storm Water Permit will achieve the goal of establishing a realistic and effective municipal storm water management program for Los Angeles County.

The City agrees with the concept of including a process in the permit to illustrate that the ultimate goal of the municipal storm water program, in conjunction with the point source permit program, is to attain the water quality standards and beneficial uses identified in the Basin Plan. However, the receiving water limitation permit language as currently drafted creates significant liability for all Permittees. The City requests that the permit language be modified to ensure that reasonable further progress toward reducing storm water pollutants is achieved by Permittees over the five year permit period, rather than attainment of the standards during that time period. This modification would establish liability only where Permittees are out of compliance with the specific mandates of the Storm Water Permit.

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The City supports the development of an industrial/commercial facilities source education program, which includes site visits. We believe that the expansion of existing City inspection programs, of various City Departments, to incorporate a source education site visit program would provide the personal contact, via site visits, which is crucial to a successful program, while minimizing costs. The City cannot accept, however, a mandate in the permit regarding specific enforcement obligations, including inspection requirements. The language requiring "inspections" in the Permit should be modified to reflect a source education site visit program. The City must retain full discretion to determine the most appropriate manner in which to enforce its ordinances. Therefore, we request that the Permit Section III.D. and IV.b 4 be changed from an inspection program to a source education program. With these proposed modifications, the City supports the target site visit frequencies set forth in the draft Storm Water Permit Sections III.D.2.i. through viii.

The City supports control of storm water pollution sources. However, it is imperative that controls are feasible and result in benefits to water quality and public health, which are commensurate with the control costs. The Permittees as regulator of discharges outlined in Permit Sections II., III.C., and IV, should be allowed to selected the methods for controlling discharges to the maximum extent practicable (i.e. best management practices or prohibitions). The determination of practicability, should not be based solely upon technology, but also include consideration of cost, economic implications, competing environmental mandates, and other societal concerns. Such considerations are imperative to provide local government the opportunity to weigh competing economic, environmental, societal, public health, and equity issues as they define policies and standards to be employed in implementing an effective municipal storm water management program.

The City supports the majority of program concepts contained in the draft permit. However, the number of programs to be established within a the next few years makes the program resource intensive. Removing duplication of effort with the Regional Board responsibilities and establishing an effective methodology for determining regulatory priorities, which may be more appropriately accomplished through the planning process than in the permit itself, would result in a more cost-efficient program.

The issues discussed above and the associated proposed permit language modifications are essential to the City. The Storm Water Permit must provide municipalities with the flexibility to address storm water issues within the broader context of the numerous competing local government responsibilities. In addition, municipal liability and regulatory responsibility needs to be commensurate with the intent of the law.

The City appreciates the Regional Board working with the Los Angeles municipalities and the environmental groups to develop an effective municipal storm water program and resolve issues prior to releasing the permit for "official" public review.

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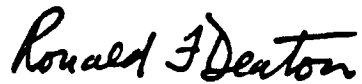
Dr. Gbielli

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February 5, 1996

Thank you for the opportunity to comment on the draft Storm Water Permit. The City would like to meet with the Regional Board staff to discuss the City's concerns and further develop and refine proposed permit language to meet the needs of the City and all concerned parties. Please contact Phil Richardson at (213) 847-6346 or Barb Garrett at (213) 485-6638 to arrange a meeting or to address any question you may have.

Very truly yours,



Ronald F. Deaton  
Chief Legislative Analyst

Attachments

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**CITY OF LOS ANGELES  
GENERAL COMMENTS ON THE  
DRAFT WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER  
DISCHARGE WITHIN LOS ANGELES COUNTY**

The City has developed a model storm water program under the initial Storm Water Permit and strongly supports the continuation and expansion of the municipal storm water program in a sensible and programmatic fashion under the new Permit. The City supports the majority of program concepts contained in the draft permit. However, the number of programs to be established within a the next few years makes the program resource intensive. Removing duplication of effort with the Regional Board responsibilities and establishing an effective methodology for determining regulatory priorities, which may be more appropriately accomplished through the planning process than in the permit itself, would result in a more cost-efficient program.

**FINDINGS**

Language regarding stormwater pollution which is outside the jurisdiction of the permittees needs to be added. See attached permit specific comments.

**A. DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS**

**II. Receiving Water Limitations**

The City agrees with the concept of including a process in the permit to illustrate that the ultimate goal of the municipal storm water program, in conjunction with the point source permit program, is to attain the water quality standards and beneficial uses identified in the Basin Plan. However, the receiving water limitation permit language as currently drafted creates significant liability for all Permittees. The City requests that the permit language be modified to ensure that reasonable further progress toward reducing storm water pollutants is achieved by Permittees through the timely implementation of the permit requirements. This modification would establish liability only where Permittees are out of compliance with the specific mandates of the Storm Water Permit.

Implementation of the required stormwater management programs, in conjunction with the two statewide general Stormwater NPDES permits and the other point source NPDES permit programs, is designed to achieve reasonable further progress toward attainment of the water quality goals of the region. Upon implementation of the municipal stormwater program, the program will be re-evaluated, as required in the permit, to ensure that progress toward the ultimate water quality goals is achieved. This reassessment should include careful consideration of impacts outside the control of municipalities as outlined in the findings, and of the state permitting programs.

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The receiving water limitations, presume that upon signature of the permit, all existing water quality violations will be alleviated, and therefore all exceedances of receiving water limitations could feasibly be attributable to the permittees. This requires an affirmative responsibility of the permittees to demonstrate that the receiving water violations are not attributable to the permittees. Such a requirement would prove difficult for both the RWQCB and the permittees to achieve. The permit is designed to reduce water quality impacts to the maximum extent practicable, and compliance with the permit requirements should suffice to illustrate compliance with the goals of the program.

The Regional Board should review the standards utilized by the South Coast Air Quality Management District in addressing the same type of issue, only regarding attainment of air quality goals and standards. Suggested language is provided in the attached specific permit comments.

**C. STORM WATER MANAGEMENT REQUIREMENTS**

The permit should require implementation of the permit by permittees to the maximum extent practicable (MEP). MEP is currently defined in the permit utilizing Best Management Practices (BMPs). These two terms are independent, and should be defined accordingly. The definition of MEP applies to both BMPs and the various storm water programs.

The Santa Ana Regional Water Quality Control Board defines maximum extent practicable as follows: "Maximum extent practicable (MEP) means the maximum extent possible, taking into account equitable considerations of synergistic, additive, and competing factors, including but not limited to, gravity of the problem, fiscal feasibility, public health risks, societal concern, and social benefits." The City requests that the definition of MEP in the Permit incorporate the Santa Ana RWQCB definition (see specific comments attached). The Permit requires implementation of a number of programs within a the next few years. The City estimates Permit compliance costs, not including the cost of BMPs, at approximately \$50 million annually. The definition of MEP needs to accommodate budget constraint considerations which municipalities will face in implementing the various Permit programs.

Unlike the Regional Board, which focuses its efforts solely on water quality, local governments have several mandates to fill. The Storm Water Permit must provide municipalities with the flexibility to address storm water issues within the broader context of the numerous competing local government responsibilities. The recommended MEP definition provides Municipal Permittees the ability to weigh economic, societal, and equity issues, and other municipal service, infrastructure, and program needs as they define policies, standards, and expenditures to be employed in implementing the municipal storm water program.

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The City recommends that the compliance date of January 1, 1997 for all segments of the program be removed from the overall requirements section (Permit Section C.1.;page 15). Compliance dates should be clearly presented in each section of the permit to ensure that there is a clear understanding of the proposed stormwater program development schedule by all parties.

Local governments will require substantial time to develop and implement the various Permit provisions. The program development process must include discussions with the regulated community to assist in the selection of best and most cost-effective best management practices (both non-structural and structural), drafting of ordinances (including public review and compliance with the California Environmental Quality Act (CEQA)), the establishment of program budgets, and the allocation of funds. The 1997 deadline and other deadlines contained within the permit are inappropriate. Program development and implementation dates are specifically commented on in recommended permit language modifications attached. Such dates will need to be modified, depending upon the date of Permit adoption.

A number of the implementation dates shown in the permit are not possible to comply with because they do not allow sufficient time. In particular, dates shown on draft Permit pages 24, 25, 31, 37, 38, 39, 45, 46, 48, 49, 61, 63 are a problem. Additionally, implementation dates are generally shown following dates for the development of programs, guidelines and checklists. No time is allowed for approval of the program that has been developed. The City cannot begin to arrange resources for implementation, then find that conditions have changed based on a revised approval, and still have time to meet the original implementation date. A standard clause should allow for increased time when changes are made to a submittal.

If a development date is not met, or the Executive Officer or the Regional Board do not approve documents in a timely manner, then the implementation date will have to be revised. This is not accounted for in the permit. The entity responsible for development is not necessarily the entity responsible for implementation, and the appropriate relief to the implementing agency should be provided in the permit.

The Permit Sections C.2. and 3. (page 15) require the City as Permittee to be financially responsible and legally liable for the implementation of all provisions of the Countywide Storm Water Management Plan (CSWMP) and applicable Watershed Area Management Plans (WSMP). However, these programs are to be developed under the permit itself. The City cannot commit to any requirements which have not yet been established. Therefore, the City requires that the CSWMP and the WSMP be approved by the Regional Board, in a manner consistent with permit approval. Regional Board approval of the CSWMP and the WSMP also ensures that the regulated community, as well as local governments, are provided with adequate public participation opportunities to assist in developing the most responsible plan possible. The change from Executive director approval to Board approval of the CSWMP and the WSMP needs to be made throughout the Permit as appropriate.

CSWMP

The EPA has modified storm water regulations regarding Phase II storm water discharges to establish a "common sense approach which will provide sequential control of sources." To obtain real environmental results earlier, the highest priority is being assigned to those discharges determined to contribute to water quality impairment or a significant contributor of pollutants. This emphasis on a tiered approach to Stormwater controls, including beginning with non-structural controls and progressing toward more costly structural controls, is also suggested by the California Municipal Storm Water Best Management Practice Handbook developed by the APWA/SWRCB Storm Water Quality Task Force. Consistent with EPA's tiered approach, the Handbook (Section 2) suggests that a watershed (subwatershed) master plan be developed to establish an "overall" framework for storm water pollution control.

The CSWMP and the WMP developed under the permit should reflect this philosophy. This requires that the Permit be modified to more closely reflect this philosophy as well. Prohibiting discharges as in Permit Sections II.C.3, III.C.b., and various provisions of Section V, requires structural BMPs, prior to the evaluation and assessment of the effectiveness of non-structural BMPs. The Permit language should be modified to allow for development of the most appropriate BMPs through the planning process. Language changes are recommended in the attached permit language revisions. These changes are essential to the City.

I. REQUIREMENTS FOR PROGRAM MANAGEMENT

H. Legal Authority

Permit Section I.H.1.d. (page 25) requires the control of, through interagency agreement, the contribution of pollutants from one entity to another. The City agrees that there needs to be some formal mechanism for dealing with pollutant spills that cross jurisdictional boundaries. An agreement to deal with the normal transfers of pollutants that occur on a daily basis, or even with the quantities found in storm flows, will have little value. Additionally, the development of individual agreements would be virtually impossible in the time frame proposed. There are some 26 cities and several other agencies that adjoin the City. As an alternative, the permit should contain language indicating upstream entities are responsible for spills that create pollutant discharges. Language must be added to the permit which will allow the permit to serve as the agreement among Permittees.

The City cannot make the statement as required by Permit Section I.H.3.i. (page 26) that it has obtained all legal authority to comply with the order, which requires implementation of the requirements of the yet to be developed CSWMP and WSMP. In addition, many permit requirements may require the adoption of ordinances in order to illustrate legal authority. As discussed above, development and adoption of ordinances can be a lengthy process. Therefore, the permit needs to provide the City adequate opportunity to comply with requirements within the existing City structure and process to obtain the required legal authority. Language to address these concerns is provided in the attached recommended permit language modifications.

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I. Program Substitution

The City supports the BMP substitution provision of Permit Section I.I.a. However, to make the provision more pragmatic, we recommend at these early stages of the municipal storm water management program that the level of proof necessary to substitute BMPs be more commensurate with the current level of knowledge and the standards utilized to establish the proposed BMPs within the permit. Minor language changes are proposed to address this concern.

II. REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES

B. Illicit Discharges

Standardized enforcement procedures established by the Principal Permittee to address illicit discharges need to provide adequate time for correction of any problem discharges identified. In some cases, substantial plumbing upgrades or modifications may be required to appropriately eliminate the discharge. Dischargers should be provided adequate time to make the necessary modifications, as long as the discharge does not pose a significant or immediate danger to public health. These concerns may be best addressed through the illicit connection elimination model program development process.

D. Non-storm Water Discharges

The City supports control of non-storm water pollution sources. However, it is imperative that controls are feasible and result in benefits to water quality and public health, which are commensurate with the control costs. The Permittees as regulators of discharges outlined in Permit Sections II., III.C., and IV., should be allowed to select the methods for controlling discharges to the maximum extent practicable (i.e. best management practices or prohibitions). The determination of practicability, should not be based solely upon technology, but also include consideration of cost, economic implications, competing environmental mandates, and other societal concerns. Such considerations are imperative to provide local government the opportunity to weigh competing economic, environmental, societal, public health, and equity issues as they define policies, standards, and expenditures to be employed in implementing an effective municipal storm water management program.

As discussed above, prohibiting discharges as in Permit Sections II.C.3, III.C.b., and various provisions of Section V, requires structural BMPs, prior to the evaluation and assessment of the effectiveness of non-structural BMPs. The Permit language should be modified to allow for development of the most appropriate BMPs through the planning process provided and required by the Permit. Language changes are recommended in the attached permit language revisions. These changes are essential to the City.

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The City requests that Permit Section II.C.3. (page 33) be modified to provide not only time for the development of BMPs, but for implementation of BMPs as well. Currently, the provision allows for one year to address any designated discharges. The City is concerned that once BMPs are identified, they may require more than one year to implement. If special equipment or additional personnel would be necessary for BMP implementation, actual implementation procedures would involve budget issues, equipment acquisition, and employee training, potentially requiring substantial time. Therefore, we request that the Permittees be provided one year to investigate the problem, evaluate potential alternatives and/or BMPs, develop BMPs, if feasible, and develop an appropriate BMP implementation schedule.

The City requests that the exemption procedure language, Permit Section II.C.4., be modified slightly to provide Permittees relief from the discharge prohibition requirements, in the event that cost-effective alternatives or BMPs cannot be identified, but the discharge activity is deemed necessary and appropriate.

The City undertakes both street and sidewalk washing activities. As discussed above, the City supports control of non-storm water pollution sources, however, it is imperative that controls are feasible and result in benefits to water quality and public health, which are commensurate with the control costs. Our preliminary review of the street and sidewalk washing activities undertaken by the City indicate that they may have limited water quality impacts. However, additional study is necessary to better understand and characterize the activities, the associated water quality impacts, and discharge control options and costs. The City is very supportive of participating in programs to develop and evaluate the effectiveness of best management practices for municipal activities.

The City believes, with the language changes requested above, that the permit provides adequate opportunity for the City to study the issue, develop BMPs if deemed appropriate, and implement the BMPs. In addition, if studies indicate that the activities have limited impact or no cost effective alternatives are identified Permit Section II.D.4. would provide for an exemption. We would like to work with the Regional Board in the future to address these issues prior to designation of sources under Permit Section II.D.3., however. We believe there is an affirmative responsibility to ensure that controlled discharges result in water quality benefits, prior to such discharges being designated as pollutant sources. It is interesting to note that the Santa Ana RWQCB has conditionally exempted street wash water in the Orange County Permit.

### III. PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES

#### A. Identification of Sources

The City supports in concept the establishment of a data base of industrial/commercial facilities as outlined in Permit Section III.A (page 35). Such a data base, in conjunction with monitoring data may assist in better defining the sources of most concern. However, the success of such a program is dependant upon the accuracy of the data base, and in the absence of monitoring data, the assumptions regarding the quality of stormwater run-off of the various types of facilities. These data

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base constraints and limitations should be recognized from the beginning of the project, and a process to incorporate information provided by the EPA's Phase II regulatory program as it becomes available.

**B. Prioritization of Sources**

Due to the data input constraints of the initial program and the lack of data actually documenting the quality of run-off from facilities, the City recommends that Permit Section III. B, Prioritization of Sources be removed from the permit. Furthermore, source priorities are specifically laid out in Section III.D. (Page 39) of the permit, independent of the data base, making priorities based on the data base irrelevant. In addition, source prioritization of facilities is being undertaken by the U.S. EPA as part of the Phase II program, and valuable resources should not be expended to duplicate this effort.

**C. Source Control Measures**

The U.S. EPA, the RWQCB, and other special groups (such as the California Storm Water Quality Task Force), in coordination with the regulated community, should be responsible for developing BMP for commercial/industrial operations. The EAC should only be responsible for selecting, from those BMPs which have been developed, the measures consistent with those imposed in other counties within the region and most appropriate to the area. The Permittees do not have the expertise or resources to develop BMPs for industrial/commercial facilities. In addition, development of BMPs outside of the EPA regulatory framework would create liability for the Permittees.

As discussed previously, it is imperative that controls are feasible and result in benefits to water quality and public health, which are commensurate with control costs. The Permittees as regulators of discharges outlined in Permit Sections II., III.C., and IV, should be allowed to selected the methods for controlling discharges to the maximum extent practicable (i.e. best management practices or prohibitions). The determination of practicability, should not be based solely upon technology, but also include consideration of cost, economic implications, competing environmental mandates, and other societal concerns. Such considerations are imperative to provide local government the opportunity to weigh competing economic, environmental, societal, public health, and equity issues as they define policies and standards to be employed in implementing an effective municipal storm water management program. Standards should not be presumed in the Permit, but rather issues of concern outlined. The most appropriate method of addressing the problem, BMPs or prohibitions, should be evaluated during the planning process.

**D. Source Inspection**

The City supports the development of an industrial/commercial facilities source education program, which includes site visits. We believe that the expansion of existing City inspection programs, of various City Departments, to incorporate a source education site visit program would provide the personal contact, via site visits, which is crucial to a successful program, while minimizing costs. The

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City cannot accept, however, a mandate in the permit regarding specific enforcement obligations, including inspection requirements. The language requiring "inspections" in the Permit should be modified to reflect a source education site visit program. The City must retain full discretion to determine the most appropriate manner in which to enforce its ordinances. Therefore, we request that the Permit Section III.D. and IV b 4. be changed from an inspection program to a source education program. With these proposed modifications, the City supports the target site visit frequencies set forth in the draft Storm Water Permit Sections III.D.2.i. through viii.

The Source Education Program as outlined above, constitutes a commitment by the City to visit an estimated 22,000 commercial industrial facilities. Considering the site visit frequency requirements this translates into 60,000 site visits over the permit period.

The RWQCB has the sole responsibility to ensure that Phase I facilities are in compliance with all permit requirements, and therefore, should be performing site inspections as appropriate. The City is willing to report, as we deem necessary and appropriate, Phase I facilities where a SWPPP is not available on-site or an NOI has not been submitted. The City cannot, however, accept a mandate to check for these documents. Therefore, we request that Permit Section III.D. and IV.B.4. be modified accordingly. Language changes are provided in the attached recommended permit language revisions.

Permit Section III.D.1. (page 39) implies that all Phase I facilities are required to be visited as part of the proposed source education program. Permit Section III.D.2.IV.. (page 40) identifies provisions for mailing or calling certain of these facilities. Requiring site visits at Phase I, category [xi], facilities would add 10,000 inspections for the City over the term of the Permit, which would be unacceptable to the City. The City requests that Section III.D.1. be modified to be consistent with the requirements of Section III.D.2.IV.. It should be noted that the educational activities proposed for Phase I facilities far exceeds the requirements imposed on Orange County by the Santa Ana RWQCB.

Permit Section III.B.2. (page 39) implies that the City would have to schedule site visits based on the prioritization developed. As discussed earlier, this prioritization of facilities is premature and should be deleted. In addition, such prioritization could not be met, since existing City inspection programs, which would be utilized for the source education program, are based on priorities outside storm water issues.

Permit Section III.D. 4., which requires the development of general guidelines for "enhanced inspections", should be slightly modified. The guidance document should be prepared for consideration by Permittees. This provides the Permittees the opportunity to utilize the guidance, while still maintaining their full discretion to determine the most appropriate manner in which to enforce their ordinances.

**IV. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING/CONSTRUCTION**

**A. DEVELOPMENT PLANNING**

The Development section uses project size, amount of impervious area, and slope in establishing project priorities. The focus of the storm water program is quality, and not quantity of run-off. Flood control and drainage programs are designed to address quantity of run-off and associated soil erosion. The purpose of the storm water program is pollution abatement. The project area and impervious area criteria ignore the storm water impacts associated with proposed development operations and activities. In addition, the existing City permit system does not capture project size, impervious area, and slope information. The incorporation of this data would require significant modifications to data bases and forms, resulting in the need for potentially significant funding requirements. Therefore, it is recommended that Permit Section IV.A.1. should provide for a substitution of priority criteria, if a better method of measure is identified during the planning process.

The requirements for the various project priority categories appear to be redundant and therefore, could be easily collapsed. The City would like to explore this option further with the Regional Board staff.

All of the implementation dates in this section are too ambitious and need to be revised. Additionally, there may be special considerations for imposing proposed measures within the City. Therefore, a procedure should be established to provide local governments with the flexibility necessary to identify implementation barriers and implementation schedule expectations. Language designed to provide such consideration is been suggested in the attached permit specific comments.

The City strongly supports the maximization, to the maximum extent practicable, of pervious areas, which has many benefits. However, some conflicting environmental mandates exist, such as the South Coast Air Quality Management District's rules promoting paving to reduce dust and hazardous contamination policies promoting paving of site to both contain contamination and prevent soil and groundwater contamination from various activities. The City therefore, recommends that the Permit language advocate maximization of pervious surfaces, where feasible. The Watershed Protection Guidelines development process, as required by Permit Section IV.A.2.a. (page 44) would be the most appropriate forum to discuss the various issues and present appropriate standards, goals, and BMPs.

As discussed previously, it is imperative that controls are feasible and result in benefits to water quality and public health, which are commensurate with the control costs. Standards should not be presumed in the Permit, but rather issues of concern outlined. The most appropriate method of addressing the problem, BMPs or prohibitions, should be evaluated during the planning process.

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Permit Section IV.A.3.a (page 44) requires the City to incorporate the EIR guidelines prepared by the County. Although the City welcomes guidelines designed to assist in assessing storm water impacts, we cannot commit to internalizing the procedures. CEQA provides the lead agency with the sole responsibility of adequately assessing impacts and in determining the appropriate way to do so. The City will consider the storm water EIR guidelines in the same manner it considers the South Coast Air Quality management District's CEQA Air Quality Handbook when implementing CEQA, but cannot accept a mandate to incorporate the guidelines into the City procedures. Therefore, the City requests that the second paragraph of Permit Section IV.A.3.a. be deleted from the permit.

The existing recommended CEQA checklist, as developed by the Governor's Office of Planning and Research, addresses both surface and groundwater quality. Other watershed considerations, such as absorption rates, drainage patterns, and surface level/flow patterns are also addressed. Although non-point source pollution is not specifically mentioned, the check list clearly provides for the consideration of storm water issues during the CEQA evaluation process. The City is in the process of streamlining its CEQA compliance procedures. We have incorporated the state CEQA checklist as written for the most part. The Regional Board, as a state agency, should work with the Governor's Office of Planning and Research to pursue any modifications to the state checklist. Section IV.A.3.b. (page 45) should be deleted from the permit.

Permit Section IV.A.4 (page 45) should be reworded so that the requirements only apply to development approvals which are discretionary. Many development approvals are largely ministerial, and should be excluded from the planning control measure requirements. Special conditions and mitigation measures are routinely applied during the discretionary approval process. Introducing new requirements into the ministerial permit approval process will require modifications to the Municipal Code; a lengthy process. The permit should require the City to study and report on the feasibility of incorporating BMPs into the ministerial permit process. Appropriate permit language is suggested.

Permit Section IV.4.c (page 46) requires the submission of a Storm Water Mitigation Plan. The requirements for this plan should be consistent Countywide. The County will need to develop a standard format for this plan. In addition, the BMPs required in the plan must be standardized and implementable per the above discussion.

**B. DEVELOPMENT CONSTRUCTION**

Establishment of a construction site data base as suggested in Permit Section IV.B.1. would require continual updating as new projects are initiated and existing projects are completed. The database would be of limited value unless it was continually updated, requiring significant resources. The City believes that development construction resources should initially be focused upon developing BMPs and getting such requirements incorporated into the project approval process. Therefore, the City requests that the data base requirement be deleted from the permit.

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The City supports the development of construction source education program, which includes site visits. We believe that expanding existing City inspection programs, by various City Departments, to incorporate a source education site visit program would provide the personal contact, via site visits, which is crucial to a successful program, while minimizing costs. The City cannot accept, however, a mandate in the permit regarding specific enforcement obligations, including inspection requirements. The language requiring "inspections" in the Permit should be modified to reflect a source education site visit program. The City must retain full discretion to determine the most appropriate manner in which to enforce its ordinances. Therefore, we request that the Permit Section III.D. and IV.b.4. be changed from an inspection program to a source education program.

As discussed above, the requirements for the various project priority categories appear to be redundant and therefore, could be easily collapsed. The City would like to explore this option further with the RWQCB.

**V. PUBLIC AGENCIES**

Some provisions of Permit Section V. are problematic, and cannot always be met during emergency situations involving essential public services and infrastructure repair, such as wastewater treatment, sewage conveyance, electricity and water delivery systems, and transportation infrastructure emergency repair. The City requests that the special requirements of essential public services emergency operations be recognized in the permit, to assure that the City will not be violation of various Permit provisions when emergency repairs to essential services and infrastructure are required.

Permit Section V.C. (page 52) requires all washing of vehicles or equipment onsite to be performed in an area equipped with an oil/water separator or equivalent method. A substantial capital investment is required to incorporate such controls into existing facilities, and to be effective, they require careful maintenance. The City has proposed alternative language, which is consistent with the federal requirement to control sources to the maximum extent practicable and the EPA Phase II program, providing for investigation of the most appropriate BMPs. As discussed previously, it is imperative that controls are feasible and result in benefits to water quality and public health, which are commensurate with the control costs. The Permittees should be allowed to select the methods for controlling discharges to the maximum extent practicable (i.e. best management practices). The determination of practicability, should not be based solely upon technology, but also include consideration of cost, economic implications, competing environmental mandates, and other societal concerns. Standards should not be presumed in the Permit, but rather issues of concern outlined. The most appropriate method of addressing the discharges of concern, BMPs or prohibitions, should be evaluated by the Permittee.

The Section provides no time frame for the implementation of requirements.

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**VI. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION**

The City has established a very successful school education program, which targets the age group the City feels is most receptive to the information. In addition, the City has established a good working relationship with the elementary school network. The City would like to continue these efforts unimpeded and not be required at this time to reallocate resources to accommodate programs for other ages. Permittees should be allowed to select the age group for which they would like to target their school education program for. Therefore, the City requests that Permit Section VI. B.b.ii. Be changed from K-12 School Children to just School Children.

In permit Sections VI.A.1.a.iii. (page 64) and VI.B.1.b.iv. (Page 69), training materials for educating permittee employees regarding the storm water program is required. Employee training should only focus on those individuals whose activities have a potential impact on storm water pollutants, such as inspectors who will perform site visits and personnel involved in construction activities.

**VII. REQUIREMENTS FOR MONITORING PROGRAM**

Permit Section VII.B.5 (page 76) calls for the City to participate in a Critical Source Monitoring Program. As discussed previously, the RWQCB and the EPA should be primarily responsible for determining Phase II commercial/facility impacts and effectiveness of proposed BMPs for such facilities. Furthermore, this requirement has not been previously discussed by the Permittees and the obligations placed on the Permittees are unclear. This requirement should be eliminated as proposed.

**IX. ADDITIONAL PROVISIONS**

Permit Section IX.1 provides that the Executive Officer may make minor changes to the permit. The definition of "minor change" may differ between the Executive Officer and the Permittees. Therefore, minor changes agreed to by the Permittees should be allowed, however, minor changes which result in a dispute between the Executive Officer and the Permittees should require Regional Board approval.

Reapplication processes for the new permit which would be reissued upon expiration of the permit should be included in the permit.

**DEFINITIONS**

The definition provisions of the Santa Ana RWQCB definition of maximum extent practicable should be incorporated in the MEP definition in the permit.

Pollutant and illicit discharge definitions should be modified (see attached language).

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# **CITY OF LOS ANGELES**

**REDLINE / STRIKEOUT VERSION OF THE  
DRAFT WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL  
STORM WATER DISCHARGE WITHIN LOS ANGELES COUNTY**

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Comments regarding December 18, 1995 Draft  
*[Text appearing in bold italics is for commenting purposes only and is not language to be included in the Order.]*

State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES  
REGION

ORDER NO. 96-XXX

WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES

(NPDES NO. CAS061654)

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter called the Regional Board), Los Angeles Region, finds:

**FINDINGS**

1. The County of Los Angeles, and eighty-six (86) incorporated cities within the County of Los Angeles (see Attachment A, List of Permittees), hereinafter referred to as Permittees, discharge or contribute to discharges of storm water from municipal separate storm sewer systems (MS4s), also called storm drain systems, and water courses within the County of Los Angeles into receiving waters of the Los Angeles basin under countywide waste discharge requirements contained in Order No. 90-079 adopted by this Regional Board on June 18, 1990. That Order also serves as a National Pollutant Discharge Elimination System (NPDES) permit (CAS061654).
2. Order No. 90-079 was issued before the United States Environmental Protection Agency (USEPA) promulgated final regulations for storm water discharges and associated permits.
3. On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as application for re-issuance of waste discharge requirements and the NPDES permit.
4. The quality and quantity of storm water discharges in the Los Angeles basin vary considerably and are affected by the hydrology, geology, and land use characteristics of the watersheds; seasonal weather patterns; and frequency and duration of storm events. Pollutants of concern in these discharges are several heavy metals, sediment from erosion due to anthropogenic activities, petroleum hydrocarbons from sources such as used motor oil, microbial pathogens of domestic sewage origin from illicit discharges, certain pesticides associated with in-stream toxicity, and other pollutants which may cause aquatic toxicity in the receiving waters.

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5. The Regional Board considers storm water discharges from the urban and developing areas in the Los Angeles basin to be significant sources of pollutants in receiving waters that may be causing, threatening to cause, or contribute to water quality impairment. Warning advisories are posted on area beaches after storm events to avoid contact with water because of storm water pollution.
6. Studies conducted by the USEPA, the states, flood control districts and other entities indicate the following constitute significant? sources of storm water pollution:
  - a. Industrial sites where appropriate pollution control and best management practices (BMPs) are not implemented,
  - b. Construction sites where erosion and sediment controls and BMPs are not implemented, and
  - c. Storm water where the drainage area is not properly managed.
7. Section 402(p) of the federal Clean Water Act, as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s, storm water discharges associated with industrial activity including construction, and designated storm water discharges that are considered significant contributors of pollutants to waters of the United States. Storm water discharges from MS4s are required to mitigate pollutants to the "maximum extent practicable". Discharges of storm water associated with industrial activities and other non-storm water discharges as defined in 40 CFR Part 122 are subject to Best Available Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) standards.  
  
Section 402(p)(3)(B)(ii) requires MS4 permittees to "effectively prohibit" non-storm water discharges into MS4s unless these discharges are in compliance with separate NPDES permits.
8. On November 16, 1990, pursuant to Section 402(p) of CWA, the United States Environmental Protection Agency (USEPA) promulgated 40 Code of Federal Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants.
9. The USEPA Office of General Counsel in a memorandum to USEPA Region 9, dated January 9, 1991, determined that Clean Water Act Section 402(p) and Section 301(b)(1)(c) must be interpreted to state that NPDES permits for MS4s must include any requirements necessary to achieve compliance with water quality standards.
10. To facilitate compliance with federal regulations, in 1992, the State Board issued two statewide general NPDES permits to facilitate compliance with federal regulations: one for storm water from industrial sites (NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GISP)) and the second one for storm water from construction sites (NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)). ~~Most industrial activities (unexposed light industrial activities are exempt)~~ Industrial activities as defined in 40 CFR 122.2 and construction activities on

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five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent (NOI) with the State Board.

- 11. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. CZARA covers five nonpoint source areas of pollution: Agriculture, Silviculture, Urban, Marinas, and Hydromodification. This Order includes Management Measures for pollution from Urban Areas and Marinas, and provides the functional equivalency for compliance with CZARA in these two areas. The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration (NOAA) recommends Management Practices for commercial facilities, including gas stations; and all construction activity (new development and redevelopment).
- 12. The State of California is a delegated state under the NPDES program, and as such, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, may impose more stringent requirements necessary to implement water quality control plans, for the protection of beneficial uses of receiving waters, and/or to prevent nuisance.
- 13. California Water Code Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall include numerical water quality standards and provisions to implement water quality-based objectives. This Order includes narrative limitations but no numerical limits for storm water discharges at this time due to insufficient information.
- 14. The State Board considered third party appeals of two MS4 permits issued by Regional Boards during the first five year permit term. In the appeal of the MS4 permit for Santa Clara Municipal Water District in the San Francisco Bay Region, the State Board ruled in Order No. WQ 91-03 that MS4 permits must include effluent limitations which will reduce pollutants to the "maximum extent practicable" and will also achieve compliance with water quality standards. In the appeal of the MS4 permit for Los Angeles County, the State Board concluded in Order No. WQ 91-04 that even where a permit does not specifically reference water quality standards, but includes BMPs as effluent limitations, the permit should be read so as to require compliance with water quality standards.
- 15. The State Water Resources Control Board (State Board) adopted a revised Water Quality Control Plan for Ocean Waters of California (Ocean Plan) on March 20, 1990. The Ocean Plan contains water quality objectives for the Coastal Waters of California.
- 16. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, non-contact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special

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Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

- 17. The intent of this Order is the implementation of the foregoing statutes and regulations to attain and protect the beneficial uses of receiving waters in the County of Los Angeles . This Order, therefore, includes Receiving Water Limitations that require that storm water discharges neither cause violations of water quality objectives, nor cause a condition of nuisance or water quality impairment in receiving waters.

To meet the receiving water limitations, this Order requires the implementation of technically and economically feasible measures in accordance with the Storm Water Management Program (SWMP) described herein to reduce pollutants in storm water to the maximum extent practicable. The SWMP includes a monitoring program to assess compliance with the objectives and requirements of this Order. This Order also sets forth the procedure that the permittees will undertake in case of exceedance of any receiving water quality objective.

- 18. This Regional Board has implemented the Watershed Protection Approach (WPA) in addressing water quality management in the region. The objective of the WPA is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationship between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available.

- 19. To implement the Watershed Management Approach, as well as compliance with this Order, the County of Los Angeles is divided into six (6) Watershed Management Areas (WMAs) as follows:

- Malibu Creek and Rural Santa Monica Bay Watershed Management Area
- Ballona Creek and Urban Santa Monica Bay Watershed Management Area
- Los Angeles River Watershed Management Area
- San Gabriel River Watershed Management Area
- Dominguez Channel/Los Angeles Harbor Watershed Management Area
- Santa Clara River Watershed Management Area

Attachment A shows the list of cities under each Watershed Management Area.

- 20. Federal, or regional entities within the Permittees' boundaries or jurisdictions outside the County of Los Angeles, not currently named in this Order, operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. The Regional Board may consider issuing separate NPDES permits for storm water discharges to these entities within the Permittees' boundaries. Such designated Permittees may include large landowners such as State Parks, Universities, and similar entities.

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*[Permittees can not be held responsible for pollutant sources for which they have no control over. The new finding below is taken from the Orange County draft permit (NPDES No. CAS 618030)]*

- 20a. Certain pollutants present in storm water runoff may be contributed by both controllable sources and by sources over which the Permittees have no control. Examples of sources include: polycyclic aromatic hydrocarbons (PAHs) which are a product of internal combustion, nitrates from atmospheric deposition, lead from leaded fuels, copper from brake pad wear, zinc from tire wear and naturally occurring minerals from local geography (e.g. mercury).
- 21. Approximately 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay, in the County of Los Angeles. The County of Ventura is a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water from the MS4 in the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the County of Ventura has opted to be the Principal Permittee to the Ventura permit and manage the areas draining into Los Angeles County, under Order No. CAS063339. The County of Ventura will ensure that its storm water management program for the portion of its area draining into Los Angeles County is made consistent with the requirements of this Order issued to Los Angeles County.
- 22. About nine (9) square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay. The City of Thousand Oaks initially opted to apply for an individual permit for the area that drains into Malibu Creek, instead of becoming a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water and urban for the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the City of Thousand Oaks elected to be a Permittee to the Ventura permit including the areas which drains into Los Angeles County. The City of Thousand Oaks will ensure that its storm water management program for the portion of its area draining into Los Angeles County is consistent with the requirements of this Order issued to Los Angeles County.
- 23. The California Department of Transportation (Caltrans), discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans submitted an ROWD on July 3, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements issued to Caltrans will be made consistent with this Order and Order No. 94-082.
- 24. This Order designates the County of Los Angeles as the Principal Permittee. The Principal Permittee will coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for insuring compliance of any individual permittee.
- 25. Each Permittee has jurisdiction over and/or maintenance responsibilities for its respective MS4 and/or water courses and is entirely responsible for the implementation of the appropriate storm water program as required by this Order. Each Permittee need only comply with the requirements of this Order applicable to discharges originating from its jurisdictional boundaries and/or from the portion of the MS4 it owns or operates.

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26. This Order requires the formation of an Executive Advisory Council (EAC) comprising of representatives from the six watershed management areas. The main role of the EAC is to facilitate development of storm water quality management programs within the six watersheds and to promote consistency in the implementation of these programs among Permittees. However, the Regional Board recognizes that, similar to the Principal Permittee, the EAC is not responsible for insuring compliance of any individual permittee with the requirements of this Order.

27. In September 1994, the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force issued municipal storm water program guidelines to encourage statewide program consistency and to assist municipal permittees modify storm water programs for permit reissuance. The guidelines recommend storm water program activities in the following areas: I. Program Management; II. Illicit Discharges; III. Industrial/Commercial Sources; IV. New Development and Redevelopment; V. Public Agency Activities; VII. Public Information and Participation; VIII. Program Evaluation; IX. Monitoring.

28. The Report of Waste Discharge (ROWD) submitted by Permittees include: (i) Summary of BMPs implemented; (ii) Storm water management plans for six WMAs; (iii) Countywide evaluation of existing storm water quality data, and (iv) Workplan for Phase I, II, and III, Monitoring Program.

In most MS4 permits, the Storm Water Management Program (SWMP) requirements are components proposed by permittees and are incorporated in the permit by reference to a storm water management plan. In the case of the County of Los Angeles, however, the submitted plans were determined to be incomplete and inadequate in proposed program components necessary to reduce pollutants in storm water to the "maximum extent practicable" as required by CWA Section 402(p)(3)(B). Therefore, the submitted plans served as partial bases for the development of the SWMP requirements of this Order.

29. Each Permittee under the existing permit (Order No. 90-079), was required to implement Best Management Practices (BMPs), conduct monitoring of storm water discharges, and evaluate their impacts on receiving waters. Information obtained from these activities would have provided a basis for establishing numerical criteria or goals, and in lieu of specific program requirements. However, these activities were not fully accomplished during the five-year term of the permit. Storm water criteria development has been recently sponsored by the USEPA in partnership with the Water Environment Federation.

30. The SWMP required in this Order contains the components developed by the State Board's Urban Runoff Task Force in consultation with the State Storm Water Quality Task Force described in Finding 27 and with the cooperation of representatives from the Permittees, environmental groups, and the industrial community.

The SWMP includes requirements with compliance dates to provide specificity and certainty of expectations. It also includes provisions that promote customized initiatives, both on a countywide and watershed basis, in developing and implementing cost effective measures to minimize discharge of pollutants to the receiving water.

The various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water to the "maximum extent practicable". The

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Permittees are required to conduct annual evaluations on the effectiveness of the Storm Water Management Program, and, if necessary, institute modifications to meet this criterion.

- 31. This Order provides Permittees the flexibility to petition the Executive Officer to substitute a BMP included under the requirements with an alternative BMP, if they can provide scientific information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP.
- 32. Besides the above referenced state and federal laws and regulations, and water quality control plans, the requirements in this Order are also based on the following guidelines, studies, considerations, reports and events:
  - a. Board Order 90-079 required the development and implementation of BMPs to minimize pollutants in storm water to receiving waters. The Order was written to allow maximum flexibility in developing pollution prevention programs. The BMPs identified by Permittees for implementation were often dissimilar and implementation was scattered. In 1993, the Regional Board approved thirteen baseline minimum BMPs to facilitate the implementation of countywide minimum requirements, to encourage countywide consistency, and provide a minimum measure of progress. These BMPs were selected from Permittees' MS4 programs. The thirteen BMPs have been made a part of this Order. These BMPs are: (i) Catch basin labeling, (ii) Public illicit discharges reporting, (iii) Construction storm water ordinance, (iv) Public education and outreach, (v) Catch basin clean-out, (vi) Roadside trash receptacles, (vii) Street sweeping, (viii) Inspections of vehicle repair shops, vehicle body shops, vehicle parts and accessories, gasoline stations and restaurants, (ix) Proper disposal of litter, lawn clippings, pet feces, (x) Removal of dirt, rubbish and debris by homes and businesses, (xi) Oil, glass and plastics recycling, (xii) Proper disposal of household hazardous wastes, and (xiii) Proper water use and conservation.
  - b. In November 1992, the USEPA issued guidance for submittal of Part II application for MS4s. This guidance provides clarification on specific municipal storm water program requirements that were not available to the Regional Board when Order 90-079 was adopted. This Order incorporates these requirements to be consistent with the USEPA guidance.
  - c. The Regional Board is the enforcing authority for both the two statewide general permits, described in Finding 10, which are issued to facilities in Phase I of the Federal Storm Water Program (40 CFR 122.26) and all NPDES storm water and non storm water permits issued by the Regional Board. However, frequently, the industrial and construction sites discharge directly into storm drains and/or flood control facilities owned and operated by the Permittees. These industrial and construction sites are also regulated under local laws and regulations. Therefore, a coordinated effort between the permittees and the Regional Board is critical to avoid duplicative storm water regulatory activities and promote storm water program efficiency.
  - d. The State Board adopted a dual annual fee structure for industrial facilities in the Phase I Program. Phase I facilities located in jurisdictions with a MS4 permit are

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subject to a lower annual fee (\$250) than those industrial facilities in areas without a MS4 permit (\$500). The dual fee structure was adopted to allow Permittees to recover the annual fee differential or portion thereof if necessary to support the MS4 program and also provide some oversight over Phase I facilities.

- e. The ROWD indicates that the Permittees have established a subcommittee to develop an enforcement/compliance strategy for industrial and commercial facilities and construction sites. The Permittees have agreed to notify Regional Board staff of industrial and construction facilities which may not be in compliance with the storm water regulations. The ROWD also indicates that the Permittees will ensure that no grading and/or building permits are issued without proof of compliance for those projects subject to the GCASP.
- f. Each Permittee owns/operates facilities where industrial or related activities take place and/or enters into contracts with outside parties to carry out activities that may impact storm water quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, storm drain system maintenance activities and the application of herbicides and pesticides. As part of the Storm Water Management Program, each Permittee is required to assess all of the public agency related activities and facilities for potential impact to storm water quality and develop and implement BMPs to reduce pollutant discharges from these activities/facilities.

Non-storm water discharges from these facilities and/or activities also affect water quality. This Order prohibits non-storm water discharges from public facilities unless the discharges are exempt under Provision II (Requirements for Illicit Connections/Discharges) of this Order or are permitted by the Regional Board under a separate individual or General NPDES permit.

- g. USEPA review of activities conducted by the automotive service sector (including auto body shops, gas stations, auto repair, used car dealers, specialized repair, car washes, car rental, and truck rental) indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water. A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings.
- h. The USEPA sponsored a study in 1992 in California to characterize storm water from gasoline stations, and demonstrate the effectiveness of BMPs in reducing pollutants in storm water. The study indicated that pollutants build up during dry periods, and pollutant concentrations in storm water reflect the length of the buildup period. The study found that BMPs that address gas station conditions such as high volume vehicle traffic, and leaks and spills of vehicle fluids, to be the most effective in improving storm water quality. The Western States Petroleum Association has separately identified appropriate BMPs for implementation at gas service stations to reduce pollutants in storm water.

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- i. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County and the experience of other California MS4s indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system. The implementation of BMPs at these facilities will reduce the release of pollutants into storm water.
- j. The Santa Monica Bay Restoration Project (SMBRP) was established in 1988, pursuant to Clean Water Act Section 320, when Santa Monica Bay was included in the National Estuary Program. The SMBRP, comprised of government, industry, and environmental representatives, produced a Bay Restoration Plan (BRP) to serve as a blueprint for the Bay's recovery. The Restoration Plan identifies 74 Priority Actions to be implemented to restore and protect the Bay's ecosystem, and to improve the quality of waters flowing from the Santa Monica Bay Watershed Management Area into the Bay. The BRP was approved by Governor Pete Wilson on December 7, 1994, and the USEPA on March 9, 1995. This Regional Board adopted Resolution No. R94-00510 on May 9, 1994, supporting the Restoration Plan. As a key element of the BRP, the Plan contains extensive information regarding storm water management and provides guidance to the Regional Board for development of a strong, environmentally sound storm water program. The Regional Board has the responsibility to ensure that recommended actions are implemented by Permittees in the Malibu Creek and Rural Santa Monica Bay WMA, and the Ballona Creek and Urban Santa Monica Bay WMA.
- k. The Federal District Court, Central District, ruled in NRDC vs Caltrans (C.D. Cal. 1994) that the California Department of Transportation had not substantially complied with Order No. 90-079. The court issued a separate Order to Caltrans to enforce compliance with the requirements of Order No. 90-079. The Court stated that in order to reduce pollutants to the "maximum extent practicable", a Permittee must evaluate and implement BMPs, except where, (i) other effective BMPs will achieve greater or substantially similar pollution control benefits; (ii) the BMP is not technically feasible; or (iii) the cost of BMP implementation greatly outweighs the pollution control benefits.
- ~~l. The Natural Resources Defense Council (NRDC) filed a lawsuit against the County of Los Angeles for non-compliance with Order 90-079 in the Federal District Court, Central District, on October xx, 1994. The parties to the suit are in the process of reaching a settlement out of court. The NRDC settled similar lawsuits out of court in 1993 with the cities of Beverly Hills, Culver City, El Segundo, and Hermosa Beach.~~

*[These events do not belong in the Order.]*

- ~~m. 40 CFR 122.26(d)(2)(1) requires each MS4 Permittee to demonstrate that it can implement and enforce the storm water management program pursuant to legal authority established by ordinance, statute, and/or contracts. Each Permittee must, in addition, acquire legal authority to enforce specific prohibitions which are included in this Order but were not specified in Order 90-079, to encourage countywide consistency.~~

*[The requirements of 40 CFR 122.26 are referred to many other times in the "findings" and the Order itself. There's no need to repeat it again. Also, this issue is addressed again and the same section cited in the provision regarding legal authority.]*

33. The Regional Board has notified each Permittee, interested agencies, and interested persons of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
  34. The Regional Board solicited comments on early drafts of this Order from Permittees, interested agencies, and interested persons. In addition, the Regional Board staff met with representatives from Permittees, business associations, environmental groups, and other interested persons to discuss permit requirements and attempt to resolve critical issues. Regional Board staff also solicited feedback from the Santa Monica Bay Oversight Committee on early drafts of the Order, and attended Permittee watershed meetings, and public workshops to hear concerns. ~~Regional Board staff have incorporated suggestions wherever appropriate, and addressed comments where pertinent.~~
  35. The Regional Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules, including Annual Reports, Work Plans, Performance Standards, and proposed Storm Water Management Plan revisions, submitted in response to requirements of this Order and will provide them with an opportunity for a public hearing and/or an opportunity to submit their written views and recommendations. The Regional Board will consider all comments and may modify the reports, plans, or schedules or may modify this Order in accordance with the NPDES permit regulations. All submittals required by this Order conditioned with acceptance by the Executive Officer will be subject to these notification, comment, and public hearing procedures.
  36. A municipal storm water program companion guidance manual is being developed under contract to provide guidelines and assist Permittees in complying with this Order. The guidance document is for guidance purposes only, and does not supersede this Order. ~~Permittees who have graciously contributed funds to develop the guidance manual, include the County of Los Angeles, and the cities of Culver City, La Canada Flintridge, Los Angeles, Pasadena, Rolling Hills Estates, Santa Clarita, Santa Monica, and Vernon.~~
- [It must be clear that the guidance document does not establish the legal requirements. In the past the Federal Part 2 Guidance Document has been referred to almost as if it contained regs., but it too is only for guidance. Many of those guidelines have now been included in this Order; only by doing this do they become legal requirements. The information concerning the funding of the manual does not need to be included in the Order.]*
37. The requirements in this Order, as they are met, are in conformance with federal and state laws regulations, and guidelines developed for the implementation thereof, and water quality control plans applicable to the Los Angeles basin.
  38. The action to adopt a NPDES permit is exempt from the provisions of the California

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Environmental Quality Act; Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code.

- 39. This Order may be modified or alternatively revoked or reissued, prior to the expiration date to include: changed conditions identified in technical reports; incorporate applicable requirements of statewide water quality control plans; incorporate amendments to the Basin Plan; and to comply with any applicable requirements, guidelines, or changes issued or approved under Section 402(p) of the Clean Water Act, if the requirement, guideline or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued shall also contain any other requirements of federal or state laws, regulations and guidelines applicable at that time.

The Board, in a public hearing, heard and considered all comments pertaining to the tentative waste discharge requirements.

*[Text is missing here. This text was taken from the Sept. 15th version. We assume this is the missing text]*

This order shall serve as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to Section 402 of the federal Clean Water Act, or amendments thereto, and shall take effect at the end of thirty (30) days from the date of its adoption provided the Regional Administrator, USEPA, has no objections.

IT IS HEREBY ORDERED that the County of Los Angeles and the Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder, shall comply with the following for the areas under their jurisdictions in the County of Los Angeles:

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**A. DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS**

*[There may be more appropriate language that has been developed by others.....]*

**I. Discharge Prohibition**

Each Permittee shall, within its jurisdiction, effectively prohibit non-storm water discharges into the municipal separate storm sewer system (MS4) and watercourses, except where such discharges are either:

1. In compliance with a separate NPDES permit; or
2. Identified and in compliance with Provision II.D (Requirements for Illicit Connections/Discharges: Non-storm Water Discharges), of this Order.

Compliance with this prohibition shall be accomplished through compliance with Provisions in this Order.

**II. Receiving Water Limitations**

Permittees shall institute a comprehensive stormwater management program as identified in this Order to reduce the discharge of pollutants to the maximum extent practicable. The timely implementation of these stormwater management programs, in conjunction with other water quality management programs, shall constitute compliance with water quality objectives applicable to receiving waters in the Los Angeles Basin contained in the Basin Plan (*Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994*) and the Ocean Plan (*Water Quality Control Plan, Ocean Waters of California, State Water Resources Control Board, 1990*), and amendments thereto shall serve as Receiving Water Limitations and are hereby incorporated in this Order by reference. If applicable water quality objectives are adopted and approved by the State Board after adoption of this Order, the Regional Board may revise or modify this Order, as appropriate. The Regional Board and the Permittees realize that these stormwater management programs, in conjunction with other water quality management programs, may not result in full compliance with identified water quality objectives prior to the expiration of this Order. By complying in a timely manner with the requirements specified in Sections I-VIII of this Order, the permittee is complying with the Receiving Water Limitations.

*[This simple language should clarify the fact that if Permittees meet the provisions, then they are in compliance. This language eliminates the need for the detailed section (B.) "Compliance..." explaining the idea of "functional equivalence."]*

*[The definition for "MEP" as shown in the Glossary should be modified to read as follows:*

**Maximum Extent Practicable (MEP):** The maximum extent possible taking into account equitable consideration and competing facts, including, but not limited to: the gravity of the problem, public health risk, societal concern, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance,

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implementability, cost and technical feasibility./

Based on the above-mentioned water quality objectives, ~~authorized discharges under this Order shall not~~ stormwater management programs, in conjunction with other water quality management programs, shall be developed so that the following conditions shall be addressed and their occurrence minimized to the maximum extent practicable:

1. ~~Contain the following in concentrations or quantities of the following that cause nuisance or adversely affect beneficial uses of receiving waters:~~
  - a. Floating materials, including solids, liquids, foams, and scum;
  - b. Suspended or settleable materials;
  - c. Non-naturally occurring oils, greases, waxes, or other materials that result in a visible film or coating on the surface of the water or on objects in the water, which results from anthropogenic activities;
  - d. Chemical constituents; and,
  - e. Substances that ~~increases~~ increase biochemical oxygen demand.
2. Contain toxic pollutants in concentrations or quantities that will bioaccumulate in aquatic life to levels which are harmful to aquatic life and human health.
3. Contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
4. Contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.
5. Contain taste or odor-producing substances at levels that impart undesirable tastes or odors to fish flesh or other edible aquatic resources, cause nuisance, or adversely affect beneficial uses.
6. Cause changes in temperature and turbidity to the extent that results in nuisance or adverse effect on beneficial uses.
7. Cause ~~violations~~ degradation of any applicable water quality objective for the receiving waters.

**B. COMPLIANCE WITH DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS**

If, after timely implementation of the requirements specified in Sections C.I through C.VIII of this Order, the Permittee(s) or the Regional Board finds that stormwater discharges have caused a significant exceedance of the water quality objectives, the affected Permittee(s) shall review their stormwater management programs to determine the need for accelerated implementation schedules and/or enhanced or revised program elements



and report to the Regional Board their findings pursuant to a schedule approved by the Executive Officer.

1. As a functional equivalent of compliance with the above Discharge Prohibitions and Receiving Water Limitations (A-I and A-II), each Permittee shall demonstrate timely implementation of BMPs and other actions to reduce pollutants in the discharge from their municipal separate sewer system (MSS) to the "maximum extent practicable" in accordance with Requirement C of this Order Storm Water Management Program Requirements:

ii. If an exceedance(s) of a receiving water limitation defined in A-II above, expressed as either narrative or numerical, has been identified by the Permittee or Regional Board to be caused by storm water discharges, either of the following actions shall be undertaken to ensure compliance with this Order:

i. The Permittee shall demonstrate to the satisfaction of the Regional Board that the Permittee is implementing fully and on schedule its Storm Water Management Program in accordance with Requirement C of this Order, and continued timely implementation of the Storm Water Management Program, CSWMP, and/or a WMAP will prevent future exceedances of receiving water limits; or

2. If the determination in B-II-I cannot be made or upon notice by the Regional Board, the Permittee shall initiate forthwith an investigation, and demonstrate to the satisfaction of the Regional Board that either:

a. Storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance(s); or

b. When storm water from the Permittee's jurisdiction is determined to be the cause of the exceedance(s), the Permittee completes the investigation in a timely manner to determine the persistence, cause, culpability, and impact of the exceedance(s) on the designated beneficial uses of the receiving waters; and, based on the results of the completed investigation and at the direction of the Regional Board, the Permittee evaluates whether the approved CSWMP or WMAP when fully implemented will prevent future exceedance(s); and

i. If the approved CSWMP or WMAP is adequate, the Permittee shall, depending on the persistence and impact of the exceedance(s) on the receiving waters, or at the discretion of the Regional Board, accelerate the implementation schedule of BMPs designed to eliminate the exceedance(s); or

ii. If the approved CSWMP or WMAP is inadequate, the Permittee shall develop and submit for approval by the Executive Officer, new or revised BMPs with a schedule for implementation to prevent future exceedance(s). Upon

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~~approval, the Permittee shall implement such BMPs and document the progress of implementation and effectiveness thereof in the Annual Reports to the Executive Officer.~~

C. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

Each Permittee shall implement within its jurisdiction to the maximum extent practicable the following:

1. The Storm Water Management Program provisions of this Order. ~~Unless otherwise specified, the compliance date for all segments of the program shall be January 1, 1997.~~

*[This could create a lot of confusion. Regional Board should ensure that the compliance dates are clearly written in each section.]*

*The large number of action dates which exist throughout the permit and the uncertainty in the adoption schedule for the permit is of major concern. Language must be added to the permit which states that the dates identified in the permit are based on a specific adoption date. If there are delays in adopting the permit, the compliance dates throughout the permit must be extended accordingly.*

*Another alternative is to convert all dates so that they are based on time from adoption of the permit (e.g. within 180 days from adoption of this Order)]*

2. The Countywide Storm Water Management Plan (CSWMP), any of its modifications, revisions or amendments, that will be developed according to the requirements of this Order.

The CSWMP, at a minimum, shall include the components of the Storm Water Management Program defined in this Order and is subject to approval by the ~~Executive Officer of the~~ Regional Board.

3. The applicable Watershed Management Area Plan (WMAP), any of its modifications, revisions or amendments, that will be developed according to the requirements of this Order. Each WMAP is subject to approval by the Regional Board.

Each Permittee shall participate in the development of the WMAP for its respective watershed management area through its Watershed Management Committee (WMC). The WMAP shall include the components of a Storm Water Management Program defined in this Order, the CSWMP, and any other applicable requirements to reduce to the maximum extent practicable pollutants in the discharge. Upon approval by the Regional Board ~~Executive Officer~~, the WMAP for a particular watershed supersedes the CSWMP.

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I. REQUIREMENTS FOR PROGRAM MANAGEMENT

A. Principal Permittee

1. The County of Los Angeles is designated as the Principal Permittee.
2. The Principal Permittee shall:
  - a. Coordinate permit activities required under this Order;
  - b. Convene the countywide Executive Advisory Committee (EAC), constituted pursuant to Provision I.D.;
  - c. Provide personnel and fiscal resources to develop a Countywide Storm Water Management Plan (CSWMP) which will may then be used to develop as a basis for a Watershed Management Area Plan (WMAP) for each watershed;
  - d. Convene the Watershed Management Committees (WMCs) upon the designation of representatives to the WMCs, and seek appointment of a chair ~~who will also~~ and representative(s) to serve on the EAC;
  - e. Provide personnel and fiscal resources for the development of the WMAPs;
  - f. Provide personnel and fiscal resources for updating and modifying the CSWMP and the WMAPs;
  - g. Provide technical and administrative support for both the EAC, and the WMCs constituted pursuant to Provision I.E.;
  - h. Provide personnel and fiscal resources to complete Annual Reports including evaluations of monitoring program data and BMP effectiveness;
  - i. Prepare and forward summaries and evaluations of program compliance for submittal to the Regional Board, upon receipt of information and materials from the WMCs;
  - j. With guidance of the EAC, act as liaison between Permittees and the Regional Board on permit issues regarding this Order; and
  - k. With guidance of the EAC, implement activities outlined in this Order for a Permittee and a Principal Permittee.
  - l. Implement activities outlined in this Order for a Permittee.

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*[Why does the EAC guide the County in implementing their individual program? EAC should only provide guidance on county-wide program activities, some activities are to be conducted by the County within the unincorporated areas and EAC should not be involved in these.*

Either separate the statements as above or delete the statement "with guidance of the EAC.")

B. Permittees

1. Each Permittee shall:
  - a. Participate in the development and modification where necessary of the CSWMP and jointly prepare the WMAPs through participation in the WMC;
  - b. Implement all requirements described in this Order for a Permittee, the CSWMP, or the WMAPs on approval by the Executive Officer;
  - c. Implement the CSWMP, or the WMAPs on approval by the Regional Board;
  - de. Provide in a timely manner all information needed by the Principal Permittee for completing the Annual Reports.
2. Each Permittee shall coordinate among each Permittee's internal departments and agencies (e.g., public works, planning, utilities, water supply):
  - a. Implementation of permit requirements under this Order and pollution prevention activities; and
  - b. Any optional interagency and inter-departmental agreements made to ensure compliance with the CSWMP and the WMAP.
3. Each Permittee's City Administrator/Public Works Director shall appoint a representative(s) to the WMC, who has the delegated authority to make decisions on storm water permit program issues on behalf of the his/her jurisdiction.

C. External Agency Coordination

1. The Principal Permittee will be provided an updated list of NPDES permits on a quarterly basis through the Regional Board's electronic bulletin board, which may be accessed at (213) 266-7663, for use by each Permittee to identify permitted sources of active non-storm water discharges into the MS4.
2. Each Permittee will work with other agencies, to the extent necessary, and report to the Regional Board on recommendations to resolve any conflicts which are identified between the provisions of this permit Order and the requirements of other regulatory agencies, if they deem it necessary. These agencies, include but are not limited to:
  - a. California Department of Fish and Game
  - b. California Department of Toxic Substances Control
  - c. California Coastal Commission
  - d. United States Environmental Protection Agency
  - e. California Department of Transportation
  - f. California Air Resources Board

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- 3. Permittees shall develop protocols for the clean up of spills of pollutants that cross from one agency's MS4 to another's.

*[Language similar to this should be included under this provision or under the Legal Authority section.]*

D. Executive Advisory Committee (EAC)

- 1. The Executive Advisory Committee shall consist of a voting representative from the County of Los Angeles, the City of Los Angeles, representatives from the Malibu Creek, Santa Clara River, and Dominguez Channel WMAs, and two from the San Gabriel River, Los Angeles River, and the Ballona Creek WMAs, for a total of eleven voting members. The Regional Board Executive Officer will appoint a Regional Board representative, a member of the public, and two industry representatives as non-voting members on the EAC.
- 2. The Principal Permittee shall provide the EAC with the opportunity to:
  - a. Advise the Principal Permittee on the development of the CSWMP, and countywide programs to be developed by the Principal Permittee;
  - b. Coordinate implementation of storm water quality management activities of regional significance (such as watershed-wide and countywide BMPs, public outreach and education);
  - c. Make recommendations on county-wide issues to each WMC;
  - d. Review the WMAPs developed by each WMC and provide direction and guidance for consideration by the WMC;
  - e. Assist the Principal Permittee in compiling summaries and evaluations of compliance for submittal to the Regional Board, upon receipt of information and materials from the WMCs;
  - f. Guide conflict resolution among Permittees and advise the Principal Permittee on its liaison responsibilities to the Regional Board; and
  - g. Coordinate the implementation of pilot projects to target pollutant sources, evaluate BMP appropriateness, and assess effectiveness.

E. Watershed Management Committees (WMCs)

- 1. Each Watershed Management Committee shall be comprised of a voting representative from each Permittee in the WMA. The Executive Officer of the Regional Board will appoint a Regional Board representative, a member of the public, and an industry representative as non-voting members on each WMC.
- 2. ~~In the interest of minimizing the burden on small cities of participating in the committee process, each WMC's representative to the EAC shall be a Permittee other than the City of Los Angeles, with the largest population. In WMAs with~~

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~~two representatives on the EAC, the WMC as a whole shall select the second representative. Where the population of the EAC representative municipality is less than 100,000, the Principal Permittee will provide some resources to the Permittee in carrying out its role on the EAC. The Malibu Creek, Santa Clara, and Dominguez Channel WMCs shall each elect one representative to serve on the EAC. The San Gabriel River, Los Angeles River, and the Ballona Creek WMCs shall each elect two representatives to serve on the EAC.~~

3. The WMC's chair and secretary shall be chosen by the WMC. In the absence of volunteer Permittee(s) for the positions, the Principal Permittee shall assume those roles, until the WMC approves qualified persons.
4. The WMC shall under the legal authority of its member Permittees, obtained in H. below:
  - a. Establish goals and objectives for the watershed;
  - b. Prioritize pollution control efforts;
  - c. Develop a WMAP, based on the CSWMP;
  - d. Assess the effectiveness of, prepare revisions for and recommend appropriate changes to the CSWMP and the WMAP;
  - e. Coordinate and facilitate the preparation of the Annual reports on permit stormwater activities within the watershed for submittal to the Principal Permittee, and for review by the EAC before submittal to the Regional Board;
  - f. Circulate a draft of the Annual report among Permittees for review and comment prior to submittal to the EAC and the Regional Board; and
  - g. Facilitate implementation of this Order by Permittees in the watershed.

F. Watershed Management Subcommittees (WMS)

1. Subcommittees may be established by the WMC and/or the EAC, where deemed necessary.
2. Each Subcommittee shall focus on specific program areas and provide more specific oversight on the development, implementation, and evaluation of selected program areas.

G. Fiscal Resources

1. The Principal Permittee in consultation with the EAC shall prepare a budget summary format for use by each Permittee to report resources available to implement the storm water management program. The budget summary shall include at a minimum, capital and operation and maintenance expenditures;

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funding sources, staff resources, equipment, support capabilities, contract services, cost sharing arrangements for countywide programs (e.g., Public Education, Commercial-Industrial inspections); and any foreseeable funding shortfalls.

2. Each Permittee shall submit to the Principal Permittee, an annual budget summary of resources dedicated for storm water program implementation as required under Section 402(p) of the Clean Water Act, within 30 days of budget adoption by the Permittee's elected local government. A Permittee may provide all necessary data in an alternate format which includes the same information unless directed otherwise by the Executive Officer.
3. The Principal Permittee shall submit a fiscal resources summary in its Annual Report to the Regional Board.

H. Legal Authority

1. Each Permittee shall demonstrate that it possesses legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction, in compliance with this Order. This legal authority may be demonstrated by either a single ordinance or a single guidance document containing all the statutes, ordinances, permits, contracts, orders or ~~inter-jurisdictional~~ agreements among Permittees which govern a Permittee's storm water management activities per guidelines in the *Guidance Manual For The Preparation Of Part 2 Of The NPDES Permit Applications For Discharges from Municipal Separate Storm Sewer Systems*, (EPA 833-B-92-002, November 1992), pages 3-4, and shall, at a minimum, as required by 40 CFR 122.26(d)(2)(i)(D):
  - a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity as defined in 40 CFR 122.2 and the quality of storm water discharged from sites of industrial activity;
  - b. Prohibit illicit discharges and illicit connections to the MS4 and require removal of illicit connections;
  - c. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g., industrial and commercial wastes, trash, debris, motor vehicle fluids, green waste, animal wastes, leaves, dirt, or other landscape debris) to the MS4 ;
  - d. Control through ~~interagency or inter-jurisdictional agreements among Permittees~~ the discharge of pollutants from one portion of the MS4 to another as determined necessary by the Permittees (interagency or inter-jurisdictional agreements among Permittees are encouraged for this purpose);

*[Proposed language (Item #3) under External Agency Coordination will also satisfy the intent of this requirement.]*

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- e. Require compliance with conditions in ordinances, permits, contracts or orders; and
  - f. Conduct inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions of this Order including the prohibition on illicit discharges to the MS4.
23. Each Permittee shall:
- a. Provide to the Principal Permittee for submittal to the Executive Officer of the Regional Board within 120 days of the effective date of this Order (~~which are in lieu of copies of ordinances, regulations, and other legal documents establishing legal authority~~),
    - i. ~~A statement under penalty of perjury by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order; and /or~~

*[It would be impossible to state under penalty of perjury that the Permittee has obtained all necessary legal authority to comply with the Order since many of the requirements of the Order are still to be developed.]*

- ii. A timely schedule for obtaining adequate legal authority to comply with this Order (if Provision 1.H.32.a.i. is only partially fulfilled).
- b. Exercise full legal authority within its jurisdiction to require compliance with this Order, the Countywide Storm Water Management Plan, and/or the Watershed Management Area Plans.

I. Program Substitution

Any Permittee may petition the Executive Officer to:

- a. Substitute for any BMP identified in this Order, the CSWMP, or the WMAP, if the Permittee can demonstrate ~~through documentation and/or scientific data~~; that the proposed alternative BMP:
  - i. will achieve greater or substantially similar reduction in storm water pollutants; and
  - ii. will be implemented within a similar period of time.
- b. Eliminate any storm water BMP identified in this Order, the CSWMP, and/or the WMAP, for its jurisdiction if it can demonstrate through documentation and/or scientific data, that the BMP is:
  - i. Not technically feasible, or
  - ii. The cost of implementation greatly outweighs the pollution control benefits.

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The Executive Officer will approve or disapprove the petition in accordance with Provision I.J (Requirements for Program Management: Administrative Review). If approved, the Executive Officer will notify all Permittees of the determination.

J. Administrative Review

The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees, prior to initiating enforcement action. A Permittee shall not be deemed "in violation" of this Order unless the process outlined below has been completed.

*[The language must clearly state this point.]*

1. Storm water program documents, including progress reports, guidelines, checklists, BMPs, databases, program summaries, and implementation and compliance schedules, developed by a Permittee under the provisions of this Order shall be submitted to the Executive Officer for approval. The Executive Officer will notify the Permittee and the Principal Permittee of the results of the review and approval or disapproval within 120 days. Implementation dates identified in this Order for programs which require a Permittee to obtain Executive Officer approval shall be extended an amount of time equivalent to that which the Executive Officer requires beyond 120 days. ~~If the Executive Officer has not responded within 120 days, the Permittee shall implement the submitted CSWMP or WMAP program components without modification.~~
2. If the Executive Officer finds that a Permittee's storm water program is insufficient to meet the provisions of the Permit this Order, the Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific findings in support of the insufficient determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.
  - a. The Permittee, upon receipt of a NIMC, shall meet and confer with Regional Board staff to clarify the steps to be taken to completely meet the provisions of this permit Order. The meet and confer sessions shall be for the purpose of developing additions and enhancements to the jurisdiction's storm water program. The meet and confer period shall conclude with the submittal to and acceptance by the Executive Officer of a written "Storm water Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPCA by a specified date. ~~The NIMC shall include a date by which the Permittee must meet with Regional Board staff.~~

*[Redundant. This statement was already made and does not belong in this location.]*

Failure to submit an acceptable SPCA by the specified date shall constitute a violation of this Order.

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- b. The Executive Officer will approve or reject the submitted SPCA or an amended SPCA within 120 days. Rejection of a SPCA by the Executive Officer shall state the reasons for the failure to approve the SPCA. A Permittee that receives a rejection of an SPCA shall have sixty (60) days to remedy the specified deficiency and resubmit the SPCA.
- c. The Permittee shall comply with the terms of the SPCA. The Permittee shall submit reports to the Executive Officer of progress made under the SPCA. The frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Executive Officer. Failure to comply with the terms and conditions of the SPCA shall constitute a violation of this Order and shall be cause for immediate Administrative Civil Liability as prescribed by the Executive Officer.

**K. Public Review**

- 1. The Principal Permittee shall maintain a current mailing list of interested parties, organized by WMAs, for distribution of documents that require the Executive Officer's approval. The Regional Board will provide the Principal Permittee with the initial list of interested parties.
- 2. The Principal Permittee shall distribute for public comment the initial CSWMP, WMAPs and other storm water Program Requirements that are submitted to the Executive Officer for approval. The public comment period will run concurrently with the Regional Board's review period.
- 3. Interested parties wishing to comment on the initial CSWMP, WMAPs and other storm water Program Requirements in review, must submit their comments in writing to the Executive Officer no later than 45 days after the Principal Permittee has made the document available to the public. Regional Board staff will maintain a list of interested parties who have requested to receive announcements of permit reports.

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**II. REQUIREMENTS FOR ILLICIT CONNECTIONS / DISCHARGES**

Direct illicit connections to the MS4 include physical connections of sanitary, commercial, or industrial piping (or channels) carrying untreated or partially treated waste waters. Such connections are sometimes unauthorized, and may be intentional or accidental due to mistaken identification of sanitary sewer lines. Illicit connections can result in continual or intermittent non-storm water and waste water discharges contaminated with pathogens and pollutants to the MS4 (*Investigation of Inappropriate Pollutant Entries into Storm Drainage systems, USEPA Document No/600/R-92/238*).

*[Doesn't this type of a statement belong in the findings section, rather than here? Either delete or move.]*

**A. Illicit Connections**

~~By January 15, 1997, each Permittee shall implement a program to identify and eliminate illicit connections to the maximum extent practicable.~~

*[This statement is redundant, either eliminate it here or eliminate it as #2 below.]*

- 1. The Principal Permittee in consultation with the EAC shall develop by July 15, 1996, a model program for the elimination of illicit connections to the MS4 by ~~July 15, 1996~~. The program shall include, at a minimum:

*[This type of wording occurs through out the Order and it is misleading. The intent is to develop and implement the program by a given date, not to eliminate the connections by a given date. The date should appear at the beginning of the statement or immediately after the word "develop", so that there is no confusion. Another option would be the following: "develop a model illicit connection program by \_\_\_\_\_", but we run into problems when it states " a program to \_\_\_ by \_\_\_.]*

- a. Standardized storm drain inspection procedures, and illicit connection and identification and elimination procedures;
- b. Methods to prioritize potential problem areas, including, but not limited to old commercial/industrial areas, and areas with heavy industry listed under subchapter N of 40 CFR Parts 405 - 471;
- c. Methods to utilize results of field screening activities, and other appropriate information;
- d. Industrial/commercial education and outreach materials to inform businesses about the problem of illicit discharges/dumping connections and proper discharge/disposal practices;
- e. Storm drain inspections schedule for illicit connections;

*[This will only be acceptable if the definition of illicit connections is modified to exclude roof drains and other related type connections. See modified definitions at end of document.]*

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- f. Standardized record keeping to document illicit connections; and
  - g. Enforcement procedures to terminate illicit connections.
2. Each Permittee, ~~based on the model program, shall implement develop,~~ based on the model program, a program to identify and eliminate illicit connections to the maximum extent practicable. ~~by January 15, 1997.~~

Each Permittee shall submit an implementation schedule within ninety (90) days of the approval of the model program by the Executive Officer.

B. ~~Illicit Discharges~~ Discharges

The primary responsibility for cleanup and removal of illicit discharges of pollutants to the MS4 shall be with the owner/operator of the discharging facility or site. Nothing in this Order shall be interpreted to limit or in anyway prevent action by a Permittee against the party responsible for the illicit discharge.

- 1. The Principal Permittee in consultation with the EAC shall develop a model illicit discharges elimination program by July 15, 1996. The program shall include, at a minimum:
  - a. Standardized enforcement procedures, including administrative and judicial, to eliminate illicit discharges;
  - b. Standardized procedures for investigation, reporting, containment and cleanup for spills, which include a procedure to ensure that sewage treated with disinfection agents will not be discharged into the storm drain system to the extent practicable;
  - c. Prioritization of problem areas of illicit disposal where inspection, clean up, and enforcement are necessary to prevent the discharge of contaminants;
  - d. Standardized surveillance program to detect illicit discharges;
  - e. Standardized procedures to educate inspectors, maintenance workers, and other field staff to notice illicit discharges during the course of their daily activities, and report such occurrences;
  - f. Standardized record keeping system to document illicit discharges; and
  - g. Standardized enforcement procedures to eliminate illicit discharges.

*[There is a need for the development of a compliance schedule for the elimination of illicit discharges. Permittees, upon identifying an illicit discharge, will need to work with facility owners in developing reasonable time lines for eliminating such discharges. This is especially*

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*true in cases where the discharge was allowed at the time it was constructed.]*

- 2. Each Permittee shall based on the model program, as appropriate, develop and implement an illicit discharge elimination program to identify and eliminate illicit dischargers by ~~January 15, 1997.~~

*[Once again, the text has been re-worded to clarify the program implementation date]*

Each Permittee shall submit an implementation schedule within ninety (90) days of the approval of the model program by the Executive Officer.

C. Other Prohibited Activities

*[Revised to be consistent with the time lines and actions required in Section I.H.2 ]*

- 1. Each Permittee shall within 120 days of the effective date of this Order, prohibit or control to the maximum extent practicable by legal authority, by ~~July 15, 1996~~ or provide a schedule for obtaining the legal authority, any person from:
  - a. Causing or allowing illicit discharges to be made into the MS4;
  - b. Establishing, using or maintaining an illicit connection to the MS4;
  - c. Littering;
  - d. Disposing of leaves, dirt or other landscape debris into a storm drain; and
  - e. Using any pesticide, fungicide, or herbicide whose sale has been voluntarily discontinued or is prohibited by the USEPA;
  - f. Washing down toxic materials from paved or unpaved areas into which results in a discharge to the storm drain system MS4;
  - g. Washing down impervious surfaces in industrial/commercial areas into which results in a discharge to the MS4, unless specifically required by Health and Safety Codes; and
  - h. Washing out concrete trucks off- or on-construction sites into storm drains.

D. Non-storm Water Discharges

1. Exempted Discharges

The following non-storm water discharges need not be prohibited:

- a. Flows from riparian habitats or wetlands;
- b. Diverted stream flows;

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- c. Springs;
- d. Rising ground waters;
- e. Uncontaminated groundwater infiltration; and
- f. Discharges or flows from emergency fire fighting activities; and
- g. Discharges which have been authorized by a permit, or granted a waiver or variance from the Regional Board or State Board.

The Executive Officer, upon the presentation of evidence in accordance with Provision II.C.4. (Procedures for Exemption), may include other categories of non-storm water discharges under this sub-section.

**2. Conditionally Exempted Discharges**

The following non-storm water discharges need not be prohibited. However, if they are identified by either a Permittee or the Executive Officer as being sources of pollutants to receiving waters, then appropriate BMPs to minimize the adverse impacts of such sources shall be developed and implemented under the CSWMP or the WMAPs in accordance with Provision II.C.4. (Procedures for Exemption),

- a. Landscape irrigation;
- b. Water line flushing;
- c. Foundation drains;
- d. Air conditioning condensate;
- e. Irrigation water;
- f. Water from crawl space pumps;
- g. Retaining wall drains;
- h. Individual residential car washing;
- i. Residential roof drains;
- j. Residential swimming pool discharges;
- k. Hydraulic graffiti abatement; and
- l. Flushing of inductive traffic loops(to be discussed);

The Executive Officer, upon the presentation of evidence in accordance with Provision II.C.4. (Procedures for Exemption), may include other categories of non-storm water discharges under this sub-section.

**3. Designated Discharges**

The following non-storm water discharges have been determined by the Executive Officer to be a significant source of pollutants to receiving waters. Each Permittee has one year from the effective date of this Order or in the case of a new designation, one year from the Executive Officer's date of determination to eliminate the discharge, or develop appropriate BMPs to minimize the adverse impacts to the maximum extent practicable and an associated BMP implementation schedule in accordance with Provision II.C.4. (Procedures for Exemption).

- a. Street washing
- b. Sidewalk washing

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The Executive Officer, upon the presentation of evidence, may include other categories of non-storm water discharges under this sub-section.

4. Procedures for Exemption

The Principal Permittee in consultation with the EAC may identify and describe additional categories of non-storm water discharges to be exempted from A. Discharge Prohibitions. 1. in the Annual Report to the Executive Officer. The criteria for exemption may include one or more of the following:

- a. Documentation that the discharges are not sources of pollutants to receiving waters or do not cause impairment of beneficial uses of receiving waters; or
- b. Special circumstances in which the discharges have been found not to be sources of pollutants to or cause impairment of beneficial uses of receiving waters; or
- c. Prescription of specific BMPs, where determined feasible, to reduce pollutants to the "maximum extent practicable" and minimize adverse impacts of such sources, with an implementation schedule; or
- d. Established procedures to ensure BMP implementation including an implementation schedule, performance standards, monitoring and record keeping;

E. Public Reporting

- 1. The Principal Permittee in consultation with the EAC shall develop by July 15, 1996(?), a standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices by ~~July 15, 1996.~~

Each Permittee shall, submit a schedule within ninety (90) days of the adoption of the standard public reporting program to implement at the earliest practicable date the standard program to facilitate public reporting by ~~October 15, 1996.~~

- 2. The Principal Permittee in consultation with the EAC shall develop a standard program by July 15, 1996, for reporting incidents of a reportable quantity of hazardous substances entering the storm drain system. Each Permittee shall require all spill reporting to the OES. The reports shall be made to the State of California Office of Emergency Services (OES) at (800) 852-7550 and the Federal Hazardous Response Number at (800) 424-8802.

Each Permittee shall, within ninety (90) days of the adoption of the standard hazardous substances reporting program, submit a schedule to implement the standard program for reporting hazardous substances entering the storm drain by ~~October 15, 1996.~~

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III. PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES

Each Permittee is required to develop and implement an industrial/commercial program that focuses on identification and control of storm water pollutant and non storm water discharges from industrial/commercial sources within its jurisdiction.

A. Identification of Sources

1. The Principal Permittee in consultation with the EAC shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by October 15, 1996. This database will serve as a reference resource for the public, business, industry, local government, the Regional Board, and other public agencies on storm water program participation. The initial accuracy of the database will be dependant on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the industrial/commercial oversight program. No legal import is to be attributed to the database developed by the Permittees. The database format shall include at a minimum:
  - a. Facility name;
  - b. Site address;
  - c. Watershed;
  - d. Applicable SIC code(s); and
  - e. NPDES storm water permit coverage status, if applicable.
  
2. Each Permittee shall collect information, based on the format developed by the Principal Permittee, to identify industrial/commercial facilities within its jurisdiction by January 15, 1997. The list of facilities shall include, at a minimum:
  - a. All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities).
  - b. Other industrial/commercial groups selected by the Principal Permittee in consultation with the EAC and/or the Regional Board from the USEPA Phase II storm water program screening list, such as nurseries, wood product wholesalers, golf courses, cattle ranches, amusement parks, and municipal vehicle service/maintenance facilities (*Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA Washington, D.C., Document No. EPA 833-K-94-002*) and other similar documents. The criteria for selection by the Regional Board and/or the Principal Permittee in consultation with the EAC may include,

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- i. Extent of exposure of the industrial/commercial activity to storm water;
- ii. Types and quality of non storm water discharges;
- iii. Similarity of industrial/commercial activity to industrial activity regulated under Phase I;
- iv. Types of chemical contaminants and wastes generated that can become exposed to storm water;
- v. Existence of duplicate regulatory programs of other agencies that emphasize waste management and minimize exposure of the industrial/commercial activity to storm water;
- vi. Number of facilities in watersheds;
- vii. Professional understanding of the industrial/commercial sector waste management practices;
- viii. Experience of local agency industrial inspection programs; and,
- ix. Any other information that indicates a significant potential for contamination of storm water.

The database of industrial/commercial facilities for each Permittee's jurisdiction, shall be maintained and updated annually.

- 3. The Principal Permittee shall compile the information submitted by each Permittee into a database of industrial/commercial facilities based on the standard format by July 15, 1997. This database will, in addition to Provision III.A.1, include:
  - a. For each four digit SIC Industry Number, primary activities that might impact runoff discharges (from national or commercial database sources); and
  - b. For each four digit SIC Industry Number, primary materials that might impact runoff discharges (from national or commercial database).

~~B. Prioritization of Sources~~

- ~~1. The Principal Permittee in consultation with the EAC shall rank industrial/commercial groups which have been identified in Provision III.A.2, into one of three priority groups: High, Medium and Low, by January 15, 1997.~~

The criteria for ranking may include:

- ~~a. Predominance of activity in watersheds;~~
- ~~b. Existence of other local agency oversight programs that emphasize waste minimization and pollution prevention;~~
- ~~c. Past history of industrial/commercial practices; and,~~
- ~~d. Potential for contribution of significant amounts of~~

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- ~~c. pollutants into storm water;  
Proximity of activity to beneficial uses;~~
- ~~2. Each Permittee shall numerically rank within High, Medium and Low groups, the industrial-commercial facilities grouped by the Principal Permittee in III.B.1, in the order of storm water BMPs implementation oversight, by April 15, 1997. This ranked list should be used by each Permittee as guidance in determining the effectiveness its source education program. The criteria for ranking by each Permittee may include;~~
  - ~~a. Predominance of activity;~~
  - ~~b. Existence of other local agency oversight programs that emphasize waste minimization and pollution prevention;~~
  - ~~c. Past history of industrial/commercial practices;~~
  - ~~d. Potential for contribution of significant amounts of pollutants into storm water;~~
  - ~~e. Proximity of activity to beneficial use as determined by the WMC;~~
  - ~~f. Relationship between SIC groups and pollutants of concern as determined by the WMC;~~

*[The above section should be deleted due to the fact that source priorities specifically laid out in the sections below. Also, refer to comment letter.]*

**E.B. Source Control Measures**

1. The Principal Permittee in consultation with the EAC shall develop, by July 15, 1996 a checklist of specific storm water BMPs for use by Permittees for each industrial/commercial SIC group which has been prioritized in Provision III.B.1 by July 15, 1996.

*[We have serious concerns regarding the imposition of BMPs on private industry without conducting any sort of public review process. In addition, industry groups should be placed in a position to take the lead in developing structural BMPs for their types of facilities.*

**The BMPs shall must:**

- a. Address multiple pollutants;
- b. Initially focus on BMPs such as pollutant source minimization, education, good housekeeping, and site design alternatives; and
- c. Target source areas and activities with the highest potential to generate substantial pollutant loads.

After the BMP lists are developed by the Principal Permittee and approved by the Executive Officer, each Permittee shall use the checklists developed by the Principal Permittee as part of the outreach

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measures conducted during site visits in under its industrial/commercial facilities inspection education program.

- 2. Each Permittee shall within 120 days of the effective date of this Order require through its legal authority or provide, by ~~July 15, 1996~~ a schedule for obtaining the legal authority to:

*[The following changes must be made to the language of the Order. The changes were made to preserve the intent of the section, but to make the requirements feasible and implementable. If these changes are not made the items are unrealistic and virtually unenforceable.]*

- a. Prohibit or control to the maximum extent practicable ~~No~~ discharges of ~~untreated wash waters~~ to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned;
- b. Prohibit or control to the maximum extent practicable ~~No~~ discharges of ~~untreated wastewater~~ to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations ~~into the MS4~~;
- c. Control to the maximum extent practicable ~~No~~ discharges to the MS4 from areas where repair of machinery and equipment in ~~areas exposed to storm water~~, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
- d. Control to the maximum extent practicable discharges to the MS4 from ~~storage away from areas susceptible to or exposed to storm water~~; of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), and unsealed receptacles containing hazardous materials;
- e. Require Placement of machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, in a manner where leaks, spills and other maintenance related pollutants are not discharged to the MS4;
- f. Require ~~Regular~~ Sweeping or other equally effective measures, as needed to remove debris from commercial/industrial motor vehicle parking lots with more than twenty-five parking spaces that are located in areas susceptible to or exposed to storm water;
- g. Require Removal and proper disposal of all fuel and chemical residue, animal waste, garbage, batteries, or other types of potentially harmful materials which are located in areas susceptible to or exposed to storm water;
- h. Require Disposal of hazardous waste at an appropriate disposal site, and not in trash containers used for municipal trash disposal; and

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- i. Require Proper disposal of food wastes by the food service and food distribution industry.

Programs and activities to encourage the above BMPs shall be made part of the CSWMP and the WMAPs.

**D-C. Source Inspection Education Site Visit**

- 1. Each Permittee shall develop and implement an industrial/commercial facilities source education inspection program by ~~October 15, 1996~~ January 15, 1997. The program inspection shall at a minimum include consist of site visits to:

*[The language must be modified in order to prevent confusion. The current draft implies that site visits will be conducted for all Phase I facilities. This is not necessarily the case, some Phase I facilities will be contacted by phone, mail, or other means, as per #2 below. During a site visit, if the facility happens to be one that is required to file an NOI under Phase I, then the inspector will perform task iii below. Task ii must be eliminated, it has been agreed to at every negotiation session that inspectors would conduct a site visit not a compliance review/inspection.]*

- ~~a.~~ For Phase I facilities (40 CFR 122.26), site visits to:
  - i. Consult with a representative of the facility to explain applicable stormwater regulations local storm water codes, regulations and ordinances;
  - ~~ii.~~ Review that the facility is in compliance with all municipal storm water codes, regulations, and ordinances;
  - ~~iii.~~ Discuss appropriate BMPs and distribute educational materials Distribute and discuss applicable BMP and educational materials including information regarding the codes, regulations and ordinances applicable to the category of facility;
  - ~~iv.~~ Note that an NOI has been submitted to the State Water Resources Control Board that a copy of a SWPPP is available on site and to notify the Regional Board if an NOI has not been submitted or a SWPPP is not available; and;
  - ~~viii.~~ Identify and report problematic facilities, including Phase I facilities where a SWPPP is not available on-site or an NOI has not been submitted, to the Regional Board, or other appropriate agencies, when deemed necessary and appropriate by the Permittee; and
  - iv. Follow-up with problematic facilities not in Phase I, as deemed necessary and appropriate by the Permittee.
- ~~b.~~ For all other facilities, site visits to:
  - ~~i.~~ Consult with a representative of the facility to explain applicable local storm water codes, regulations and

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- [Site visit frequency will have to be provided based upon the commencement of the visit program by each Permittee.]*
- i. Phase I facilities in categories [i] through [ix] and [xi] which have an industrial waste discharge permit or a pretreatment permit, site visits to be conducted once every 12 months a year.
  - ii. Phase I facilities in categories [i] through [ix] and [xi] which do not have an industrial waste discharge permit or a pretreatment permit but have obtained coverage under the GISP, site visits to be conducted once in five years.
  - iii. Phase I facilities in categories [i] through [ix], which do not have an industrial waste discharge permit, a pretreatment permit or GISP coverage, site visits to be conducted twice in five years.
  - iv. Phase I facilities in category [xi] without an industrial waste discharge permit, a pretreatment permit, or GISP coverage; contact by phone, mail-out or other similar method, to inform the facilities of notice of intent (NOI) requirements and encourage good storm water quality control measures, to be conducted once in five years.
  - v. Vehicle repair shops, vehicle body shops, vehicle parts and accessories (SIC Industry Major Group 75 Industry Group Numbers 753 and 754); site visits to be conducted once every 20 months three times in five years.
  - vi. Gasoline stations (SIC Industry Number 5541); site visits to be conducted twice in five years.
  - vii. Restaurants (SIC Industry Number 5812), site visits to be

2. Each Permittee shall submit by January 15, 1997, a description of its industrial/commercial facilities source education program, developed in accordance with the following targeted site visit frequency schedule for inspection of industrial/commercial facilities provided in Provision III-B-2 by October 15, 1996. The schedule with frequency shall include:

- ii. Review that the facility is in compliance with all municipal ordinances;
- iii. Discuss appropriate BMPs and distribute educational materials;
- iv. Follow up and take action against problematic or non-compliant facilities; and
- v. Identify and report problem facilities to the Regional Board, when deemed necessary by the Permittee.

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conducted twice in five years; and,

- viii. Three or more additional SIC industrial/commercial groups identified by each WMC in consultation with the Principal Permittee/EAC in consultation with the WMCs, site visits to be conducted twice in five years for High, and once in five years for Medium and Low prioritized facilities, in Provision III.B.2: up to a maximum of 3,000 site visits per Permittee.

INSPECTION EDUCATION PROGRAM	INSPECTION EDUCATION SCHEDULE (Inspection # of Contacts / Time period / Years)
Phase I, (i)-(ix) and (xi) with waste discharge or pretreatment permit	4/6- 1/12 months
Phase I, (i)-(ix) and (xi) with no waste discharge or pretreatment permit but with GISP	1 / 5 years
Phase I, (i)-(ix) with no waste discharge or pretreatment permit, and no GISP	2 / 5 years
Phase I (xi) with no GISP mail-out or phone	1 / 5 years
Vehicle repair shops, vehicle body shops, vehicle parts and accessories facilities	3/6 1/20 months
Gas stations	2 / 5 years
Restaurants	2 / 5 years
Facilities selected by WMC's EAC	High 2 / 5 years Medium 1 / 5 Low 1 / 5

*[The following substitution allowance should be deleted as it would be impossible to demonstrate scientifically that one method of education would work better than another.*

*Demonstration of greater or substantially similar pollutant reductions is totally unreasonable given the current state of knowledge.]*

- 3. A Permittee may petition the Executive Officer with scientific bases to substitute the industrial/commercial source education inspection program with an alternative industrial/commercial oversight program that will achieve greater or substantially similar reduction in pollutants released into storm water from industrial/commercial activity, and which will be implemented within a similar period of time. The criteria for the Executive Officer to consider an alternative industrial/commercial oversight program include :
  - a. Discharge pollutant characterization data; or
  - b. Other quantified measures of pollutant reduction; or
  - c. Results of special studies / pilot projects

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4. The Principal Permittee in consultation with the EAC shall develop a framework and general guidelines for an inspection program for industrial/commercial facilities by October 15, 1997. The inspection program guidelines shall be for guidance only and are not intended to supersede local jurisdictions' enforcement procedures, processes, or authority, performed by each Permittee at problem and/or recalcitrant facilities as determined by the Permittee. The inspection program guidelines shall include, but is are not limited to:

- a. Procedures for enhanced facility inspections;
- b. Procedures for enhanced outreach on pollution prevention, waste minimization, and storm water quality management;
- c. Procedures to require corrective action be undertaken by non-complying facilities;
- d. Procedures to follow-up on violations of municipal standards;
- e. Procedures for enforcement action against non-complying facilities; and,
- f. Training for program staff.

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IV. PROGRAM REQUIREMENTS FOR DEVELOPMENT PLANNING / CONSTRUCTION

Development increases has the potential to increase the amount of pollutants in an area and ~~loss of~~ generally reduces pervious surfaces. Storm water generally transports sediment from ~~construction sites and~~ improperly managed construction sites materials into streams and rivers destroying fish, wildlife, and natural habitats. Many pollutants also bind to sediment. In addition, increase in impervious surfaces increases the velocity and volume of storm water, which can erode stream banks, raise turbidity pollution and stream temperature, and cause flooding. Proper development planning and implementation of BMPs can reduce the impacts associated with construction activity while providing aesthetic and economic benefits (*Economic Benefits of Runoff Controls*, USEPA, Office of Wetlands, Oceans, and Watersheds, EPA Document No. 841-S-95-002, 1995).

*[Doesn't this type of a statement belong in the findings section, rather than here? It should be deleted or moved.]*

A. DEVELOPMENT PLANNING

*[All of the requirements in this section will involve the following as a minimum: the development of design standards, modification to ordinances and codes, additional staffing and training, and lengthy public review periods. Implementation dates are all too soon. The Order should ask for a proposed program description by a certain date and then require that the program be in effect by a much later date, due to the length of the development and implementation process.]*

*Many requirements in this section are duplicative. Program requirements should be consolidated as much as possible.]*

1. Prioritization of Development Projects

For unitized development, the common plan of development or sum of all units shall be considered in determining the priority rating of the development. Routine maintenance, interior remodeling, minor structural additions, re-roofing, and maintenance of parking lots, and other minor modification activities are intended to be exempt.

Requirements for development projects shall be established according to the following categories:

*[The criteria should be based on information that is easily available. "Discretionary Approval" is used in the language revisions of this chapter to exclude purely "ministerial" actions (see Public Resources Code Sections 15357 and 15369). It should really be left up to the individual jurisdictions to utilize their own criteria for defining "redevelopment."]*

*The following Sections use five criteria to distinguish the relative priorities of (projects overall site acreage, amount of impervious area, location in sensitive biological habitat area; slope, and ratio of existing to improvement value). The City's building permit system does not currently incorporate any of the five criteria. The cost and effort to incorporate the criteria is unknown, but is likely to be significant as any change would involve the modification of existing forms and electronic data bases, at a minimum.)*

- a. High Priority Projects are development and redevelopment projects with a disturbed area of five acres or more; or development

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projects creating an impervious area 100,000 square feet or more; or development projects (other than residential accessory building or addition of less than 25 percent of the existing floor area) in areas designated by the Permittee as having Ecological Significance, designated as Biological Habitats (BIOL) in the Water Quality Control Plan, Los Angeles Region, which includes, but is not limited to, Significant Ecological Areas designated by Los Angeles County and Areas of Special Biological Significance (ASBS) designated by the Regional Board; or a hillside area where the natural slope exceeds 25 percent; or redevelopment of sites projects meeting the above criteria where the value of the improvements exceeds 50 percent of the value of the existing development. ~~for some physical criterion as opposed to economic. See BIA's comments.~~

- b. Priority Projects are development and redevelopment projects with a disturbed area of two or more acres but less than five acres, or projects creating an impervious area of 40,000 square feet or more but less than 100,000 square feet; or any residential accessory building or addition of 25 percent or less of the existing floor area in areas designated by the Permittee as having Ecological Significance, designated as Biological Habitats (BIOL) in the Water Quality Control Plan, Los Angeles Region, which includes, but is not limited to, Significant Ecological Areas (SEA) designated by Los Angeles County and Areas of Special Biological Significance (ASBS) designated by the Regional Board; or hillside area where the natural slope exceeds 25 percent; or redevelopment of sites projects meeting the above criteria where the value of improvements exceeds 50 percent of the value of the existing development; and
- c. Limited Priority Projects are development and redevelopment projects with a disturbed area less than two acres, and an impervious area less than 40,000 square feet, which the Public Works Director (or equivalent municipal authority) determines to potentially significantly affect storm water quality or runoff volume; or any project requiring a discretionary approval grading permit or which the Public Works Director (or equivalent municipal authority) determines to potentially significantly affect storm water quality or runoff volume. The Director of Public Works (or equivalent municipal authority) shall develop a documented system, such as a checklist, for determining "potentially significantly effect."

A Permittee may petition the Executive Officer to substitute development project prioritization criteria with an alternative criteria that will achieve greater or substantially similar reductions in pollutants released into stormwater.

2. Countywide Guidelines

- a. The Principal Permittee in consultation with the EAC shall develop by October 15, 1996, as part of the Countywide Plan, guidelines to encourage watershed protection considerations during the

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planning and permitting of all development projects which require a discretionary approval(s) by ~~October 15, 1996~~. Watershed Protection Guidelines shall be developed to:

*[Clearly all programs will be included in the CSWMP or the WMAP as they are developed.]*

- i. Preserve or restore to the extent feasible, areas that provide water quality benefits, such as riparian corridors and wetlands, and promote the design of development to protect the biological integrity of drainage systems and water bodies;
  - ii. When possible, avoid development of areas particularly susceptible to erosion or sediment loss and/or establish development guidance that identifies these areas and protects them from erosion and sediment loss. Such areas include steep slopes, highly erodible soils, intense rainfall zones, and areas of poor re-vegetative capability;
  - iii. Promote the integration of storm water best management practices quality protection into the design of development projects, including the preservation of native vegetation, the maximization of pervious areas, and the incorporation of cost effective treatment control measures to the maximum extent practicable; and
  - iv. Maintain peak runoff rates at pre-development levels for development projects and reduce peak runoff rates for redevelopment projects , wherever practicable.
- b. The Principal Permittee in consultation with the EAC shall develop by December 15, 1996, a standard Storm Water Mitigation Plan(s), which incorporates the appropriate elements of the minimum recommended requirements developed pursuant to Section IV.A.2.c. and the Construction Guidelines developed pursuant to Section IV.B.1.

*[The Permittees will need time to study and report on the feasibility of implementing potential BMPs within their jurisdictions, which would involve an assessment of the feasibility of imposing them as development requirements, a description of barriers and/or appropriate circumstances for their use, and suggest further actions, including steps and time required to implement.]*

- cb. The Principal Permittee in consultation with the EAC shall develop minimum recommended requirements consistent with the Watershed Protection Guidelines for:
- i. Site planning practices;
  - ii. Post-construction best management practices; and
  - iii. Redevelopment and infill.

The requirements should account for the type of development when determining the applicability of BMPs and should be consistent with the Watershed Protection Guidelines. Cost-

effectiveness and ease of maintenance shall be key considerations when determining requirements for low income residential developments and for single-family residences.

3. Planning Process

In order to integrate storm water management considerations into development projects at the time that they are first proposed to jurisdictions, and to support other provisions of this Order:

*[A blanket requirement for the City to incorporate a set of guidelines, which don't exist at this point in time, into our internal procedures raises logistical and legal issues. More than 12 different City departments, including Council-controlled and independent agencies, produce CEQA documentation, and a larger number review and comment on CEQA documents. There are city-wide CEQA guidelines which govern the preparation of CEQA documents; there are no city-wide procedures regarding the review of such documents. The City is currently revising its guidelines and preparing a city-wide CEQA thresholds manual, which includes guidance on analyzing impacts.*

*The permit language was changed to require Permittees to compare their internal CEQA procedures against the guidelines prepared by the Principal Permittee and provide a report to the RWQCB that discusses any differences, recommends modifications, if necessary/feasible, and provides a time frame for implementing those modifications]*

- a. The Principal Permittee in consultation with the EAC shall develop by ~~October 15, 1996, as part of the CSWMP Plan,~~ guidelines for consideration by each Permittee to use in preparing/reviewing EIRs, and in linking EIR mitigation conditions to local discretionary permit approval by ~~October 15, 1996.~~

~~Each Permittee shall incorporate the guidelines in their internal procedures by April 15, 1997.~~

*[The existing recommended CEQA checklist, as presented in the state CEQA Guidelines, addresses both surface and groundwater quality (items IV.c and IV.h). Other watershed considerations, such as absorption rates, drainage patterns, and surface and groundwater levels/flow patterns are also addressed. Although non-point source pollution is not specifically mentioned, the primary impact associated with it, alteration of receiving water quality, is specifically addressed.*

*The state CEQA checklist has legal standing. It would be inappropriate to revise it on a city-by-city, or even a county-wide basis. The RWQCB, through the SWRCB, should work with the Governor's Office of Planning and Research to pursue any modifications it deems necessary/appropriate. We have deleted this provision.]*

- ~~b. The Principal Permittee in consultation with the EAC shall develop as part of the Countywide Plan, a model CEQA checklist form that explicitly addresses watershed, water quality, and nonpoint source pollution impacts by October 15, 1996.~~

~~Each Permittee shall use the model CEQA checklist or incorporate its provisions into their existing procedures by April 15, 1997.~~

*[There is a body of state law which governs the preparation of General Plans. The RWQCB, through the SWRCB, should work with the State Attorney General and other appropriate state*

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agencies to pursue any modifications it considers necessary/appropriate.]

- cb. Each Permittee shall incorporate watershed and storm water management considerations whenever a Permittee engages in a significant rewrite of the Permittee's General Plan elements for:
  - i. Conservation; or
  - ii. Open space; or
  - iii. Land-use; or
  - iv. Public utilities; or
  - v. Infrastructure.

4. Planning Control Measures

*[This will involve the development and implementation of design standards, procedures, and checklists. This process will take at least 2 years, 1 for design and 1 for implementation. Therefore, the implementation date should be no sooner than April 1998.]*

- a. Each Permittee by December 1997, shall:
  - i. Evaluate the Countywide minimum recommended requirements for site planning practices, post-construction best management practices, and redevelopment and infill;
  - ii. Assess the feasibility of imposing development requirements within its jurisdiction; and
  - iii. Identify barriers and/or appropriate circumstances for the use of the requirements, and submit an implementation plan and schedule for development requirements.
- ba. Each Permittee shall begin to implement a program by ~~January 15, 1997~~ April 1998, to inform developers seeking discretionary approval(s) about:
  - i. Storm water management;
  - ii. Permittee's legal authorities;

*[BMPs must be studied before they are adopted; adoption of any measures involves legal liability. Currently, the code requires a site design which promotes rapid drainage, away from structures. Preventing flood damages to structures is only one consideration. If soils are saturated, structural damages can result. When wet, certain soils have reduced bearing capacity, others may expand. These conditions can lead to settling or raising of foundations, respectively. In a slab on grade situation, moisture can enter a structure and damage walls or floor coverings. When slopes are present, their integrity is reduced when wet. If structural damages result from requirements imposed by the City, the City may be held liable for those damages.*

*Design and selection of structural BMPs should be done at the highest regulatory level (e.g. EPA) to insure fairness and equitableness regionally. Local agencies should not be required to test and identify effective technologies. The imposition of structural BMPs should only be done as a last resort, and only after cost effective practices have been identified.]*

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- iii. Maximization of pervious areas and improvement of storm water infiltration (where geology and topography permit);
- iv. ~~Improved infiltration (where geology and topography permit); and~~

*There is a mistake here somewhere. The word infiltration is missing from iii, but then iv becomes redundant. Either delete "and storm water (where geology and topography permit)" or add the word "infiltration" and delete iv.*

- iv. Cost effective storm water treatment and control measures.

The program shall provide specific guidance on selecting BMPs to reduce pollutants in storm water discharges from urbanized areas, and include appropriate BMPs, educational materials and reference the *Construction Best Management Practices Handbook, California Storm Water Quality Task Force, Sacramento, CA, 1992*, its revisions, and similar manuals.

Each Permittee shall submit by January 15, 1997, a description of its developer education program.

*[Once again, "specific guidance" means that design standards must be developed. This is quite a long process and will require a minimum of 2 years.]*

- bc. Each Permittee shall submit by January 15, 1998, a description and implementation schedule for its Limited Priority project program, including appropriate post-construction BMPs.

~~Limited Priority Projects: For projects that meet the criteria in Provision IV. A.1.c. for a Limited Priority Project, each Permittee shall be required require by January 15, 1997, April 1998, that the development plans incorporate, by detail or reference, appropriate post-construction BMPs to minimize non-storm water discharges from the completed project site.~~

The Permittee shall may refer applicants to the Construction Best Management Practices Handbook, California Storm Water Quality Task Force, Sacramento, CA, 1992, its revisions, and similar manuals for specific guidance on selecting post-construction BMPs for reducing pollutants in storm water discharges.

- ed. Priority Project: For projects that meet the criteria in Provision IV.A.1.b for a Priority Project, each Permittee shall require by ~~January 15, 1997, April 1999,~~

*[This will require, not only the development and implementation of design standards, but most likely changes to the Municipal Code. This is quite a long process which will take a minimum of 3 years. Therefore, the implementation date can be no sooner than April 1999.]*

in addition to the requirements ~~listed above~~ for a Limited Priority Project, a Storm Water Mitigation Plan consistent with the Countywide standard to be submitted and approved prior to the issuance of any grading or building permit. The Storm Water Mitigation Plan shall in accordance with each Permittees approved development requirements:

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- i. Maximize, to the extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;
- ii. Minimize, to the extent practicable, the amount of storm water directed to impermeable areas and to the MS4;
- iii. Minimize, to the extent practicable, parking lot pollution through the use of appropriate BMPs such as retention, infiltration and treatment; and
- iv. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil.

Each Permittee shall submit by January 15, 1998, a description and implementation schedule for its Priority Project program.

de. High Priority Project: For projects that meet the criteria in Provision IV.A.1.a for a High Priority Project, each Permittee shall require by ~~January 15, 1997~~ April 1999, in addition to the requirements listed above for a Priority Project, that the Storm Water Mitigation Plan also provide for permanent controls to reduce storm water discharge volumes and pollutant load produced by the development site. Controls will be in accordance with each Permittees approved development requirements and may include, but are not limited to:

- i. Detention ponds, sediment ponds or infiltration pits;
- ii. Dikes, swales, filter berms or ditches;
- iii. Roof drainage oriented towards permeable areas on site to the extent practicable;
- iv. Lot drainage oriented towards permeable areas to the extent practicable; and
- v. Storm water from parking lots directed to permeable areas to the extent practicable.

Each Permittee shall submit by June 15, 1997, a description and implementation schedule for its High Priority Project program.

*[The Priority Project and High Priority Project requirements are duplicative and could be collapsed into a single requirement. The City would like to work with the Regional Board to greatly simplify Section IV.]*

**B. DEVELOPMENT CONSTRUCTION**

**1. Identification of Development Construction Sites**

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- ~~a. Each Permittee shall develop a database listing active High Priority and Priority Development Projects within their jurisdiction by January 15, 1997. The initial accuracy of the database will be dependant on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the development oversight program. No legal import is to be attributed to the database developed by the Permittees. The database shall be updated quarterly and include at a minimum:~~
  - ~~i. Contractor name, address, and telephone number;~~
  - ~~ii. Site address and telephone number;~~
  - ~~iii. Type of construction activity;~~
  - ~~iv. Area of development in square feet;~~
  - ~~v. Cubic yards of grading;~~
  - ~~vi. Project category: High Priority, Priority;~~
  - ~~vii. Project sensitivity: if in designated Biological Habitats; and;~~
  - ~~viii. Project erodibility: if in a hillside area;~~
  - ~~ix. NPDES storm water permit coverage status, if applicable;~~

**2.1. Countywide Guidelines**

- a. The Principal Permittee in consultation with the EAC shall develop by October 15, 1996, as part of the CSWMP, minimum recommended requirements and BMPs for the High Priority, Priority, and Limited Priority development project construction activities. Requirements and BMPs appropriate for each category and/or for types of development activity, shall be developed along with checklists for use in design and inspection. The requirements and BMPs Construction Guidelines shall:
  - i. Include construction BMPs;
  - ii. Include erosion and sediment control practices;
  - iii. Address multiple pollutants;
  - iv. Focus on BMPs such as source minimization, education, good housekeeping, good waste management and good site planning;
  - v. Target construction activity source areas and activities with the potential to generate substantial pollutant loads;

*[A verb is needed at the beginning of vi through ix.]*

- vi. Require retention on the site, to the maximum extent practicable, of sediment, construction waste and other pollutants from construction activity;

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- vii. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
- viii. Require the use of drainage controls, as necessary, including but not limited to:
  - a. Detention ponds, sediment ponds, or infiltration pits;
  - b. Dikes, filter berms or ditches;
  - c. Downdrains, chutes or flumes;
  - d. Silt fences.
- ix. Require, to the maximum extent practicable, containment of non-storm water from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

**3.2. Best Management Practices (BMPs)**

i. Each Permittee shall, within one hundred and twenty (120) days of the adoption of the Construction Guidelines, submit a schedule to the Executive Officer to develop a regulatory program consistent with the guidelines and in accordance with its approved development requirements by ~~January 15, 1997~~ for construction activities consistent with the Countywide Guidelines. The Program shall require, prior to the issuance of any construction permit for a development project:

**a. Limited Priority Projects:**

- i. Preparation of appropriate wet weather erosion control plans for all projects requiring grading permits, regardless of size, when grading will occur or remain incomplete between October 15 and April 1530;

*[The dates should be the same as the official County wet season. We should not arbitrarily define wet season.]*

- ii. Inclusion of, or reference to, in grading and building plans all appropriate BMPs contained in the Countywide Guidelines.

*[BMPs must be in accordance with the Permittee's regulatory program, which is developed to be consistent with the Construction Guidelines. This does not necessarily mean that all BMPs will be contained in the Guidelines.]*

**b. Priority Projects and High Priority Projects:**

Preparation of a Storm Water Mitigation Plan consistent with the Countywide standard which incorporates in detail:

- i. Erosion control during and after construction including BMPs to prevent sediment and other construction-related pollutants from



being transported off-site by storm water; and

ii. All appropriate BMPs contained in the Countywide Guidelines.

4.3. Source Inspection Education Site Visits

- a. The Principal Permittee in consultation with the EAC shall develop by October 15, 1996, a model construction activity inspection education program, which includes checklists, by ~~October 15, 1996~~. Each Permittee shall, within ninety (90) days of approval of the model construction activity education program, including site visits, by the Executive Officer, submit a schedule to implement a ~~an~~ inspection Permittee specific program based on the model by ~~January 15, 1997~~. The inspection education program shall include, but not be limited to:
  - i. Procedures for construction site ~~inspections~~ visits;
  - ii. Frequency of construction site ~~inspections~~ visits;
  - iii. Procedures for construction and building industry outreach on pollution prevention, waste minimization, and storm water quality management;
  - iv. Procedures to ~~require corrective action be undertaken by contractors at non-complying sites~~ identify and report problem sites, including the availability of a SWPPP at sites of greater than 5 acres in size, to the Regional Board and other agencies, as deemed necessary and appropriate by the Permittee;
  - v. Procedures to follow up with problem facilities of less than 5 acres in size, as deemed necessary and appropriate by the Permittee ~~on violations of municipal codes~~;
  - ~~vi. Procedures for enforcement action against noncomplying construction activity; and~~
  - vii. vi. Appropriate training for program staff.
- ~~b. During inspection of sites which meet the criteria in Provision IV.A.1.a for a High Priority Project and with a disturbed area of five acres or greater, inspectors shall request to see a copy of the SWPPP. If no SWPPP is available, the Regional Board shall be notified. In addition, each Permittee shall report problem construction sites to the Regional Board.~~

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V. PUBLIC AGENCY REQUIREMENTS

The Principal Permittee in consultation with the EAC shall evaluate existing public agency activities and develop by January 15, 1997, a model program to reduce the impact of public agency activity on storm water quality by January 15, 1997. The program shall at a minimum include: to address those public agency facilities and activities which are determined to be of concern to stormwater quality. Each Permittee shall use the model program to develop and implement or modify their own program.

*[This is a monumental effort which involves a great deal of coordination since every agency will have its own way of doing things. The date is too soon.]*

Emergency repairs of essential public services and infrastructure, such as wastewater treatment systems, sewage conveyance systems, electricity and water delivery systems, and transportation infrastructure are exempt from the requirements of this section.

In developing the model program, the following items (A through I) shall be addressed:

A. Sewage Systems Operations

1. Procedures to keep sewage spills or leaks from entering the MS4 to the extent practicable;
2. Reasonable operational control procedures to identify, repair, and remediate sanitary sewer blockages, exfiltration, overflow, and wet weather overflows from sanitary sewers to the MS4;
3. Reasonable operational control procedures to respond to overflows, follow-up tests, and investigate complaints; and
- ~~4. Procedures, if applicable, to insure that field personnel who operate and/or maintain sewer systems have been trained in field screening, sampling, smoke/dye testing, and TV inspection, if appropriate; and~~
- 5.4. Procedures to insure that field personnel are trained Permittees are able to investigate any suspected connections or cross connections from the sanitary sewer systems to the MS4, using techniques such as field screening, sampling, smoke/dye testing, and TV inspection, as appropriate.

B. Public Construction Activities Management

1. Storm water management requirements for the design and construction of public facilities comparable to requirements for private development;
2. Procedures to seek coverage, as an option, under this Order for construction activity activities listed in Provision IV.A.1. a. with a disturbed area of five acres or more (Phase 1, 40 CFR 122.26) which are owned and operated by a Permittee if the Principal Permittee in consultation with the EAC develops:

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- a. A process for notifying the Regional Board of public construction activity owned or operated by the Permittee;
- b. A checklist of construction activity BMPs using BAT/BCT criteria for public construction activity;
- c. A procedure to verify implementation of construction activity BMPs;
- d. A requirement to prepare and retain site specific SWPPPs;
- e. A procedure for each Permittee to report annually on the effectiveness of SWPPPs at public construction activity, and certify compliance with this Order.

~~Each Permittee may seek coverage under this Order for public construction activity in Phase I (40 CFR 122.26), which is owned or operated by the Permittee, in accordance with the procedures developed by the Principal Permittee with the guidance of the EAC.~~

*[Redundant. Delete. This is the same statement as above.]*

The Executive Officer may exclude any public construction activity identified by a Permittee from coverage under this Provision, if it is determined that the public construction activity is more appropriately covered under a separate individual or general NPDES permit.

**C. Vehicle Maintenance/Material Storage Facilities Management**

- 1. Model pollution prevention plan for public vehicle maintenance/material storage facilities which have the potential to discharge or discharge pollutants into storm water. A public vehicle maintenance/material storage facility is any Permittee-owned or operated facility or portion thereof that:
  - a. Conducts industrial activity, operates equipment, handles materials, and provides services similar to Federal Phase I facilities;
  - b. Performs fleet vehicle maintenance on ten or more vehicles including repair, washing, and fueling;
  - c. Performs maintenance and/or repair of heavy industrial machinery/equipment; and
  - d. Stores chemicals, raw materials or waste materials in quantities that require a hazardous materials business plan or a spill prevention, control and counter measures plan; and
- 2. BMPs to improve site specific pollutant control including, but not limited to:
  - a. Good Housekeeping practices;
  - b. Material storage control;

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- c. Vehicle leaks and spill control; and
- d. Illicit discharge control;
- e. Training for employees and contractors on proper outdoor loading/unloading of materials;
- f. ~~Structural treatment methods for Control, to the maximum extent practicable, discharges to the MS4 from areas where vehicle and equipment washing is undertaken areas such as oil/water separators, sumps, sanitary sewer diversions, and equivalent;~~
- g. Regular maintenance of treatment structures such as sumps, oil/water separators, and equivalent; and
- h. Proper waste handling disposal.

D. ~~Parks and Recreation~~ Parks and Recreation/ Facilities Management

*["Parks and Recreation" should be underlined.]*

- 1. Procedures for application of pesticides, herbicides, and fertilizers that will include:
  - i. List of approved pesticides and preferred use;
  - ii. Product and application information;
  - iii. Application equipment use and maintenance; and
  - iv. Record keeping.
- 2. Procedures to minimize storm water pollution by pesticides and fertilizers used for landscape maintenance;
- 3. Procedures to prevent the disposal of landscape waste into the MS4; and
- 4. Procedures to encourage retention and planting of native vegetation to reduce water, fertilizer, and pesticide needs;
- 5. BMPs to reduce exposure of fertilizers and pesticides to storm water during storage, to include one or more of the following.
  - i. Storage indoors or under cover on paved surfaces;
  - ii. Secondary containment;
  - iii. Reduction in storage and handling of hazardous materials;
  - iv. Regular inspection of storage areas;
  - v. Integrated Pest Management (IPM) techniques; and
  - vi. Treatment of wash waters that would cause adverse impact, prior to discharge to the MS4.
- 6. Guidelines to schedule irrigation and fertilization to minimize:

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- i. Chemical application during wet season and terminate chemical application during storm events; and,
  - ii. Over watering and nutrients/ pesticides entrapment.
7. Procedures to ensure discharge of commercial/municipal swimming pool water into the MS4 only under separate NPDES permit ; and
8. BMPs to minimize trash, debris, and other pollutants from entering Permittee owned recreational water bodies, to include:
- i. Routine trash collection along, on, and/or in, water bodies, where feasible; and
  - ii. Public outreach to educate the public about impacts of illicit disposal.

**DE. Storm Drain Operation and Management**

1. BMPs for Inlet Maintenance to be implemented including but not limited to:
- a. Inspection and ,as necessary, cleaning of catch basins between May 1 and September 30 of each year, to the extent practicable;
  - b. Maintenance as is necessary of catch basins between October 1 and April 30;
  - c. Record keeping of catch basins cleaned; and
  - d. Recording of the quantity of catch basin waste collected.
2. BMPs for Storm Drain Maintenance to be implemented including but not limited to:
- a. Proper disposal of material removed;
  - b. Removal of trash and debris from open channel storm drains at least annually between May 1 and September 30 of each year; and
  - c. Surveillance for debris buildup in open channels during the rainy season.
3. Waste Management program to include:
- a. Procedures to identify and rank problem areas of illicit discharge for regular inspection; and
  - b. Procedures to prevent the discharge of contaminants during MS4 clean up to maintain channel optimum capacity.
4. Program to investigate the feasibility of dry weather flow diversion from the MS4 to municipal waste water treatment plants where appropriate.

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**E-F. Streets and Roads Maintenance**

- 1. Program to sweep curbed streets at a target frequency of:
  - a. At least monthly; and
  - b. Where feasible, areas generating significant refuse more frequently.
  
- 2. Streets and roads maintenance program including:
  - a. BMPs for existing saw-cut management and paving practices to include but not be limited to:
    - i. Avoidance during wet weather, to the maximum extent feasible; and
    - ii. Material storage away from drainage areas to prevent storm water pollution, or other equally effective BMPs.
  - b. Good housekeeping practices to insure proper management of any waste products that are generated;
  - c. Collection, transport and disposal of maintenance waste at appropriate disposal facilities in accordance with applicable federal, state, and local laws and regulations;
  - d. Management of concrete materials and wastes including but not limited to:
    - i. Washout of concrete trucks off- or on-site in designated areas and not into storm drains, open ditches, or streets; or
    - ii. Material storage under cover, away from drainage areas, or other equally effective BMPs; and
    - iii. Avoidance of excess mixing of concrete or cement on-site.
  - e. Employee Training to:
    - i. Promote a clear understanding of the potential for maintenance activities to pollute storm water; and
    - ii. Identify and select appropriate BMPs;

**F-G. Flood Control Maintenance**

*[This section addresses more than the maintenance of the flood control system. Therefore, the section should be re-titled and divided as follows.]*

- 1. Flood Control Maintenance Project Planning and Design program to include:

- a. Procedures to assess the impact(s) of new flood management projects on the quality of receiving waters;
  - b. Pilot projects/studies to determine the applicability of altered structural flood control system elements to provide pollutant removal in storm water; and
  - c. Construction BMPs to reduce pollutants; and
2. Flood Control Maintenance program to include:
- d. Review of current maintenance activities such as desilting/sediment removal, vegetation management, and waste management to assure that appropriate storm water management measures are being utilized.

**G.H. Parking Facilities Management**

**1. Parking Facilities Management to include:**

- a. Periodic hardscape and catch basin cleaning on of Permittee owned parking lots with twenty-five or more parking spaces which are exposed or susceptible to storm water, to reduce oil and grease, suspended particulates, metals, and petroleum byproducts.

**H.I. Public Industrial Activities**

**1. Procedures to seek coverage, as an option, under this Order for industrial facilities in Provision III.A.2.a. (Phase I facilities) which are owned or operated by a Permittee if the Principal Permittee in consultation with the EAC develops:**

- a. A process for notifying the Regional Board of public industrial facilities owned or operated by the Permittee;
- b. A checklist of BMPs using BAT/BCT criteria for public industrial facilities;
- c. A procedure to verify implementation of industrial facility BMPs;
- d. A requirement to prepare and retain site specific SWPPPs; and
- e. A procedure for each Permittee to report annually on the effectiveness of SWPPPs at public industrial facilities, and certify compliance with this Order.

~~Each Permittee may seek coverage for industrial activity in Provision III.A.2.a. (Phase I facilities) which is owned or operated by the Permittee, in accordance with the procedures developed by the Principal Permittee in consultation with the EAC.~~

*[Redundant. Delete. This is the same statement as above.]*

The Executive Officer may exclude any public industrial activity identified by a Permittee from coverage under this Provision, if it is determined that the public industrial activity is more appropriately covered

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under a separate individual or general NPDES permit.

Each Permittee shall develop and submit within one year of the adoption of the model Public Agency Program by the Executive Officer, a schedule to implement a Public Agency Program based on the model program, as appropriate developed by the Principal Permittee in consultation with the EAC by ~~July 15, 1997~~. The program shall address that includes: (i) Sewage Systems Operation (if appropriate); (ii) Public Construction; (iii) Vehicles Maintenance/ Material Storage; (iv) Parks and Recreation/ Facilities Management; (v) Storm Drain Operation and Management; (vi) Streets and Roads Maintenance; (vii) Flood Control Maintenance; (viii) Parking Facilities Management; and (ix) Public Industrial Activities (optional).

*[As stated above, this is a monumental effort which involves a great deal of coordination since every agency will have its own way of doing things. Developing a model program and then trying to implement the program requirements into existing practices will be very difficult. The time frame is way too short.]*

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**VII. PROGRAM REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION**

To reach as many Los Angeles County residents as possible, a comprehensive educational outreach approach shall be undertaken under this permit the conditions of this Order. In recognition of the importance of public education to effective storm water management solutions, this order calls for immediate permittee public outreach efforts at a specified minimum level as well as a longer term effort to develop an integrated, comprehensive outreach program. As part of the immediate effort, each Permittee is expected to choose an appropriate combination of outreach tools and activities to raise public awareness of storm water issues and improve water quality in their own individual jurisdictions, with efforts at a prescribed minimum level as described below. As part of the longer term effort, each permittee is expected to contribute a "fair" share and to work collaboratively to develop a comprehensive outreach/education program countywide and within their watersheds.

There are two main objectives of the public education program over both the short and longer term. The first objective is to measurably increase the knowledge of the target audiences regarding: a) the MS4, b) the locations and significance of Los Angeles County watersheds, c) the impacts of storm water pollution on receiving waters, and d) solutions by the target audience to the problems caused. The second objective is to measurably change the behavior of target audiences in implementing appropriate solutions and in the longer term, increase knowledge of the locations and significance of Los Angeles County watersheds.

*[Including an additional geographic boundary as part of all outreach materials will only add to the confusion surrounding the more important issues. Watersheds should be focussed on as one of the last objectives, not the first.]*

**A. Immediate Outreach**

1. By October 15, 1996, each Permittee shall, at a minimum, have available for distribution or reference as appropriate the following:

**a. Written Material**

- i. Written materials (minimum of three pieces in addition to those listed below for specific audiences) to convey pertinent information to meet program objectives. Examples of written materials include flyers, brochures, door-hangers, newspaper articles, mail-inserts, and newsletters;
- ii. Documentation that a reasonable effort was made to list pertinent City phone numbers under the government pages of phone directories. This should be updated as necessary and should include telephone numbers for reporting clogged catch basin inlets and/or illegal discharges/dumping illicit discharges,

*[To remain consistent with the rest of the Order.]*

and a general number for storm water management program information. These phone numbers may be city-specific or county-wide.);

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- iii. Training materials for educating Permittee employees whose activities have a potential impact on stormwater pollution regarding the storm water permit;
- iv. An accurate, up-to-date A listing of contractor and developer storm water management training programs available in the area. The list should be updated on an as needed basis.

*["Accurate and up-to-date needed to be qualified. It is unfair to expect the list to be perfect. This wording is similar to that used to qualify the development of databases in Chapters III and IV.]*

- v. An up-to-date checklist and a brochure explaining contractor and developer needs as it relates to Provision IV (Development Planning / Construction) of this Order for use at a Permittee's planning/ permitting counter; and
- vi. Education materials (a minimum of three pieces) for targeted business sector audiences for use in site visits as per Provision III (Industrial / Commercial Sources) of this Order.

**b. Audio Material**

- i. Documentation that a reasonable effort was made by each permittee or on behalf of a group of Permittees to obtain radio broadcast public service announcements to convey information regarding storm water management. Examples of audio materials include radio advertisements, and public service announcements, and informational recordings.

*["Informational recordings" is not a term that exists in the world of radio. It should be deleted from the list of examples.]*

**c. Visual Material**

- i. A catch basin labelling labeling program, including label installation and maintenance schedules, to educate the public on the ultimate destination of storm drain flows; and
- ii. At least one storm water management informational video (either produced or acquired) and documentation that either it has been distributed or shown to appropriate community groups or that it has been shown on televised public service stations and cable access programs on a regular basis.

**2. Each permittee shall demonstrate by January 15, 1997 that they are:**

- a. Distributing the above outreach materials to the general public, or targeted audiences such as schools, community groups, contractors and developers at the appropriate public counters and public events (e.g., fairs, festivals, public meetings, libraries, community events, school assemblies, and workshops), and,

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- b. Training the appropriate Permittee employees (those whose jobs or activities may contribute to storm water pollution, or those who respond to questions from the public) regarding the requirements of the storm water permit. In particular, where applicable for fire and erosion prevention training, mowing shall be encouraged as opposed to disking.
- 3. By January 15, 1997, each Permittees shall complete an analysis of the residents and the businesses in their municipality to assist in identifying public education and outreach goals and target audiences for their municipality in the context of watershed-wide and countywide outreach and education.

*[Having each Permittee perform an analysis is very costly and since the population is so mobile, there is no information that will be ascertained within one city boundary that is so exclusive to only those residents that it would justify the expense. A large sample, such as the surveys done by the County and the City of LA are much more valid pieces of research.]*

**B. 5 Year Storm Water Public Education Strategy**

All reasonable efforts to coordinate public outreach efforts shall be undertaken. This may include coordinating with environmental groups and public agencies (e.g., California Coastal Commission, Department of Beaches and Harbors, Resource Agencies, the Metropolitan Water District of Southern California).

- 1. The Principal Permittee shall develop by January 1, 1997 with the guidance and review of a permittee public education committee and the EAC, a 5-year countywide storm water education strategy which addresses education/outreach issues by watershed as well as countywide. This strategy shall include a schedule for implementation. The intent of the strategy shall be as described in the introduction to this section on page \_\_\_\_\_.

At a minimum, the 5-Year Storm Water Education Strategy shall include a full range of outreach tools, from sophisticated media to simple brochures. The strategy will also identify each permittee's responsibilities for implementation and the correlation of each permittee's analysis of target audience with the overall strategy. The strategy shall also include specific quantifiable objectives for changing knowledge and behavior in each of the targeted audiences.

*[The goal of a Public Education program is to change subtle human behaviors over time. "Quantifiable objectives" is a term used for more empirical programs; it should not be used here.]*

At a minimum, the 5-Year Storm Water Education Strategy shall include actions for:

- a. The identification of land uses and activities that have a higher potential for storm water pollution will include and/or accomplish the following:
  - i. Pollutants: The reduction of targeted pollutants of concern in a particular watersheds;
  - ii. Activity-specific: Activity-specific outreach programs shall

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be developed and implemented using written, audio, or visual outreach tools.

The strategy shall include activity-specific outreach programs that inform residents about the problem of illicit discharges and dumping and that promote, publicize, and facilitate public reporting of these activities. The program shall also include continuing operation, maintenance, and promotion of the county-wide reporting hotline.

b. Emphasize the importance of pollution prevention for a variety of audiences, including local residents, school-aged children, businesses and public employees whose job functions and daily lives may impact storm water quality and will include and/or accomplish the following.

i. For Residents

a. Educate residents on recycling options and household hazardous wastes. The program shall provide information on collection services, including locations and schedule, provide outreach materials on source reduction and proper use, storage, and disposal methods for household hazardous wastes; and continue to encourage residents to recycle (e.g., oil, antifreeze, glass, plastics, batteries);

b. Encourage watershed residents to participate in specific storm water outreach programs. Residents shall be informed of and provided with the opportunity to share ideas and comments about the programs. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed or region.

c. Educate Do-it-yourselfers regarding pollution prevention strategies. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed or region.

d. Promote public participation through cooperative programs to foster awareness and identification of storm water pollution issues among residents in the a watershed. Catch basin ~~labelling~~ labeling and other established sign programs are excellent examples of this type of cooperative effort. ~~One~~ Another example for cooperative outreach is an "Adopt-A- " program. Residents can "adopt" highways, storm drains, catch basins, or streams, to monitor, restore and protect them.

*[In this area, catch basin labeling cannot be termed an "excellent" example of cooperation. It has been our experience that it is difficult to get neighborhood volunteers in this area.]*

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ii. For K-12 School Children

*[There is no need to specify the age group for school children. Some Permittees may choose to concentrate on the younger children since they feel that these programs are more effective due to the fact that younger children are more easily influenced.]*

School programs shall include information on MS4s, the difference between sanitary sewers and storm drains, the importance of preventing storm water pollution, and also address, illicit discharges/disposal and reporting procedures, source minimization, and general pollution prevention.

iii. For Businesses

a. An education and outreach program shall be developed for business operations identified under the inspection programs as having greater potential of discharging pollutants into the MS4. The program shall encourage employee training on, and the effectiveness of storm water pollution prevention practices. In addition to written, audio, and visual materials, other possible means of focused outreach may include: conducting workshops, mass mailings, submitting informational articles to trade/industry magazines. Each Permittee shall provide outreach materials through business license renewal counters and/or make efforts to outreach through professional and business associations.

b. Construction

An education program shall be developed for construction contractors, owners, builders, and Do-it-yourselfers on proper BMP implementation and maintenance, and pollution prevention.

iv. Appropriate Permittee Employees

Permittee employees whose activities have a potential impact on stormwater pollution shall be trained on storm water management and pollution prevention practices and the training must involve employees on many different levels—from program managers to field personnel. Training programs shall include, but are not limited to, articles in city newsletters, training classes, checklists for field personnel, and interdepartmental forums or committees. Materials developed for other audiences may also be used in Permittee public employee training programs. Appropriate public agency employees shall be trained in:

- a. Emergency spill cleanup procedures;
- b. Environmentally sensitive alternative products;

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- c. Good housekeeping practices; and,
- d. NPDES Permitting requirements.

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**VII. REQUIREMENTS FOR MONITORING PROGRAM**

The overall goal of the monitoring program is to develop and support effective watershed monitoring. The objectives include to: i. Track water quality status, pollutant trends, pollutant loads, and pollutants of concern; ii. Monitor and assess pollutant loads from specific land uses and watershed areas; iii. Identify, monitor, and assess significant water quality problems related to storm water discharges within the watershed; iv. Identify sources of pollutants in storm water runoff to the maximum extent possible (e.g., atmospheric deposition, contaminated sediments, other nonpoint or point sources); v. Identify and eliminate illicit discharges; vi. Evaluate the effectiveness of existing management programs, including scientific estimation of pollutant reductions achieved by structural and nonstructural BMPs; and vii. Assess the impacts of storm water runoff on receiving waters. (This may be a coordinated effort among point source dischargers, SCCWRP, State Storm Water Quality Task Force, and other Regional entities).

**A. PLAN**

The Principal Permittee shall prepare and retain a Monitoring Plan which will include, at a minimum, description of:

1. Methods for the collection, analysis and interpretation of existing data from monitoring programs within Los Angeles County. These and other data from local, regional or national sources should be utilized to characterize different storm water sources; to determine pollutant generation, transport and fate; to develop a relationship between land use, development size, storm size and the event mean concentration of pollutants; to determine spatial and temporal variances in storm water quality and seasonal and other bias in the collected data; and to identify any unique features of the watershed management areas in the County of Los Angeles. The Permittees are encouraged to use data from similar studies, if available.
2. Rationale for selection of monitoring locations, parameters, number and frequency, and analytical methods.
3. A description of the monitoring program shall include at a minimum:
  - a. The number and location of monitoring stations;
  - b. Targeted monitoring indicators (e. g., ecosystem, biological diversity, in stream toxicity, habitat, chemical, sediment, stream health) chosen for monitoring;
  - c. Parameters selected for field screening and for laboratory work and their detection limits;
  - d. Sample collection, handling, storage, and analyses methods in accordance with 40 CFR 136;
  - e. Total number of samples for statistical significance to be collected from each station, receiving water and major outfall monitoring, frequency of sampling during dry weather and short or long duration storm events, type of samples (grab, 24-hour composite), and the type of sampling equipment;

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- f. Uniform guidelines for quality control, quality assurance, data collection and data analyses; and
  - g. Data storage and transfer format, accessibility.
4. Methods for interpreting the results including an evaluation of the effectiveness of the management practices, and need for any refinement of the management practices.
  5. A description of the responsibilities of all the participants in this program including cost sharing.
  6. A description of computer software and modeling programs that will be utilized to assess data, interpret information
  7. A description of how data will be utilized for feedback into the storm water management program.

**B. MONITORING PROGRAM**

**1. Land Use Station Monitoring**

**Evaluation of Land Uses**

The Principal Permittee will evaluate the location of the land use monitoring stations using a methodology which is described in Attachment B. The methodology is intended to produce a marginal cost-benefit analysis for identifying the most important land uses for monitoring in the Los Angeles county. The Principal Permittee will monitor (subject to the station event limitations set forth in Section II(B)(3) below) stations reflecting land uses that are identified through the marginal cost-benefit analysis as appropriate for monitoring. The Principal Permittee will include for monitoring at least five land uses before determining whether there is a point beyond which monitoring would not meet the marginal cost-benefit analysis. Existing land use stations which need to be relocated, based on the methodology, will be relocated. The Principal Permittee will decommission land use monitoring stations which are, as a result of the cost-benefit analysis, not required to be monitored or which reflect duplications.

**Land Use Monitoring Methodology**

**Sampler Type**

The Principal Permittee will monitor the land uses selected by the analysis described in Section I(A) above using the same automatic samplers used under the current permit.

**Constituents**

The Principal Permittee will analyze samples taken in the automatic samplers for the constituents that were analyzed for automatic samplers under the existing permit. If a constituent is not found, at the method detection limit, in more than 25% of the samples after the first ten sampling rounds (and if it is found in the first ten rounds, thereafter on a rolling basis), it will no longer regularly be analyzed for (unless the few observed occurrences show unusually high

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concentrations and are cause for concern.). Also, once sufficient storms have been sampled to allow the establishment of an event mean concentration ("EMC") at an error rate of 25% for a constituent at a given location, that constituent will no longer be analyzed for at that location. In addition, the Principal Permittee will conduct annual confirmation sampling for the non-detected constituents for as long as the land use monitoring station remains open (i.e., until all constituent of concern EMCs are calculated or the station is otherwise closed). The land use station shall be operated until the permit term is concluded or until EMCs are derived, at the 25% error rate, for the following detected constituents of concern: PAHs (total); chlordane; Cadmium; Copper; Nickel; Lead; Chromium; Silver; Zinc; Total Suspended Solids; Total Nitrogen; Total Phosphorus

At the time of the closure of a station, EMCs will be calculated for all constituents which have been detected during the operation of the station, although EMCs for non-constituents of concern need not be calculated at the 25% error rate. The list of constituents of concern may be amended by the Regional Board through addition or deletion of constituents; however, if a constituent of concern is added following the end of the first year of monitoring at the land use stations, the Principal Permittee will [LANGUAGE TO COME]

**Frequency of Monitoring**

The Principal Permittee will monitor at the land use stations at the frequency of a total of 100 station events (defined as the number of stations times the number of storm events monitored) in the first full rainy season after the commencement of the permit, 200 station events in the second full rainy season and 200 station events in the third full rainy season. These station events represent both minimum and maximum numbers, such that the County commits to monitoring at that rate, but not beyond, so long as there are sufficient monitorable storm events. Monitoring after the first three rainy seasons will continue (subject to a maximum 200 station event cap) until EMCs are established for constituents of concern which have been found in the samples or until the permit term ends. (Data from land use monitoring stations under the Order 90-079 that continue to be used as monitoring stations under this Order will be used for establishment of the EMCs; however, use of the data will not reduce the frequency of station events in the first three years of the permit.) When EMCs are determined, monitoring at the land use stations will be ended. Dry weather monitoring will not be conducted at the land use stations, unless such monitoring is required for a special study.

2. **Mass Emission Station Monitoring**

Stations to be Monitored

The Principal Permittee will monitor four mass emission stations, those presently existing on Ballona Creek and Malibu Creek, the Los Angeles River at Wardlow Road and the San Gabriel River. These stations represent the four major drainage points for the watersheds which discharge into the ocean from Los Angeles County. All other existing mass emission stations will be decommissioned.

Monitoring Methodology

**Sampler Type**

The automatic samplers currently installed at the four mass emission stations will continue to be used.

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**Constituents**

In addition to the constituents being monitored by the automatic samplers, grab samples will be taken at the mass emission stations to obtain samples for the analysis of constituents being analyzed for grab samples taken under the Order 90-079.

**Frequency of Monitoring**

The Ballona Creek and Malibu Creek stations will be monitored during the current rainy season (1995-96) and the 1996-97 rainy season at the rate of up to ten events per station per year, for a total of twenty station events per year. This monitoring will include dry weather samples. The Los Angeles River and San Gabriel River stations will be monitored during the following two full rainy seasons (1997-98 and 1998-1999) at the rate of up to ten events per station per year, for a total of twenty station events per year.

**Carryover Monitoring**

In order to use data from mass emission stations on Ballona Creek and Malibu Creek to assist the carrying out of a receiving waters study in the current rainy season, the Principal Permittee will focus its efforts on those stations and will discontinue monitoring at other mass emission stations.

**Wide Channel Study**

The Principal Permittee also will assess the accuracy of single sample ports in wide channels by conducting a study at one wide channel comparing the automatic sampler results with samples from grab sampling. If the wide channel study reveals that there are differences in constituent concentrations depending on the location of the sampling point, it will develop adjustment factors to deal with this variability.

3. **Storms to be Monitored**

The Principal Permittee will set the automatic samplers to monitor storms of down to .25 inches in size. In addition, the Principal Permittee will, as a pilot study, set one land use sampler to record storms of down to 0.1 inch in size. Based upon an assessment of: i) the operational effectiveness of the sampler; ii) the feasibility and effectiveness of samples retrieval and transport; and iii.) the ability to reprogram and maintain this setting at other samplers, a decision will be made as to whether to set some or all of the remaining samplers to sample storms of down to 0.1 inch in size.

4. **Pollutant Loads Study**

The monitoring of mass emission and land use stations is intended to provide input into a loads assessment model to estimate loadings of various pollutants. The pollutant loading information will be used by the Permittees and the Regional Board to better develop the stormwater management program under the upcoming permit and future permits and to support a receiving waters study. The model to be used for the loads assessment will be the EPA Simplified Method. The increased frequency of sampling set forth in this monitoring program is intended to provide EMCs for the constituents found in the watershed runoff to be used in a

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loads assessment model that will be run at the end of the third year of the permit.<sup>1</sup>

5. Critical Source/BMP Monitoring

The critical sources monitoring program shall evaluate: i. pollutants of concern and sources, and, ii. specific structural storm water control measures such as, oil/water separators, infiltration, detention, biofilters, and other control measures. The structural control measures must be evaluated as to: effectiveness in reducing toxic pollutants and pollutants of concern; ease of maintenance; current frequency of use; feasibility and cost-effectiveness; and possible methods to ensure implementation if necessary.

Participation

a. The Principal Permittee shall conduct critical sources/ BMP monitoring to evaluate for industrial/commercial categories, construction activity, and other landuse activity, for five critical source types over six rainy seasons. After the third rainy season, the Principal Permittee will evaluate progress by other municipal entities in California in evaluating critical sources, and monitor three additional critical sources if necessary.

~~b. Other Permittees: Medium (population > 100,000 but less than 250,000) and large (population 250,000 or more) shall conduct monitoring for five additional critical sources on a watershed basis over five rainy seasons that are not evaluated by the Principal Permittee for: the Ballona Creek and urban areas WMA, Los Angeles River WMA, San Gabriel River WMA, Malibu Creek and rural areas WMA, Dominguez Channel WMA, and Santa Clara River WMA.~~

*[Critical Source monitoring to be completed by the Permittees was never discussed. The U.S. EPA and the Regional Board should be primarily responsible determining Phase I and II commercial/industrial facility impacts and the effectiveness of BMPs for such facilities.]*

Selection of Critical Sources to be Studied

The first phase of the program will be the selection of priority critical sources to be studied. The selection will be made using the following steps:

Step 1: The Principal Permittee first will develop an initial list of candidate critical sources, including industrial and commercial sources that are regulated under the state's General Industrial Activities Permit ("General Permit") and those which are not.

Step 2: The Principal Permittee next will develop a list of criteria for prioritizing the candidate critical sources developed pursuant to Step 1, including the following: number and/or total area associated with each critical source; runoff pollutants associated with each source; the impact of nonstormwater discharges

<sup>1</sup> In addition to samples taken under the new permit, samples taken at the four mass emission stations and land use stations under the existing permit which will continue to be monitored under the new permit also will be used to develop the loads assessment model.

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associated with each source; whether or not the source is regulated under the General Permit; and, ease of implementation of monitoring and BMPs.

Step 3: The Principal Permittee next will prioritize the candidate critical sources based on the selection criteria develop under Step 2.

Step 4: The Principal Permittee next will conduct a literature review and contact other State municipal stormwater programs to identify what critical sources have been (or are planned in the next five years) to be studied elsewhere. Where studies have been conducted or are planned to be conducted elsewhere, such studies will be reviewed to assess whether the hydrologic conditions in the study area are representative of those in Los Angeles County, the quality of the study and any conclusions from already-conducted studies. This evaluation would be coordinated with the State Stormwater Quality Task Force.

Step 5: The Principal Permittee next will take the list developed up to Step 3 and refine and finalize it based upon the review conducted pursuant to Step 4.

Study Design

The Principal Permittee shall examine five critical source types over six rainy seasons. ~~The other Permittees shall examine five additional critical source types.~~ Following selection of the candidate sources, and during the 1996-97 rainy season, storm water from the first critical source type will be characterized. The Principal Permittee ~~and other Permittees~~ will seek six similar examples of each critical source type, so as to reduce the amount of variability inherent in sampling only a single example. (Depending upon the availability of finding sufficient examples that can be sampled in a single day with a single crew, the number of test and control sites may be less than three apiece.) Sheetflow from the six sites will be split into two "pools" reflecting three control and three test sites. Sheetflow from each pool, as collected during a targeted five storm events, will be composited into a single sample for analysis. The samples will be analyzed for those pollutants anticipated to be found in the critical source runoff and such analytes will be partitioned, as appropriate, to determine the dissolved and undissolved portions.

Based upon the first year of characterization data, appropriate BMPs will be selected and installed at the test sites. Sheetflow from a target ten storms from the control sources will again be composited and analyzed. With respect to the test sources, one or a variety of non-structural or, possibly, structural BMPs will be instituted at all or some of the test sites. Sheetflow from a targeted ten storm events will be collected and analyzed. (If a structural BMP were installed, only the inlet and outlet of the BMP will be sampled and sheetflow from that location would not be collected.) This comparison will allow a direct study of the effectiveness of the BMPs at the test sites.

A similar program will be instituted with respect to the other nine candidate critical source types, with the intent to finish all sampling by the end of the sixth rainy season after the effective date of this Order.

In addition, the Principal Permittee will reevaluate, after the third rainy season, the progress made by other entities in California to evaluate the critical sources determined by the Principal Permittee to be significant pursuant to the process described in Section V(A) above. If, following that determination, the County

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Principal Permittee determines that there are additional significant critical sources which require monitoring (because they have not been monitored and there are no commitments by other municipal stormwater programs to conduct such monitoring) or if it determines that monitoring of a significant critical source did not include evaluation of BMPs associated with such monitoring, it will commit to monitor up to three additional critical sources commencing in the fourth rainy season and concluding by the end of the eighth complete rainy season following the effective date of the permit. If the Principal Permittee's review determines that a significant critical source had been monitored, but that there was not (and is not planned to be) an evaluation of associated BMPs, the Principal Permittee will undertake a BMP evaluation only for that critical source and will not conduct the first year characterization study.

**6. Receiving Waters**

The Principal Permittee will fund the largest part of a receiving waters study that will be a joint effort of the University of Southern California, the University of California at Santa Barbara and the Southern California Coastal Water Research Project ("SCCWRP"). In addition, the study will be done in cooperation with an ongoing toxicity study by investigators at UCLA. Co-funding, either direct or in terms of vessel support, also will be provided by the federal government through the Sea Grant program by the City of Los Angeles and through SCCWRP. The scope of that study may be affected by the availability of non-County funding sources, as is discussed below.

Study Outline

The receiving waters study includes a plume study to determine the dispersion of stormwater runoff and associated sediment, a study of the benthic environment near two principal storm drains, Malibu and Ballona Creeks and an assessment of the toxicity of storm drain waters and affected sediments near Malibu and Ballona Creeks. The plume study will be carried out by the USC Sea Grant program, and the benthic and toxicity studies will be carried out by SCCWRP.

The plume study will be carried out over two storm seasons, with the third year used for analysis of the data obtained in the previous years. The Principal Permittee will spend up to a maximum of \$145,000 to support the plume study. Additional funds will be supplied by the federal Sea Grant program, with research vessel time to be provided by the City of Los Angeles. The benthic study will also be carried out over at least two storm seasons. The Principal Permittee will spend up to a maximum of \$205,000 for the benthic study, plus up to an additional \$80,000 for a third year of study, if it is the consensus of the project scientists that a third year of research is appropriate. Finally the County Principal Permittee will commit up to a maximum of \$118,500 for a study of the toxicity of storm water and affected sediments, with an additional up to \$80,500 for a third year of the study if it is the consensus of the project scientists that a third year of research is appropriate. Each element of these studies is outlined below.

Plume Investigation

The plume study will examine the following issues, among others: i. Mapping the spatial and temporal structure of the runoff plumes from Ballona and Malibu Creeks as they flow into Santa Monica Bay following strong winter storms; ii. Examining the interaction between the runoff plume and ocean processes as they affect the advection, dispersion,

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and mixing of the plume; iii. Evaluating the impact of storm runoff plumes on beneficial uses of the coastal ocean; iv. Characterizing the optical properties of the suspended particulate material ("SPM") and dissolved organic material ("DOM") associated with runoff sources; v. Examining the effects of DOM and SPM on the water column optics and the distribution of nutrient concentrations, as the same may affect phytoplankton productivity; and, vi. Helping to establish appropriate locations for benthic study stations.

Benthic Investigation

The benthic study will measure the following parameters: i. Water quality (dissolved oxygen, salinity, density, temperature, light transmissivity and pH); ii. Sediment grain size, sediment organic concentrations and sediment contaminant concentrations; and iii. Structure of the benthic invertebrate community. The benthic study will employ the same methods used in studies of dry weather impacts in river discharge areas carried out by SCCWRP in 1994 and 1995 in the Southern California Bight.

Toxicity Study

The toxicity study will involve the following proposed annual elements: Water Column Toxicity: i. 30 sea urchin fertilization tests taken during two storm and one dry weather event off each of Ballona and Malibu Creeks (including reference sites); ii. 3 Phase I TIE tests on up to 3 samples showing toxicity in the sea urchin fertilization tests; Sediment Toxicity: i. Amphipod survival tests of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 1; ii. Amphipod survival tests of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 2; iii. Sea urchin growth tests will be conducted for chronic toxicity in sediment samples from 6 stations, plus 1 reference site, with the locations to be determined by project scientists based on existing data and best scientific judgment. Biological effects only (survival, growth, sediment avoidance) will be measured for all sites in Year 2; iv. Chemical analysis of sea urchin growth test tissue samples (gonad) will be conducted for organics and metals. Duplicate samples from 4 stations (including one reference) will be analyzed in Year 2; v. Phase I TIE tests using sea urchin fertilization of interstitial water from up to 4 stations identified to be toxic in amphipod survival tests (4 samples total) will be conducted in Year 2; and vi. Additional interstitial water testing coordinated with the UCLA.

Project Flexibility

The exact parameters of Year 2 (and Year 3, if necessary) testing will be determined by a review of the project scientists of the results of Year 1 and Year 2 testing. Thus, certain of the steps outlined above may be modified following the reviews.

Coordination with UCLA Toxicity Investigation

Researchers from UCLA are involved in an ongoing Santa Monica Bay Restoration Project study of the toxicity of storm water runoff in Ballona and Malibu Creeks. The Principal Permittee's receiving waters study will be coordinated, to the extent possible, with the UCLA study to maximize the utility of the information obtained by both studies.

Los Angeles and San Gabriel River

The Principal Permittee will take a total of three (two storm weather and one dry weather) water samples taken at each of the Los Angeles and San Gabriel River mass emission stations during each of the two years that those stations will be monitored. The samples

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will be analyzed using the sea urchin fertilization tests.

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**VIII. PROGRAM EVALUATION AND REPORTING**

The Principal permittee in consultation with the EAC shall develop a program to standardize evaluation and reporting by each Permittee by October 15, 1996. The Principal Permittee in consultation with the EAC shall develop performance indicators, criteria, or standards; perform evaluation of compliance and effectiveness based on the performance criteria; establish schedules and mechanism for internal record keeping and reporting; and submit Annual Reports to the Regional Board using a standardized format. Each Permittee is encouraged to work cooperatively with MS4 programs from other areas of the state or country in order to be more effective, efficient, and consistent.

Each Permittee shall collect data needed for program evaluation, conduct self-evaluations, and report the results of the evaluations through the Principal Permittee to the Regional Board in Annual Reports. The results reported to the Regional Board shall include both the collected data and analysis of the data. Annual Reports shall include explanations on how the evaluations were conducted; how and why provisions of the permits are/are not being met, how the effectiveness of BMPs is determined or is not, and should a problem arise, how it will be corrected.

**A. DEMONSTRATION EVALUATION OF COMPLIANCE**

1. ~~Each Permittee is responsible for demonstrating that the required BMPs and other actions as prescribed under this permit, as well as BMPs and actions included in the CSWMP and WMAPs, are implemented to reduce pollutants to the maximum extent practicable. Each Permittee shall provide an evaluation as to the effectiveness of the required BMPs and other actions as prescribed under this permit, as well as BMPs and actions included in the CSWMP and WMAPs, in the reduction of pollutants from stormwater runoff to the maximum extent practicable with the ROWD required in Provision IX.5.~~
2. The Permittees within the WMCs are responsible for demonstrating the effectiveness of watershed specific BMPs by conducting and reporting the results of pilot/demonstration projects for evaluating the effectiveness of BMPs in the watershed.
3. The degree and the effectiveness of BMP implementation shall be evaluated and reported by each Permittee using environmental and/or administrative indicators whenever possible. When environmental indicators are not readily and/or easily available, administrative indicators shall be used. These shall include indicators prescribed under relevant provisions of this permit, and/or other indicators deemed appropriate by the WMCs, the EAC, and/or ultimately the Regional Board. (Examples of quantitative indicators include the number of inspections conducted, number of staff, number of audience reached through public education, waste recycled, water conserved, hazardous waste collected, oil recycled, and catch basin waste removed.) Quantitative indicators of environmental conditions shall also be reported if they can be linked to the effectiveness of BMP implementation.
4. In order to yield comparable results for year to year evaluation on the success, the progress, and/or the failure in BMP implementation, and comparable results from area to area, a uniform data collection

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methodology shall be established for each of the required BMPs. The uniform data collection methodology shall be developed by the Principal Permittee in consultation with EAC. Subsequently, each report on BMP implementation shall provide comparison with the implementation status during the previous reporting period and the scheduled implementation timeline for the current and future reporting periods, based on data collected using the uniform collection methodology.

**B. INTERNAL REPORTING AND RECORD KEEPING**

1. In order to facilitate the preparation of the Annual Report, the Principal Permittee in consultation with the EAC shall develop standard forms for internal reporting to be used by all Permittees within the watershed. The forms shall be used to collect all the information essential to the preparation of the annual reports and to the needs of other management actions by the ~~WAC~~ EAC, WMCs and/or the Permittees. Reported information shall be quantifiable and specific for each program area and/or BMP. The dates for submitting the internal reports shall allow sufficient time for compilation and analysis by the WMCs and/or the Principal Permittee/EAC for the preparation of the Annual Report due to the Regional Board.
2. All records shall be retained by each Permittee for a period of 5 years unless directed otherwise by the Regional Board or the USEPA.

**C. PROGRAM REPORTING**

The Principal Permittee shall collect, compile, and analyze information from each Permittee within the watershed prior to preparation of the Annual Report. The Annual Report shall include a summary table illustrating the levels of implementation for each Permittee by watershed. Tables shall be developed for each program element listing all the participating Permittees and describe the status of implementation for each Permittee.

The Principal Permittee shall include in the Annual Report submitted to the Regional Board:

1. **Program Management**
  - a. Compiled budget summary of resources dedicated for storm water program implementation submitted by Permittees;
  - b. A statement ~~under penalty of perjury~~ by each Permittee's representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order; and/or a schedule for obtaining adequate legal authority (1996 Annual Report only); and
  - c. Progress on obtaining any residual legal authority, if full legal authority was not certified in Provision VIII. C. I.b., above.
2. **Illicit Connections/Discharges**
  - a. Summary of illicit connections eliminated. The summary shall include by category:

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- i. Type of illicit connection;
- ii. Type of contaminants or chemical waste;
- iii. Watershed;
- iv. ~~Ranges of estimated length of time the practice was on-going;~~

*[This is just not practical. It is virtually impossible to determine the length of time.]*

- v. Remedial action taken;
- vi. Number eliminated and number in process of elimination;
- vii. Number subject to legal enforcement actions;
- viii. Comments as appropriate.

b. Summary of illicit discharge practices reported through the standardized public reporting system. The summary shall include by category:

- i. Type of illicit discharge/disposal practice;
- ii. Type of contaminant waste spilled/disposed;
- iii. Watershed;
- iv. Range of estimated quantity of waste;
- v. ~~Range of estimated length of time the practice was on-going;~~
- vi. Remedial action taken;
- vii. Number eliminated;
- viii. Number subject to legal enforcement actions;
- ix. Comments as appropriate.

3. Industrial/Commercial Activity

- a. Summary of progress of the industrial/commercial activity program
- b. Database compiled in Provision III.A.3. when requested by the Regional Board. A Permittee may also be requested to provide the industrial/commercial database information for its municipality in Provision III.A. in an appropriate format.
- c. BMP list for SIC code groups.

4. Development Planning and Construction Activity

- a. Countywide Guidelines;
- ab. Summary of progress of the development planning/construction program;
- bc. Construction activity database developed in Provision IVB.1. in an appropriate format when so requested by the Regional Board.

5. Public Agency Activity

- a. Summary of progress on the Public Agency Program in the areas of: (i) Sewage Systems Operation (if appropriate); (ii) Public Construction; (iii) Vehicles Maintenance/ Material Storage; (iv) Parks and Recreation/ Facilities Management; (v) Storm Drain

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Operation and Management; (vi) Streets and Roads Maintenance; (vii) Flood Control Maintenance; (viii) Parking Facilities Management; and (ix) Public Industrial Activities (optional).

- 6. Public Education / Public Participation
  - a. Summary of the Public education / Public participation program. The summary shall include:
    - i. Activities undertaken throughout the year;
    - ii. Samples of educational materials distributed or otherwise made public throughout the year;
    - iii. Results of the comparison between performance standards overall program objectives and the Permittees' Public Information and Participation programs; and,
    - iv. A workplan for any changes to the 5 year strategy.
  - b. Results of a public education survey undertaken within a representative area of the County of Los Angeles during fiscal year 1997-1998 (1999 Annual Report only).

**D. PROGRAM EVALUATION**

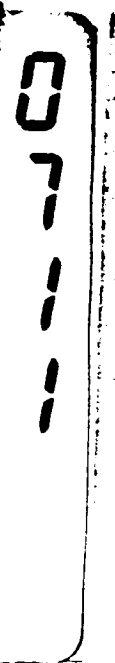
The Principal Permittee in consultation with the EAC shall, in the Annual Report submitted to the Regional Board, evaluate progress in the storm water program, propose any proposed modifications to be made to the storm water program (e.g., delays, changes), and analyze any problems encountered during the implementation and propose solutions. The Program Evaluation shall include proposed changes to storm water program components for the following year, based on the analysis.

The Program Evaluation shall utilize the information provided by each Permittee, and assess program effectiveness in the areas of:

- 1. Program Management
- 2. Illicit Connections/Discharge
- 3. Industrial/Commercial Activity  
by review of:
  - a. Industrial/commercial sources listing;
  - b. On-site inspections;
  - c. ~~Check~~Lists of storm water BMPs developed by Principal Permittee implemented; and,
  - d. Results from the critical sources monitoring program in-

*[Checklists will be used as educational material, not to evaluate site compliance.]*

- 4. Development Planning and Construction Activity  
by review of:
  - a. ~~BMPs implemented based on~~ site inspection results; and
  - b. Results from the critical source monitoring program.
- 5. Public Agency Activity  
by review of:
  - a. Sewage Systems Operation (if appropriate);



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- b. Public Construction;
  - c. Vehicles Maintenance/Material Storage;
  - d. Parks and Recreation/Facilities Management;
  - e. Storm Drain Operation and Management;
  - f. Streets and Roads Maintenance;
  - g. Flood Control Maintenance;
  - h. Parking Facilities Management; and
6. Public Education / Public Participation  
by review of:
- a. Storm water/non-storm water pollution prevention public education programs within the County of Los Angeles and recommendations on future public education efforts.

**E. PERFORMANCE STANDARDS**

1. The CSWMP and subsequent WMAPs shall be revised to adopt and incorporate Performance Standards developed by the Principal Permittee in consultation with the LAC. Performance Standards are defined as the level of implementation necessary to demonstrate the control of pollutants in storm water to the "maximum extent practicable". Performance Standards shall be established for implementing BMM's contained in the Order and the CSWMP and the WMAP's. Performance Standards shall be developed through a process which includes opportunities for public participation and include appropriate criteria for the applicability, economic feasibility, design, operation, and maintenance or otherwise implementation of BMM's so as to achieve pollutant reduction or pollution prevention benefits to the "maximum extent practicable". Performance Standards may be based upon special studies or other activities conducted by the Permittee, literature review, or special studies conducted by other programs.

2. Performance Standards shall include countywide components to be accomplished and the method to be used to verify that the Performance Standard has been achieved. Following the addition of a Performance Standard to the CSWMP or WMAP acceptable to the Executive Officer, each Permittee for which the Performance Standard is applicable shall adhere to its implementation. Performance Standards shall be established for all appropriate BMM's identified in the CSWMP by July 15, 1997, or otherwise, a proposed schedule for completing or omitting the establishment of Performance Standards with justification acceptable to the Executive Officer must be submitted by January 15, 1998. Such time schedules shall not extend beyond the term of this permit.

3. Each Permittee shall incorporate newly developed or updated Performance Standards approved by the Executive Officer, in each revision to the CSWMP or the WMAP.

["Performance Standards" should not be included. This should be revised as "Evaluation Methods" or deleted entirely. "Performance Standards" are not included in the Ventura County or Fresno municipal stormwater permits.]

**E.F. ANNUAL REPORTS**

1. Annual Report  
The Annual Report shall include both a summary of the progress and status of CSWMP and WMAP implementation, a summary on status of compliance with all Permit provisions of this Order, a report on the

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evaluation of program effectiveness, and a summary of recommendations for permit provision modifications.

- a. The Principal Permittee in coordination with the EAC shall submit an Annual Report to the Regional Board no later than March 31 of each year. The first Annual Report shall be due April 12, 1997;
- b. The Principal Permittee shall submit a separate Monitoring Annual Report due no later than August 15 of each year. The first Monitoring Annual Report shall be due August 15, 1990; and
- c. The Principal Permittee in consultation with the EAC shall identify in the Annual Report, Performance Standards which will be developed for the upcoming fiscal year.

The Principal Permittee in consultation with the EAC may recommend and request revisions to the CSWMP and the WMAPs through documentation in the Annual Reports.

Recommended revisions to the CSWMP and WMAPs will be considered by the Executive Officer if it is demonstrated that: (i) the changes will lead to improvement of the effectiveness of this program; (ii) the changes will result in positive impacts to beneficial uses; and (iii) the current measures have been implemented to reduce pollutants to the "maximum extent practicable". Any recommended revisions shall not take effect until approved by the Executive Officer.

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**IX. ADDITIONAL PROVISIONS**

1. The initial storm water management program, as delineated in the CSWMP or WMAPs may need to be modified, revised, or amended from time-to-time to respond to changed conditions and to incorporate more effective approaches to pollutant controls. Minor changes, with concurrence from the Permittees, may be made at the direction of the Executive Officer. Minor changes requested by the Discharger Principal Permittee or Permittee shall become effective upon written approval of the Executive Officer. If proposed minor changes are objected to by the Permittees or changes imply a major revision in the overall scope of effort of the program, such changes must be approved by the Regional Board as permit amendments.
2. This Order may be modified, revoked, or reissued, prior to the expiration date as follows:
  - a. To address changed conditions identified in the required technical reports or other sources deemed significant by the Regional Board;
  - b. To incorporate applicable requirements or statewide water quality control plans adopted by the State Board or amendments to the Basin Plan;
  - c. To comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the Clean Water Act, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable; or
  - d. Any other Federal or State Laws or Regulations become effective which necessitate changes.
3. The issuance of this permit is not intended to, and does not, absolve any Permittee of liability for conduct which may have constituted a violation of the previous Board Order 90-079 (CA0061654, CI 6948) adopted by this Regional Board on June 18, 1990.
4. All reports or submittals made to the Regional Board shall include the following signed certification;
 

"I certify 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 manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

  - a. The certification shall only be valid if made by either: a principal executive officer; or a ranking elected official.
  - b. A certification may be accepted by this Regional Board if signed by a duly

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authorized representative only if:

- i. The authorization is made in writing by a person described in 4.a above;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the Permittee's storm water management program, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the Permittee. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
  - iii. The written authorization is submitted to the Executive Officer of the Regional Board.
5. This Order expires on (five years from the date of reissuance.) The Principal Permittee and Permittees must submit complete Reports of Waste Discharge (ROWD) in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements. The ROWD shall consist of watershed specific WMAPs.

I, Robert P. Ghirelli, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on (date of reissuance).

ROBERT P. GHIRELLI, D.Env.  
Executive Officer

**DEFINITIONS**

*The following definitions as shown in the Glossary should be modified to read as follows:*

**Illicit Connection:** Any man-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

**Maximum Extent Practicable (MEP):** ~~A performance-based standard for the reduction of pollutants through the development and implementation of a program of Best Management Practices under the County Wide Storm Water Management Plans and Watershed Management Plans. This means selecting all practicable BMPs taking into account factors including the maximum extent possible taking into account equitable consideration and competing facts, including, but not limited to: the gravity of the problem, public health risk, societal concern, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance, implementability, cost and technical feasibility. BMPs identified through this process do not have to be implemented if it is found that: (1) other effective BMPs will achieve greater or substantially the same pollution control benefits; (2) the BMP would not be technically feasible; or (3) the cost of implementation would greatly outweigh the pollution control benefits. The entity(s) responsible for developing and implementing each plan shall have the burden of showing that it has met the "maximum extent practicable" standard in proposing or rejecting BMPs for implementation.~~

**Pollutant:** Any substance introduced into the environment that may directly or indirectly result in causes adverse effects on the beneficial uses of a resource. Examples of potential pollutants are as follows:

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Artificial materials, chips or pieces of natural or man-made materials (such as plastics, wood or metal shavings),

Household waste (such as trash, paper, plastics, lawn clippings and yard waste; animal fecal materials; excessive pesticides, herbicides and fertilizers; used oil and fluids from vehicles, lawn mowers and other common household equipment),

~~Commercial and industrial waste (such as packaging, raw materials, finished materials, waste products, fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);~~

Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic,

Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease),

Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State,

Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities),

Substances having characteristics such as pH less than 6 or greater than 9, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus, or enterococcus,

Waste materials and wastewater generated by construction activities (such as painting or staining; use of sealants, glues, limes; excessive pesticides, fertilizers or herbicides; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cleanup wash water or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents),

Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon,

Materials which contain base/neutral or acid extractible organic compounds,

Those pollutants defined in §1362(6) of the federal Clean Water Act,

Any other constituent or material that may interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the state.

The term "Pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term "Pollutant" also shall not include any substance identified in this definition, if through compliance with the best management practices available, the discharge of such substance has been eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the elimination of the discharge to the maximum extent practicable through compliance with the best management practices available.

07-7-95





# City of Malibu

23555 Civic Center Way, Malibu, California 90263-4804  
(310) 456-CITY Fax (310) 456-3356  
DEPARTMENT OF PUBLIC WORKS

53 FEB 21 11:12:37  
QUALITY CONTROL REGION  
LOS ANGELES REGION

February 20, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2158

Dear Mr. Ghirelli:

On behalf of the City of Malibu, I would like to thank the Board and all participants for the many hours spent developing the new draft five-year NPDES permit. The Malibu City Council has made water quality a very high priority. Malibu's Public Works Department has been designated the responsibility of protecting, and where possible, improving the water quality in our creeks and coastal waters. I believe this permit if implemented by all co-permittees, will go a long way toward achieving this goal.

As a beach city located at the receiving end of the watershed, we live with the results of poor stormwater management in our front and backyards. I am committed to securing the necessary funds, developing a strong stormwater ordinance, and implementing the necessary programs to clean up our City's contribution to the contamination of the Bay. I hope that other jurisdictions upstream will do the same.

I understand the fiscal challenges that this permit represents and the concerns if the required programs are not fully implemented. I also understand that without the tough requirements included in this permit very little substantive improvements will be achieved. If you have any questions, please feel free to call me at (310) 456-2489, ext. 247.

Sincerely,

Rick Morgan,  
Deputy City Engineer



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CITY HALL 1400 HIGHLAND AVENUE MANHATTAN BEACH, CALIFORNIA 90266-4795  
TELEPHONE (310) 545-5621 FAX (310) 545-5234

QUALITY CONTROL BOARD  
LOS ANGELES REGION

DATE: January 26, 1996  
TO: California Regional Water Quality Control Board  
Los Angeles Region, Surface Water Programs  
CC: Robert Wadden, City Attorney  
FROM: Neil Miller, Director of Public Works  
SUBJECT: Comments on Draft Waste Discharge Requirements for the Discharge of Storm  
Water in Los Angeles County

Permit requirements would be costly to implement, and cumbersome to manage. The enforcement program places the burden of implementing, managing and frequent detailed compliance reporting on local government. A less cumbersome program would probably gain a higher level of participation and compliance.

#### STAFF COMMENTS

- *Permit requirements are defined using non-specific terms or phrases.*
- **Page 39, Item D1 Source Inspection**  
*Will the Los Angeles County or other regional agency provide inspections and meet the requirements of this section? Otherwise each city will have to employ staff to run these massive programs.*
- **Page 62, VI (middle of page "...contribute a fair share and to work collaboratively to develop a comprehensive outreach/education program countywide...")**  
*A countywide "Public Outreach Committee" is currently in place. Is it being suggested that this committee be disband and replaced with six or seven independent watershed committees? Why duplicate the work when one committee currently works quite well.*
- **Page 64, Item A1: a.iv "...contractor and developer storm water training programs..."**  
*What constitutes a Storm Water Training program? Who will develop and operate the program?*
- **Page 67, Item B1: a.i**  
*Who/what will determine target pollutants?*

FIRE DEPARTMENT ADDRESS: 400 15TH STREET, MANHATTAN BEACH, CA 90266 FAX (310) 545-8925  
POLICE DEPARTMENT ADDRESS: 420 15TH STREET, MANHATTAN BEACH, CA 90266 FAX (310) 545-7707  
PUBLIC SERVICES DEPARTMENT ADDRESS: 3621 BELLA AVENUE, MANHATTAN BEACH, CA 90266 FAX (310) 546-1792

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# CITY OF MONTEREY PARK

320 west newmark avenue • monterey park, ca 91754-2896  
• municipal services center



February 6, 1996

Dr. Robert Ghirelli, Executive Officer  
State of California  
Regional Water Quality Control Board  
101 Centre Plaza Center Drive  
Monterey Park, California 91754

RECEIVED  
FEB 13 1996  
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

## DRAFT DECEMBER 18, 1995 NPDES STORM WATER PERMIT

Dear Dr. Ghirelli:

The following are the City of Monterey Park's comments on the subject Draft Permit:

1. There are many programs that are "to be developed in the future." This is opened with unknown requirements or consequences.
2. The budget reporting requirements require too much detail.
3. The statement on page 26 requiring that the City Attorneys sign under penalty of perjury should be eliminated.
4. The Administrative Review section (J) needs to be restored to the previous wording so that municipalities are considered in compliance until after an administrated review process is completed.
5. Sections 1, 2 and 3 on pages 35 and 36 require that a database be developed using a specific format. Some permittees already have a format developed. This may not be compatible with an as yet unknown format. Some flexibility must be available to avoid costly re-entering of data.
6. The "enhanced" inspection section is not necessary (page 41).
7. There is confusion as to what type of enforcement action should be taken if a phase I facility or a 5+ acre construction site with an NOI has a violation. Should the permittee take corrective action, or should it be referred to the Board. The agency with the enforcement responsibility should be made clear in the permit to avoid confusion.

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DR. ROBERT GHIRELLI, EXECUTIVE OFFICER

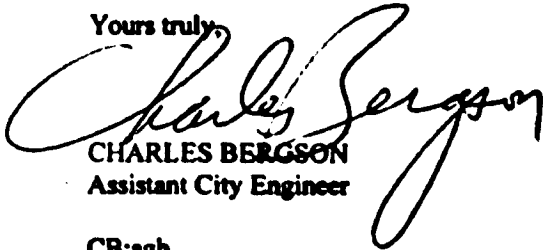
February 6, 1996

Page: 2

8. It is not clear if municipalities, or the principle permittee, has the authority to inspect facilities that are operating in compliance without a search warrant or just cause.
9. Hospitals, school districts, State and Federal lands which are listed as exempt should not be exempted, otherwise permittees may be in violation from sites over which they have no jurisdiction or control.

Should you have any questions, please contact the undersigned at (818) 307-1330.

Yours truly,



CHARLES BERGSON  
Assistant City Engineer

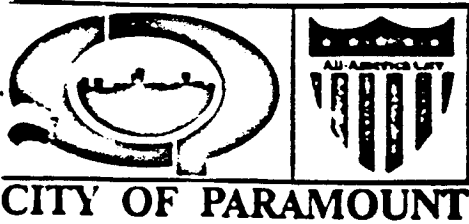
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HENRY HARKEMA  
Mayor  
MANUEL E. GUILLEN  
Vice Mayor  
DR. ESTHER C. CALDWELL  
Councilmember  
DIANE J. MARTINEZ  
Councilmember  
GERALD A. MULROONEY  
Councilmember

January 8, 1996

Mr. Gary Hildebrand  
Supervising Civil Engineer III  
Waste Management Division  
900 S. Fremont Avenue, Annex 2nd Floor  
Alhambra, CA 91803-1331

Subject: Transmittal of City Comments on Final Draft - NPDES Permit

Dear Mr. Hildebrand:

We have reviewed the draft of the proposed new NPDES permit and our main areas of concern are as follows:

1. The sequence of events throughout the permit do not allow for maximum program benefit to be derived, nor allows programs to be performed economically.

Section VI - Program Requirements for Public Information and Participation - This section of the permit is of most importance. The results of this program should make all other programs much more effective. Therefore, the timing for completion of the majority of events in other sections should follow the completion dates agreed upon for public information and participation.

Section VI-A-1 states that reference material shall be available for distribution and that by January 15, 1997, permittees shall demonstrate that the distribution of the material has been made to targeted audiences.

2. Review of other sections of the permit suggest the following changes in timing:

Section II A - Illicit Connections - Each permittee based in the model program (developed by the County and the EAC) shall implement a program to identify and eliminate illicit connections by June 15, 1997, not January 15, 1997, when the model program is to be completed).

Section II C-1 - Other Prohibited Activities - The date should be November 15, 1996, instead of July 15, 1996, since under Section I, permittees have 120 days after the Order to just indicate their schedule for establishing legal authority if it is not in effect.

Section II E-1 - Public Reporting of "Illicit Discharges and Illicit Disposal" by July 15, 1997, not July 15, 1996, since this should be developed with the Public Information Time Line of July 15, 1997.

- Implementation of the program should be October 15, 1997, not October 15, 1996.

Section II E-2 - The standard program should be developed by July 15, 1997, not July 15, 1996.

- The reporting program should be October 15, 1997, not October 15, 1996.

Section III B - "Prioritization of Sources"

- The ranking should be completed by January 15, 1998, not January 15, 1997, since the standard format database will not be available until July 15, 1997, as stated in A-3.
- Date here for facilities grouped by 111.B.1 should be April 15, 1998, not April 15, 1997.

Section III C - "Source Control Measures"

- Group prioritized in Provision 111.B.1 by July 15, 1997, not July 15, 1996.
- Legal authority by July 15, 1997, not July 15, 1996.

Section III D - Source Inspection

- Schedule of inspection of facilities prioritized in Provision 111 B.2 by October 15, 1997, not October 15, 1996.
- Enhanced inspection program should be deleted!

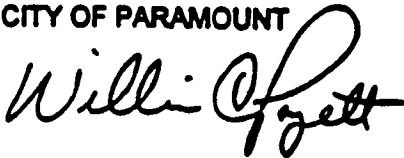
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January 8, 1996  
Page 3

Upon review of comments by the County and the EAC, the City reserves the right for additional comments on the contents of this permit. The suggested changes in timing are based on the permit being approved in April 1996. Should the permit not be approved until a later date than additional time must be added to the changes.

Very truly yours,

CITY OF PARAMOUNT



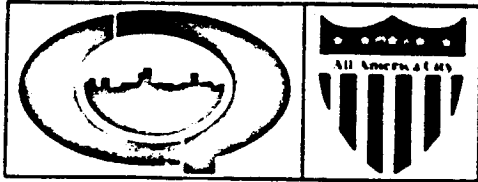
William C. Pagett  
Assistant City Engineer

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**CITY OF PARAMOUNT**

Public Works  
(310) 220-2020

January 25, 1996

Ms. Catherine Tyrrell  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrrell:

The City of Paramount has reviewed the draft NPDES Permit and considers the permit to be too lengthy, complex, and will require extensive modifications. However, we feel that should your staff address concerns raised by all the affected cities, this permit can be finalized to meet the requirements of the Clean Water Act.

The following is a brief listing of major areas of concern.

- Findings**
- (1) Should be limited to those that are relevant to stormwater quality.
  - (2) Other agencies who have land within the watersheds should be included in the permit, i.e. Universities, the State, Federal hospitals, School Districts, and State and Federal lands.
  - (3) The sequence of events throughout the permit do not allow for maximum program benefit to be derived, nor allows programs to be performed economically.

Section VI - Program Requirements for Public Information and Participation - This section of the permit is of most importance. The results of this program should make all other programs much more effective. Therefore, the timing for completion of the majority of events in other sections should follow the completion dates agreed upon for public information and participation.

HENRY HARKEMA  
Mayor  
MANUEL E. GUILLEN  
Vice Mayor  
DR. ESTHER C. CALDWELL  
Councilmember  
DIANE J. MARTINEZ  
Councilmember  
GERALD A. MULROONEY  
Councilmember

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January 25, 1996  
Page 2

Section VI-A-1 states that reference material shall be available for distribution and that by January 15, 1997, permittees shall demonstrate that the distribution of the material has been made to targeted audiences.

Review of other sections of the permit suggest the following changes in timing:

Section II A - Illicit Connections - Each permittee based in the model program (developed by the County and the EAC) shall implement a program to identify and eliminate illicit connections by June 15, 1997, not January 15, 1997, when the model program is to be completed).

Section II C-1 - Other Prohibited Activities - The date should be November 15, 1996, instead of July 15, 1996, since under Section I, permittees have 120 days after the Order to just indicate their schedule for establishing legal authority if it is not in effect.

Section II E-1 - Public Reporting of "Illicit Discharges and Illicit Disposal" by July 15, 1997, not July 15, 1996, since this should be developed with the Public Information Time Line of July 15, 1997.

- Implementation of the program should be October 15, 1997, not October 15, 1996.

Section II E-2 - The standard program should be developed by July 15, 1997, not July 15, 1996.

- The reporting program should be October 15, 1997, not October 15, 1996.

Section III B - "Prioritization of Sources"

- The ranking should be completed by January 15, 1998, not January 15, 1997, since the standard format database will not be available until July 15, 1997, as stated in A-3.
- Date here for facilities grouped by 111.B.1 should be April 15, 1998, not April 15, 1997.

Section III C - "Source Control Measures"

- Group prioritized in Provision 111.B.1 by July 15, 1997, not July 15, 1996.
- Legal authority by July 15, 1997, not July 15, 1996.

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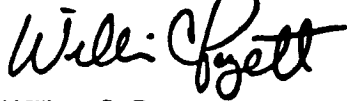
January 25, 1996  
Page 3

Section III D - Source Inspection

- Schedule of inspection of facilities prioritized in Provision 111 B.2 by October 15, 1997, not October 15, 1996.
- Enhanced inspection program should be deleted!

Upon review of comments by the County and the EAC, the City reserves the right for additional comments on the contents of this permit. The suggested changes in timing are based on the permit being approved in April 1996. Should the permit not be approved until a later date than additional time must be added to the changes. Probably, the easiest way to accomplish this would not to state actual dates, but instead allow for timing to be a certain number of months after the order of the permit.

CITY OF PARAMOUNT



William C. Pagett  
Assistant City Engineer

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TO: RWQCB

FROM: The City of Palos  
Verdes Estates

# of pages 4

Please see our comments  
attached on the draft  
LA County Permit for  
NPDES compliance

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CITY OF  
*Palos Verdes Estates*

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January 25, 1996

Mr. Tim D'Zmura  
 City of Palos Verdes Estates  
 340 Palos Verdes Dr. W.  
 Palos Verdes Estates, CA 90274

RE: Draft NPDES Permit

Dear Mr. D'Zmura:

I have reviewed the draft NPDES permit from the California Regional Quality Control Board (RWQCB). This letter outlines my comments on the draft NPDES Permit.

- **Standards** - The permit does not identify specific standards to comply with. The permit should address specific pollution levels (preferably by watershed) to measure progress.
- **Compliance Dates** - The permit should be modified to reflect new compliance dates that concur with the new permit adoption schedule of April 1996. The City may not be able to meet the program requirements with the old time table.
- **Maximum Extent Practicable** - The definition does not establish specific requirements and is greatly open to interpretation. In my opinion, this definition leaves the City liable even if in process of complying with the permit. This relates to the standards section.

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City of Palos Verdes Estates  
Tom D'Zmura  
January 23, 1996  
page 2

- Process for Substituting Programs - (page 26, 41) - For substituting programs, the co-permittee must prove that another program would substantially work better than those outlined in the permit. However, L.A. County data does not exist for many of the programs established in the permit. Therefore, the City would need to provide a database, including extensive monitoring, to prove that a program doesn't work. Meanwhile, if a program isn't working, the City is still liable for reducing pollution. In addition, demonstrating "technical feasibility" or "implementation outweighs the pollution control benefits" is a subjective decision and open to interpretation.
- Executive Advisory Committee (EAC) and Watershed Management Committee (WMC) (pp. 19-20) - These committees have power over co-permittees. Their control includes, but is not limited to, evaluating compliance and guiding conflict resolution. There will be industry representatives and public representatives on each committee. Although industry and public representatives will be non-voting committee members, they still advise these committees on major decisions. This establishes a precedent where the co-permittees further lose control over which programs they implement to special interests and politics rather than addressing real pollution control.
- Identifying Sources of Industrial/Commercial Pollution (pp. 36-37) - The City must compile a database on any possible discharge from each SIC code category. It should be the RWQCB's responsibility to provide this information to the co-permittees from the separate permits already applied for by certain industries. If this information already exists (as it appears that it does in Section III, A., 3a. and 3b.), this information should be provided to the co-permittees. As written, this requirement will lead to inconsistencies between co-permittees' databases. One standard should be developed so that all co-permittees know what the accepted primary material discharges are.
- Prioritization of Sources (p. 37, B1. and B2.) - The ranking criteria should be a solid procedure, not a subjective system ("may include"). Criteria should be established if the co-permittee does not agree with the ranking system.

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City of Palos Verdes Estates  
Tim D'Zmura  
January 23, 1996  
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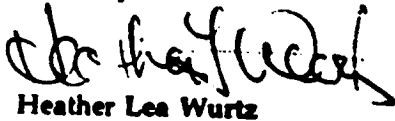
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- Source Inspection (p. 39) - The City will need to inspect restaurants, the gas station, and other commercial businesses even though they are not required by the RWQCB or the Federal Government to have a permit. The City may not have legal authority to inspect sites that do not have permits. In addition, this will require additional staff training to comply with this requirement.
- Multiple Departments - Many requirements of the permit will require Public Works, Building and Safety, Code Enforcement, and Planning Department coordination. Municipal and zoning codes may have to be changed in order to accommodate the permit. In addition, the inspections and monitoring will most likely lead to additional staff requirements and new personnel. Even if L.A. County provides some of the services required by the permit, the City will still need to provide inspections and supervision of this project.

In general, the permit will impact the City through increased costs and liability. The City will need to establish a program for additional inspections and monitoring. Although the inspection and monitoring requirements of the permit may seem burdensome to the City, I do not believe the State or the EAC will remove that requirement. Staff should prepare to implement some sort of inspection program or system.

Please put these comments, and any others you may have, on City letterhead. Fax the comments to the RWQCB no later than Monday, January 29, 1996 at (213) 266-7600. Please page me at (310) 298-0560 or contact Cathy Rosen at (310) 212-5778 if you have any further questions regarding the permit comments.

Sincerely,



Heather Lea Wurtz

cc Regional Water Quality Control Board

201-760



# City of Pico Rivera

6615 Passons Boulevard, Pico Rivera, CA 90660-1016  
P.O. Box 1016, FAX (310) 949-7506  
Public Works (310) 801-4415

January 29, 1996

Dr. Robert Ghirelli, Executive Officer  
S.C.R.Q.C.B.  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

**SUBJECT: DRAFT N.P.D.E.S. PERMIT**

Dear Mr. Ghirelli:

Please be advised that the City of Pico Rivera concurs with the statements and concerns expressed by the Executive Advisory Committee in their letter of January 24, 1996, regarding the December 18, 1995 draft N.P.D.E.S. permit.

The City of Pico Rivera, in union with all permittees, is fully committed to the reduction of pollution related to non-storm water runoff. The tentative provisions of the current draft of the permit will seriously hamper our ability to effectively accomplish the implementation and enforcement of these goals.

Our major concerns with the language of the draft permit are:

- The permit is extremely lengthy and complex.
- Compliance dates are unrealistic and do not make allowances for normal government decision-making process.
- Budget requirements are too specific.
- The need for certification of reports.

In closing, we would suggest that the draft permit should be thoroughly analyzed so that it can be drastically streamlined to result in a document that can be understood and supported by all affected agencies.

A handwritten signature in cursive script, appearing to read "Enrique Acevedo".

Enrique Acevedo  
Director of Public Works/City Engineer

EA:SC:lg

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BOYOR  
J.R. VASQUEZ

BOYOR PRO TEM  
MANJANE TULLAMP

COUNCIL MEMBERS  
HELEN W. HARRIS  
JAY T. SMITH  
GARY A. TAYLOR



# City of Rosemead

8838 E. VALLEY BOULEVARD • P.O. BOX 308  
ROSEMEAD, CALIFORNIA 91770  
TELEPHONE (818) 288-6671  
TELECOPIER 8183079218

January 29, 1996

Mr. Robert P. Ghirelli  
Executive Director  
Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention: Catherine Tyrell, Assistant Executive Director

Subject: Comments on Final Draft Permit

Dear Mr. Ghirelli:

We wish to add our concerns to the comments forwarded to you by the Executive Advisory Committee regarding the Final Draft Permit. The comments made by them should be deemed as a part of our official comments on the Final Draft Permit document. We are unable to voice an opinion that is universal for all participating agencies under the permit; however, we are quite certain that our concerns are shared by a lot of the participating permittees as demonstrated by the similarity in comments received on the Final Draft Permit of December 18, 1995.

The interests of the City of Rosemead are similar to all cities in the state of California and the countless other cities throughout the nation, with regards to the intent and purpose of the Clean Water Act. We and our citizens want an environment devoid of pollution and toxic waste in the water we consume to sustain life and the waters we use for work and play. However, we do have concerns regarding the proposed permit and believe it must be voiced in the hope that the final permit would meet the intent of the Clean Water Act in the most cost-effective manner possible.

Enclosed on the attached sheets are our comments of the Final Draft Permit. Should you have any questions on our comments, please contact me at (818)288-6671.

Very truly yours,

CITY OF ROSEMEAD

Fred Wickman  
City Engineer

Enclosure

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CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

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## COMMENTS ON FINAL DRAFT PERMIT

- **Unfunded Mandate whose effectiveness is highly problematic. The permit, if issued as written, will require all permittees to fund a vast amount of regulatory responsibilities to enforce provisions whose cost-effectiveness is based upon unproven theories.**

### **Comments:**

- 1. Regulatory responsibilities are an accepted fact for all permittees. With the multitude of regulations in effect at the present time, municipalities must by public demand determine the priorities its citizens perceive as the most important. Because of the many requirements of regulations, sources of funding for programs are rapidly diminishing. Creative Financing, i.e., Utility Taxes, etc., which has, in the past, provided a source of funding for some cities are now the target of the proposed Proposition #162, which if enacted may require Cities to repay what it collected. Cities can only afford to use the most cost-effective method in achieving certain goals. Will the program as proposed by the permit be cost-effective? Vast amounts of funds may be needlessly expended by permittees before a full determination could be made. It is suggested that program requirements be limited to practices which are assured of some degree of success.**
  - 2. The Program Requirements for Industrial /Commercial sources will be the most expensive for the City to bear. Preliminary estimates based on the numbers of industrial/commercial sources operating within the City will far exceed the funds budgeted by the City, which were more than doubled in anticipation of the new permit. As if the enormous financial burden alone is not enough for the City to assume, the most insidious of the requirements under proposed new permit requires each permittee to report any noncompliance of industrial facilities with a required Industrial Stormwater Permit issued by the state. We were offered the reason for inclusion of this requirement was done so in the spirit of cooperation between agencies; however, the responsibility of reporting such noncompliance remains with the permittee; failure to do so may be held against the permittee for noncompliance with their NPDES permit. If permittees are held responsible for adequate staffing and enforcement procedures, the state should also be held to the same standards as required of the permittees. This requirement should be deleted from the permit.**
- **Timing schedules for program development and implementation as suggested by the final draft permit indicates a total lack of understanding of local government functions.**

Comments:

The commentary used to explain the changes inserted into the final draft permit repetitiously refers to the fact that within the 5-year period under the existing permit, Los Angeles County and the cities within the county has failed to adopt a watershed management plan let alone implement it. Therefore, expeditious compliance is suggested as being of the utmost importance. The City was a participant as a co-permittee in a permit issued by the Regional Water Quality Control Board as a phased program. Because of the phasing element of the program, not all cities were in the program for the entire 5-year period before it expired. However the development of Watershed Management Programs evolved during that 5-year period along with the final promulgation of the Federal Regulations for the Clean Water Act. It took time and thoughtless action by a large amount of individuals who contributed to the pollution of our receiving waters and, no doubt, it will take time to eliminate such pollution. Rather than expediency being of utmost importance, effective means of eliminating sources of pollution should be paramount. Time is needed to educate and hone the awareness of the general public to what causes pollution and what it will cost to eliminate these causes. In order for the program to be effective, the public must be willing to bear the cost of such programs. This should be achieved prior to implementing any Watershed Management Program. It is hoped that eventually with diligent effort, Watershed Management Programs evolves into a cost-effective method of obtaining the goals of the Clean Water Act.

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245 EAST BONITA AVENUE • POST OFFICE BOX 307 • CALIFORNIA 91773 • (909) 394-6200 • FAX (909) 394-6209

cc: Mr. Don Wade, EAC Chairman

ROSEMARIE PETERSON  
ADMINISTRATIVE TECHNICIAN

Sincerely,

Thank you in advance for your consideration of our concerns. We look forward to our continued working relationship with your staff.

Pollutants are of major concern to all watersheds. The new permit should have clear, specific objectives which address pollution problems, the location of the pollution problems, how to minimize pollutants, and their order for resolution. Many of the issues raised in my previous letters have been addressed, and I know that if we continue to work cooperatively, we will be able to develop an effective program to reduce pollutants which will not be too burdensome on either the public or private sector.

With this in mind, the City of San Dimas would like to go on record as totally supporting the Executive Advisory Committee per their letter to you dated January 24, 1996. The Committee has raised many issues which require extensive modification prior to the adoption of the final permit.

First, I would like to thank your staff for attending our NPDES - San Gabriel Riverbed meeting of January 25, 1996. Great strides have been made in developing a permit which addresses the concerns of the State, co-permittees and the various environmental groups, and I believe it helped substantially to discuss our major concerns in a round table forum with all parties involved. Unfortunately, there are still a number of concerns which need to be further addressed or clarified.

Gentlemen:

Subject: Comments on Draft NPDES Permit

Dr. Robert Chirelli, Executive Director  
State of California  
Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

January 26, 1996

THE ATTORNEY GENERAL  
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San Dimas

Director of Public Works  
FRANK BASILE  
Director of Community  
Development  
LARRY M. STEVENS  
Director of Human Resources  
and Facilities  
SALLY HENRI  
THE WORK/RESOURCES  
PARTNERSHIP

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LOS ANGELES DISTRICT

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CITY OF SAN MARINO

TEL: 818-300-0709

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**CITY OF SAN MARINO**

2200 HUNTINGTON DRIVE, CITY HALL, SAN MARINO, CALIFORNIA 91108-2639



(818) 300-0700

FROM FAX NO. (818) 300-0709

DATE: 1-29-96

TO: Catherine Tyrell FAX NO.: (213) 266-7600  
DEPARTMENT/CITY: California Regional Water Quality Control Board  
FROM: Debbie Bell

NUMBER OF PAGES (INCLUDING THIS PAGE): 21

COMMENTS: Re - Comments on December 18 NPDES  
Permit

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (818) 300-0700

SENT BY: Maya TIME: \_\_\_\_\_

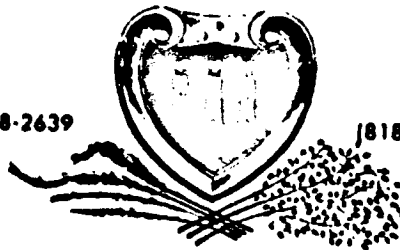
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**CITY OF SAN MARINO**

2200 HUNTINGTON DRIVE, CITY HALL, SAN MARINO, CALIFORNIA 91108-2639



(818) 300-0700

January 29, 1996

Ms. Catherine Tyrell  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre plaza Drive  
Monterey Park, CA 91754-2156

**SUBJECT: SAN MARINO COMMENTS ON DECEMBER 18 DRAFT NPDES PERMIT**

Dear Ms. Tyrell:

We would like to thank the Board for giving us the opportunity to comment on the five-year draft NPDES permit. The City of San Marino fully supports the intent of the permit, however, we have some serious concerns regarding implementation of the permit as currently drafted.

We would like to second the concerns raised by the Executive Advisory Committee and we have attached a copy of their comments along with this letter. Additionally, we include concerns raised by Ray Tahir, a consultant for the City. Please incorporate this letter and attachments into the administrative record of the Permit.

Should further questions arise or if you need more information, please contact me at (818) 300-0700.

Sincerely,

Debbie Bell  
Interim City Manager

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Enc.

cc.: Donald Wolfe, Chairman, EAP  
Frank Kuo, Los Angeles Dpt of Public works/WMD

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City of San Marino  
(cont'd)

**ATTACHMENT I**  
**EAP Comments**

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**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone (818) 458-3100

ADDRESS ALL CORRESPONDENCE TO  
P O BOX 1468  
ALHAMBRA, CALIFORNIA 91803-1468

**HARRY W. STONE, Director**

January 24, 1996

IN REPLY PLEASE  
REFER TO FILE EP-3

Dr. Robert Ghirelli, Executive Officer  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Mr. Ghirelli:

**EXECUTIVE ADVISORY COMMITTEE COMMENTS  
DECEMBER 18 DRAFT NPDES PERMIT**

The Executive Advisory Committee (EAC) wishes to thank the Board staff for their long hours spent in developing the draft five-year National Pollutant Discharge Elimination System Permit and for soliciting our input into the process. However, the EAC has some serious concerns with the current draft and we have identified more than 20 important issues which all Permittees believe require extensive modification prior to adoption of the final permit by the Regional Board. A summary of these concerns is enclosed for your review and response.

Please be aware that the enclosed summary only reflects joint Permittee comments identified by the EAC and should not be construed as the collective comments of the Permittees. Each Permittee will be submitting its own comments and suggestions. We request that the Board consider and respond to all comments submitted by individual agencies, Permittees, and other interested parties.

All cities within Los Angeles County are environmentally conscious and are desirous of implementing and enforcing the provisions of the Clean Water Act. However, the current draft of the Permit is not conducive to the efficient use of our limited resources to accomplish our goals. To assist in resolving these issues, the EAC is willing to meet with your staff and develop Permit language which is acceptable to all parties.

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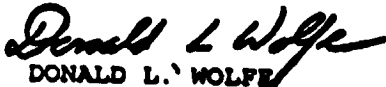
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Dr. Robert Ghirelli  
January 24, 1996  
Page 2

The enclosed summary has been provided to all the Co-Permittees for their use in formulating their own comments on the draft Permit. Please incorporate this letter, and others which will be forwarded directly by other Permittees, into the administrative record of the Permit.

If you have any questions, please contact me at (818) 458-4014, or Gary Hildebrand at (818) 458-5948, Monday through Thursday, 7:00 a.m. to 5:30 p.m.

Very truly yours,



DONALD L. WOLFE  
Chairman, Executive Advisory Committee

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cc: Permittees

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Major items of concern regarding the December 18 Draft Permit, as identified by the Executive Advisory Committee.

a) **GENERAL**

1. Unknown requirements to be imposed in the future
  - Many programs in the Countywide Program/Watershed Management Plan are "to be developed" with unknown requirements imposed in the future.
  - Too many levels of plans could impose undue requirements on the Permittees.
2. The Permit is too lengthy and complex.
  - Detailed requirements belong in the Watershed Management Plan, not in the Permit.
3. The Permit exceeds Clean Water Act authority.
4. The Permit should clearly state that the Permittee should only be required to meet the requirements of the Permit. If the Permit does not meet all requirements of the Clean Water Act, Permittees should not be held accountable.
5. The outline headings sequence should be consistent throughout the Permit.
6. Compliance dates are not realistic.
  - The Permit should use periods of time after Permit adoption, instead of dates, for completion
  - Too short
  - Inappropriate deadline sequences which could impact action effectiveness, e.g., inspection before outreach to inform industries
7. Permit demonstrates lack of understanding for local government decision-making and budgeting process.

b) **FINDINGS**

1. Findings should be limited to those relevant to stormwater quality enhancement.
2. Some information presented as factual is not correct.
3. No. 20 (page 5), "other entities," should be clearly identified and included as Co-Permittees

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- 4. Findings should not give any implication of wrong doing by any agency.
- 5. Findings should not be self serving or biased.
- 6. Findings should not repeat what is contained in the requirements.
- 7. Pollutants of Concern are not adequately identified and referenced.
- 8. Major land areas are exempted from the Permit which may have significant discharge/runoff
  - Universities, State, and Federal Hospitals
  - School Districts
  - State and Federal facilities and lands

c) DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS SECTION

Receiving water limits

- Unachievable  
Permittees will be in violation immediately upon issuance of the Permit
- Water quality objectives should be goals and not compliance standards
- Compliance of permit should not be related to exceeding any water quality objectives, but should only be evaluated based on implementation of programs

d) REQUIREMENTS FOR PROGRAM MANAGEMENT SECTION

- 1. Budget requirements are too detailed.
- 2. Makeup of Executive Advisory Committee
  - Members should be limited to permittees
  - Mandating members are not acceptable
  - Permittees should determine membership on Executive Advisory Committee
- 3. The Program Substitution requirements (page 26) are too burdensome on individual Permittees.
- 4. The appeal process is not acceptable.
  - Administrative review process (page 26) should state that the Permittees are not in violation until the review process is completed.

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- 5. The time period given to Board staff to respond to submittals from Permittees is too long.
- 6. The time needed for the Board staff to review submittals should be included in the time allowed for plan implementation.
- 7. Joint powers/inter-jurisdictional agreements (page 25) requirement are not achievable by Permittees.

e) REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES SECTION

Exempted Nonstormwater Discharges

- Other discharges, such as commercial roof drains, should be included.

f) REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES SECTION

Industrial/Commercial Inspections

- How priorities are established that target certain industrial activities for inspection are not clear.
- The "Enhanced" Inspection Program (page 41) is not much different from the inspection program on page 39, therefore, it should be deleted.
- The Permit should allow for the public outreach program to inform industries to be implemented prior to beginning inspections.

g) REQUIREMENTS FOR DEVELOPMENT PLANNING/CONSTRUCTION SECTION

- The Director of Public Works' discretion on limited priority projects requires more definition.
- Post-development runoff requirement is not achievable.
- Changes to the California Environmental Quality Act requirements should be limited to addressing stormwater pollution and not watershed management or other water quality concerns.
- Do not lump planning and construction together because they have separate requirements.
- Need to provide a correlation between types of construction projects to pollutants of concern.

h) REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION SECTION

Public education and the development of Stormwater Management Plans do not include public participation.

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i) **REQUIREMENTS FOR MONITORING PROGRAM SECTION**

- 1. Co-Permittee Water Quality Monitoring
  - An arbitrary number of critical sources have been selected for monitoring by other than the Principal Permittee without data to support the need for them.
- 2. There is no relationship between Water Quality Monitoring and the Stormwater Management Plans. Monitoring results should be used to refine plans.

j) **PROGRAM EVALUATION AND REPORTING SECTION**

- 1. Best Management Practice Effectiveness
  - Pilot studies cannot be undertaken for every best management practice in the Permit.
- 2. Requirement (page 82) to demonstrate Maximum Extent Practical standard for best management practices is not achievable.
- 3. Delete performance standards development requirements (page 87).

k) **ADDITIONAL PROVISIONS**

Certification requirements by Principal Executive Officer (page 90) for reporting are not practical

l) **GLOSSARY OF TERMS**

Needs to be expanded

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City of San Marino  
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**ATTACHMENT II**  
**City Consultant Comments**

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COMMENTS ON DECEMBER 18 DRAFT STORM WATER PERMIT

City staff has reviewed the proposed draft storm water permit and concluded that it is in need of much correction. The following is a "short list" of the draft permit's deficiencies:

1. Receiving water limitations are unclear and confusing. The draft permit actually contains two sets receiving water limitations which appear to be in conflict. One set is derived from water quality objectives contained in the ocean and basin plans developed by the State Water Resources Control Board (in Sacramento), and applicable to the Los Angeles region. Another set is actually specified in the permit as qualitative objectives. They include items A.II.1 through 7. Although they are not referred to as water quality objectives or receiving water limitations per se, they appear to be such (e.g., floating materials in concentrations of quantities that do not cause nuisance or adversely affect beneficial uses of receiving waters). The draft permit also appears to contain two contradictory compliance standards. Under B.I, Compliance with Discharge Prohibitions and Receiving Water Limitations, the draft permit says a permittee may comply with receiving water limitations by:

"... demonstrating timely implementation of BMPs and other actions to reduce pollutants in the discharge from their municipal separate storm sewer system to the maximum extent practicable, in accordance with Requirement C of this Order - Storm Water Management Program Requirements."

In other words, by complying with the permit, receiving water limitations (and presumably water quality standards) will also be satisfied.

But under B.II, the draft permit suggests that a permittee could exceed a receiving water limitation (either expressed as a narrative or numerical standard), in which case such permittee would be required to prove that "storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance." The question is how could the permittee exceed a receiving water quality standard if it has met all of the conditions of the permit?

The draft permit goes on to say that if the permittee cannot prove that the exceedance was not caused by discharges within its jurisdiction, it would be required to either (a) accelerate its BMP schedule (a new feature), if the County-wide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMAP) is adequate; or (b) if the CSWMP or WMAP is deemed inadequate, the permittee will be required to modify the plan with the corrected deficiencies for resubmittal to the regional board. The revised plan would

contain new or revised BMPs aimed at preventing future exceedances of a receiving water limitation.

Clearly, this provision is in conflict and confusing, and is in need of resolution. It should be revised to simply say that conformance with receiving water limitations will be achieved by meeting requirements of the permit. This is how other regional boards have dealt with this issue.

2. The draft permit does not clearly identify basic permit requirements. Here are a few of many examples:

a. The section dealing with pollutant discharges from construction sites does not clearly indicate what types of construction are subject to control. The term "construction activity," as defined by federal NPDES regulations, refers to the disturbance of soil by grading, clearing, and excavating. As it is understood, a construction project that results in the disturbance of five acres or more of soil by grading, clearing, and/or excavating, is subject to NPDES construction permit requirements. But the permit is not clear about other construction projects (i.e., those that do not cause the disturbance of five acres or more of soil). The basic problem here is that the permit does not identify all construction projects that are subject to permit requirements.

b. See also comment #14 regarding legal authority requirements.

c. The draft permit tends either to be vague about bottom line requirements or does not mention them at all, and then provides a list of tasks presumably associated with them. "Program Requirements for Industrial/Commercial Sources" illustrates this point. It begins with the following

"Each permittee is required to develop and implement an industrial/commercial program that focuses on identification and control of storm water pollutant and non-storm water discharges from industrial/commercial sources within its jurisdiction."

A. Identification of Sources

1. The Principal Permittee in consultation with the EAC shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by October 15, 1996 ..."

What is missing is the bottom line requirement, which in this case is "controlling" pollutant and non-storm discharges from industrial/commercial sources. Once the this basic requirement is established, sub-requirements can be determined. Here's an example of a basic requirement

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relating to controlling pollutant discharges from industrial/commercial sources:

A. Controlling Pollutant Discharges from Industrial/Commercial Facilities

- 1. All industrial and commercial facilities shall be (i) prohibited from discharging non-storm water to the MS4 unless exempted by this Order; and (ii) required to implement appropriate best management practices that operate to minimize the discharge of pollutants associated with industrial or commercial operations to the MS4, to the maximum extent practicable.

Once these basic requirements have been identified, criteria or tasks for satisfying them can be more easily determined.

- 3. The draft permit, despite its glossary of terms section, does not define key terms. The term "industrial activity" is a very important NPDES term, yet it is not found in the draft permit (though construction activity is defined). While the permit provides a broad definition of industrial/commercial facilities, it does not provide a separate definition of each. This is important because the term "industrial" has special significance within the context of NPDES provisions of the Clean Water Act (CWA). Also absent from the draft permit is the term "control," which is very important to understanding certain legal authority requirements. Another term referenced in the draft that is not defined is "treatment."

- 4. The draft permit now contains provisions that would impose additional requirements after its adoption. The permit (in the glossary, inappropriately), defines the County-wide Storm water Management Plan as follows:

"A comprehensive plan for implementation of the permit requirement described in Sections C.4 through C.VIII of the NPDES storm water permit that are applicable to all Permittees and all Watershed Management Areas. The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance from the SAC and participation from the permittees, according to the schedule prescribed in the permit. This shall be used as a tool to develop watershed specific storm water management plans."

A complete analysis of this provision cannot be provided because the references to permit sections C.4 through C.VIII of the draft permit do not exist. Nevertheless, in general, this provision -- which is not found in the previous draft version -- calls for the Principal Permittee to develop another storm water management program by way of a County-wide Storm Water Management Plan and a Watershed Management Plan. Both plans are to be developed after the permit is adopted.

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If, however, this provision remains, the County and LARB/SWU would have a blank check to impose other requirements, in addition to those contained in the draft permit, without approval from permittees. While a need for a watershed management program/plan is reasonable, an additional storm water management program clearly is not. County-wide program requirements should be dealt with only in this draft permit, not in some future document.

5. The draft permit, unlike the previous version, does not guarantee small city representation on the EAC, as the following indicates:

"In the interest of minimizing the burden on small cities of participating in the committee process, each WMC's representative to the EAC shall be a Permittee other than the City of Los Angeles, with the largest population. In WMAs with two representatives on the EAC, the WMC as a whole shall select the second representative. Where the population of the EAC representative municipality is less than 100,000, the Principal Permittee will provide some sources to the Permittee in carrying out its role on the EAC."

To allow only those permittees with the largest population to participate on EAC is unfair. Eligibility for participation on the EAC should not be exclusive. It should allow small cities to participate and should be based on the permittee's interest in and knowledge of storm water management issues, not to mention desire and willingness to participate, not on population. It is worth noting that with the possible exception of the City of Los Angeles, the combined population of small cities (under 100,000) is greater than that of any other municipality in Los Angeles County.

6. The draft permit arbitrarily determines area-wide storm water management requirements. No where in the permit is there any explanation as to why certain storm water management requirements have been selected for area-wide implementation. Take for example inspecting restaurants, which are a suspected to be source of non-storm water runoff pollution. According to the LARB/SWU, restaurants tend to wash-out garbage cans and trash bins, and hose down floor mats outdoors, causing contaminated runoff (containing nutrients and bacteria) to enter the municipal storm water system. While this may be a problem in the Santa Monica watershed, as asserted by Heal the Bay and the Santa Monica Bay Restoration Project, it may not be a problem in the other watersheds. Therefore, until this is proven to be a problem in other watersheds, managing non-storm water pollution from restaurants should be a watershed-specific requirement, not an area-wide one.

This is not to say that cities should ignore restaurants as potential sources of non-storm water discharge. At a

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minimum, County-wide, all cities should provide restaurants and other suspected sources of runoff pollution with public education materials discouraging them from illicit discharge practices. Then on watershed level, additional requirements can be imposed, but based on compelling data.

Furthermore, there are receiving waters in Los Angeles County that are equipped with structural controls that: (1) prevent non-storm water discharges from entering ocean waters; and (2) trap sediment in large detention basins, thereby also preventing such pollutants from entering ocean waters. Therefore, cities that discharge upstream of these structural controls should be allowed to discharge non-storm water (including non-storm water discharges from restaurants) into the MS4 and should not be required to implement costly BMPs.

7. Several of the draft permit's proposed requirements would require city permittees to perform work that should be the responsibility of LARB/SWU staff. Inspecting industrial facilities that require NPDES General Industrial Activity Storm Water permits (GIASWPs) is one example. This is a state-issued permit required by state law. While it is not unreasonable to require cities to assist the regional board in identifying those industrial facilities that are required to have permits and/or Storm Water Pollution Prevention Plans, and then report them to LARB/SWU staff, it should not be the permittees responsibility to assist the state in enforcing its requirements. For example, cities should not have to inspect an industrial activity site for best management practices implementation. This task would necessitate a review and evaluation of the facility's Storm Water Pollution Prevention Plan (SWPPP) which, therefore, requires a thorough knowledge of GIASWP requirements -- complicated subject.

8. Many of the requirements proposed by LARB/SWU exceed federal and state storm water management regulations..

The draft permit contains several provisions that clearly are not called for either in federal or state NPDES requirements. The following examples are provided below:

a. Inspections of Industrial Commercial Facilities

The draft permit would require cities to identify, prioritize, and inspect other industrial facilities that require General Industrial Storm Water Activity NPDES permits (GIASWPs) that are already subject to inspections by LARB. In addition, the draft permit would also require cities to identify, prioritize, and inspect other industrial facilities that do not require GIASWPs. These facilities are identified in Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA, Washington D.C.

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Nothing, however, contained in NPDES storm water provisions of the federal Clean Water Act specifically mandates inspections of this other category of facilities (referred to by LARB/SWU staff as Phase II facilities). It is understood that the State Water Resources Control Board has asserted its authority to mandate additional requirements. Such requirements should not be arbitrary and should not be performed at the county-wide level.

LARB/SWU must rely on scientific data to justify the need for any additional requirement. This, ostensibly, is the purpose of performing a characterization study and performing storm water/non-storm water monitoring and analysis. But the criteria proposed by LARB/SWU staff to identify and prioritize facilities for inspection are ineffective. They include, for example, "types and quality of non-storm water discharges; professional understanding of the industrial/ commercial sector waste management practices; and experience of local agency industrial inspection programs." However, all of these criteria are subjective and involve a lot of administrative work, but do absolutely nothing to facilitate selection of industries for inspection. If anything, they only confuse the selection process (e.g., how do you determine a facility's professional understanding of the industrial/commercial sector waste management practices?).

It is noted that LARB/SWU has, in response to many permittee complaints about the draft permit exceeding federal and state authority, asserted the following:

"Regional Board staff has discussed this Order extensively with Counsel. It is Counsel's opinion that, given the fact that no numerical criteria have been prescribed and Permittees have had more than five years to develop an MS4 program to reduce pollutants in storm water to the maximum practicable, and that progress in implementing the countywide program has been slow, it is appropriate to include specific program components based on the permit reissuance application submitted by Permittees and the MS4 BMPs practiced by other California MS4 programs ..."

LARB/SWU is essentially saying that it has the prerogative to require what it deems necessary. While LARB/SWU may have the discretion to exceed federal and state requirements with regard to this permit, it cannot do so arbitrarily. Extra-requirements must be based on a demonstrated problem, using acceptable evidence (e.g., scientific data), as opposed to unsubstantiated opinion. LARB/SWU staff's contention that permittees have been slow in implementing countywide program is an example of an unsubstantiated opinion. Furthermore, it is an erroneous opinion. The reason permittees have been slow in developing a countywide storm water management

program is that LARB/SWU has not required it as condition of the existing permit. LARB/SWU has not even specified legal authority requirements under the existing permit -- requirements that are critical to any storm water management program. Beyond this, it has not been able to define what "inspection" means within the context of that Additional Best Management Practice that requires inspections of gas stations, restaurants, etc.

b. Non-storm water discharges  
See below comment #8.

c. Public Education

As proposed, cities would be required to implement an immediate outreach program that involves the performance of several public education tasks, including but not limited to developing and distributing brochures and door hangers, and issuing newsletters containing storm water management-related public education information. In addition, cities would be required to contribute their "fair share" to a long term public education program to be developed by the County of Los Angeles through a \$5,500,000 consulting contract over a five year period.

The draft permit is too controlling here. LARB/SWU has no authority to compel cities to contribute a "fair share" (which is not defined), to a public education program that is to be developed in the future by the Principal Permittee. This would deny cities the opportunity and right to develop a public education program of its own, which in the final analysis might prove more efficient and cost-effective than what the Principal Permittee's consultant could produce.

9. The draft permit unilaterally denies several non-storm water discharges exemptions that are allowed under NPDES provisions of the Clean Water Act.

According to CFR 40, 122.26, the following non-storm discharges are exempted unless such discharges or flows are identified by the municipality as sources of pollutants to waters of the United States: water line flushing water; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street wash water; and discharges resulting from fire fighting (only where such discharges or flows are identified

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as significant sources of pollutants to waters of the United States.

However, the draft permit only unconditionally exempts 6 of these 18 non-storm water discharge categories. They include flows from riparian habitats or wetlands; diverted stream flows; springs; rising ground waters, uncontaminated groundwater infiltration; and discharges of flows from emergency fire fighting activities.

Then the draft permit conditionally exempts the following nine non-storm water discharges (already exempted by federal regulations); landscape irrigation; water line flushing; foundation drains; air conditioning condensate; irrigation water; water from crawl space pumps; retaining wall drains (same as footing drains); individual car washing, and residential swimming pool discharges. Conditionally exempt means that the non-storm water discharges in question "need not be prohibited," provided that (1) the permittee or Executive Officer (of LARB), determines that the discharges are not pollutant sources; and (2) BMPs are developed to "minimize adverse impacts of such sources" (what ever that means).

Beyond this, the draft permit -- surprisingly -- exempts non-storm water discharges that are not even exempted by federal regulations. They include: hydraulic graffiti abatement, inductive traffic loop flushing (discharges not contemplated by CFR 40 §122.26). Then the draft permit conditionally exempts residential roof drain discharges, but denies such discharges from industrial roof drains, both of which are comprised of storm water and, therefore, are not even non-storm water discharges. The permit also flatly denies street washing (an exempted non-storm water) and sidewalk washing, because they are deemed by the Excessive Director of LARB to be significant pollutant sources.

That the draft permit allows for the application of exemptions to LARB's Executive Director is not reassuring. There is no guarantee that the exemption will be granted if the basic criteria are met because they involve too much subjectivity.

It is apparent that LARB/SNU (1) has exceeded its authority by denying permittees non-storm water discharge exemptions granted to municipalities in CFR 40, §122.26; and (2) has been arbitrary in determining which non-storm water discharges should be exempted. As mentioned, federal regulations entitle municipalities to exempt the 18 categories of non-storm water discharges, unless they have been identified as pollutant sources. Until these non-storm water discharges are determined as such by municipalities (e.g., through scientific means), such discharges should be allowed.

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0. The draft permit, incorrectly, lumps illicit connections with illicit discharges and eliminates illegal disposal practices. Actually, illicit connections are a sub-set of an illicit discharge. An illicit connection is a device by which an illicit discharge (a fluid) is conveyed to the MS4. An illegal disposal/dumping practice, however, is an activity that causes the placement of a solid material (e.g., refuse), into the MS4. To put it another way, eliminating an illicit connection is task connected to the basic requirement of controlling illicit discharges. Other tasks associated with this basic requirement include (a) encouraging public reporting of non-storm water discharges through public education/outreach; (b) devising an internal mechanism for recording and responding to such reports; and (c) ordinance enforcement (through routine inspection or discovery by code enforcement).

(Note: It is recommended that "removing" an illicit connection be replaced with "eliminating" an illicit connection. Removing an illicit connection could be construed to mean the physical transfer of such connection from its location to another. However, according to its statutory definition, an illicit connection could be any conveyance, including "any device through or by which non-storm water is discharged into the municipal storm water system, including but not limited to floor drains, pipes or any fabricated or natural conduits." But removing or taking-out the illicit connection could be costly. Using "eliminating" instead would give the owner/operator of the facility where the illicit connection is located the option of rendering it incapable of operating as an illicit connection. A floor drain, for example, could be plugged, thereby preventing it from being a conveyance of an illicit discharge.)

11. The draft permit makes the mistake of combining construction activity program requirements with land use management requirements into one chapter. However, CFR 40 §122.26 and other authoritative documents relating to storm water management, including the California Storm Water Handbook, which is referenced in the draft permit, treats construction and land use management as two separate and distinct issues. The problem with combining these program components is that they contribute further to the confusion that already exists.

12. The draft permit is disjointed and contradictory in many places. For example, the permit requires permittees to prohibit non-storm water discharges (i.e., any material that is not entirely comprised of storm water) to the municipal storm water system (MS4). Yet, under the industrial/commercial section, the draft permit states that non-storm water discharges to the MS4 from gas stations are permissible as long as they are pretreated. However, no where in that part

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of Code of Federal Regulations that covers NPDES storm water provisions are such discharges exempted; nor is there an NPDES permit available to service stations/auto repair facilities for this purpose. Furthermore, the term "pretreatment" is not defined anywhere in the permit. If not corrected, this problem will lead to confusion and non-compliance.

13. The draft permit is unnecessarily lengthy (almost 90 pages long). LARB/SWU staff explained that the permit is lengthy because permittees wanted more detail -- a criticism of the existing permit. However, much of the detail contained in the draft permit does not provide clarity. In many case, it only increases confusion. Permittees have always desired defined requirements (i.e., "ends") not just detailed explanations as how to achieve them (i.e., "means"). For example, under the 1990-1995 permit, permittees are required to establish "requisite legal authority" and conduct inspections of auto repair/parts facilities, gas stations, and restaurants. Yet, neither the current permit nor any other documents issued by LARB/SWU contain any information that identifies criteria required to establish legal authority. Nor does it define "inspection" relative to auto repair/parts facilities, gas stations, and restaurants (e.g., inspection for non-storm water discharges from these sites or inspection for good housekeeping practices or other BMPs that operate to prevent storm water discharges to the MS4?). Clearly without such information compliance would be very difficult.

14. The section on legal authority, located under program management, contains requirements that are taken directly from CFR 40 §122.26, but are not more specifically defined by LARB/SWU. A case in point is controlling "through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system." The problem is that nothing in the draft permit translates this federal requirement into a task; nor does the draft permit provide a clue as to how permittees are to meet this legal authority requirement.

15. The draft permit contains language that is difficult to understand. For example, under Section IV.A 1, the permit reads, "For unitized development the common plan of development or sum of all units shall be considered in determining the priority rating of the development." First of all, no definition of "unitized" is provided. Beyond this, the entire sentence in which this undefined term is contained is also unclear.

The language used in the permit should be as simple as possible, otherwise an inordinate amount of time will be spent on trying to interpret its meaning. And since LARB/SWU staff has not in the past been forthcoming in responding to questions from permittees regarding some of the gray areas of

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the existing permit (e.g., inspections and legal authority), requirements and procedures must be easy to understand.

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16. The findings section of the draft permit contains inappropriate information. For example, under finding 36, LARB/SWU acknowledges those cities that contributed money to the guidance document. Clearly such reference should not made here or any where else in the proposed permit. Furthermore, as a matter of accuracy, LARB/SWU has named some cities that have decided not to contribute. Another example is finding 32 (k) which mentions the Natural Resources Defense Council (NRDC) law suit against Caltrans for failing to comply with existing NPDES permit requirements, and 32(l), which references NRDC's settlement agreements with several cities for their alleged failure to comply with existing NPDES permit requirements. It is unclear as to what purpose such information would serve with regard to the proposed permit.

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City of  
Santa Clarita

23920 Valencia Blvd. Phone  
Suite 300 (805) 259-2489  
Santa Clarita Fax  
California 91355-2196 (805) 259-8125



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QUALITY CONTROL DIVISION  
LOS ANGELES REGION

January 29, 1996

Dr. Robert Ghirelli  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject: December 18, 1995 Draft of Revised NPDES Permit (CA0061654)

Dear Dr. Ghirelli:

The City of Santa Clarita appreciates the opportunity to review the December 18, 1995 Draft of Revised NPDES Permit. Given the document length and additional new material included in the December 18th draft, we feel that the time allowed for review and comment was not adequate. We are particularly concerned with the legal basis for requiring expanded site inspections and permit authority. We also feel that the draft should clarify the those permit provisions that are required under the Clean Water Act, and those that are authorized (by the Regional Board) but not required.

We are also concerned that comments on the previous draft (September 18, 1995, version) have not been completely addressed, and are critical to the development of the revised permit. Consideration must also be given to the recently released EPA document titled "Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Future Years." This document will have a tremendous impact on permittee implementation programs, and the revision of our permit should be coordinated to be consistent with this EPA document (the final draft of which is scheduled for release in March.)

At this time we would like to submit the enclosed comments on this recent version of the Draft Revised NPDES Permit, however, we reserve the right to provide additional comments in the future as the permit revision process continues. Given the complexity of the revised permit, we respectfully request that the permittees be given longer periods of time for adequate review of the document. We look forward to working with you in the future in this regard. Should you have any questions or need additional information, please contact me at (805) 255-4343, or Don Williams at (805) 255-4343.

Sincerely,

Anthony J. Nisich, P.E.  
City Engineer

AJN:MJC:lk1

cc: Don Williams, Stormwater Utility Program Coordinator



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COMMENTS ON 12/18/85 DRAFT  
NPDES PERMIT

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General Comments

- The permit is too lengthy and complex. The detailed requirements of the permit should be specified for each local watershed management plan, and tailored for program implementation in each unique watershed area.
- The draft permit appears to exceed the authority of the Clean Water Act.
- The draft permit does not provide adequate time for permittees to comply with several program requirements. Many of these due dates are unrealistic in that they appear to be too short. Deadlines and completion dates should also be established according to the logical sequence of events to coordinate the permit components, i.e., education/outreach, BMP implementation, inspection, enforcement, and monitoring/reporting. The permit should provide for adequate blocks of time for implementation after the permit is adopted; specific dates of completion can then be determined after final adoption of the permit.

I. Requirements for Program Management

1. Page 18, Item 2. c: The development of a Countywide Storm Water Management Plan (CSWMP) should be prepared by the County in cooperation with the co-permittee agencies, preferably through the Watershed Management Committees. We would expect this to be general in nature to comply with Regional Water Quality Control Board requirements, but also flexible enough to allow subsequent Watershed Management Area Plans to be tailored to meet the specific needs of individual watershed areas.
2. Page 20, Item C. 2: Because they are responsible for major receiving waters, identified as "Waters of the U.S.", the U.S. Army Corps of Engineers should be included on the list of agencies.
3. Page 20, Item D. 1: The Executive Advisory Committee (EAC) is an *advisory group* to help permittees comply with NPDES permit requirements and program implementation. The EAC should consist only of representatives from the co-permittee cities and a representative from the County (the principal permittee.) *The EAC should have no other members.* The RWQCB has the ability to review, comment, and decide permit compliance issues under its administrative authority. The public has the opportunity to participate in the development and implementation of the permit as part of the public review process.
4. Page 20-21, Item D. 2: This item indicates that: "The Principal Permittee shall provide the EAC with the opportunity to: ...(items a. through g.)" The subsequent items (a. through g.) appear to be important and essential to program development and implementation for permit compliance. Merely having the principal permittee provide "the opportunity" doesn't guarantee that the EAC's concerns and

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recommendations will be addressed or included in program development or implementation activities. Please clarify the EAC's responsibilities and the principal permittee's obligation here.

- 5. Page 21, Item E.1.: What is the purpose of having non-voting members from the RWQCB, industry, and the public on the Watershed Management Committee (WMC)? We have the same concerns here as we do with the RWQCB placing such members on the EAC (See No. 3 above.) The WMC should consist only of the permittee holders; in our case, representatives of Los Angeles County and the City of Santa Clarita. The WMC should function to identify the unique parameters of the watershed, and to develop the appropriate approach to implement required programs for permit compliance. No other members should be included.
- 6. Page 23, Item G.1.: We understand the need to identify funding for program implementation. The City of Santa Clarita has dedicated substantial resources for water quality improvement and maintenance activities within the watershed for urban and stormwater runoff generated within the City's incorporated area. The Stormwater Utility Enterprise is the primary funding source for NPDES permit compliance activities within the City of Santa Clarita. Our concern here is with the perception of the public regarding the ultimate expenditure of funds. Because of this, it is important to assure that fees collected through the Utility are used for program expenditures within the incorporated area of the City, and those which implement components of the Countywide program directly benefiting the Santa Clarita portion of the watershed.
- 7. Page 25, Item H.1.a.: Revise to read as follows: "Require industrial users to control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industry."
- 8. Page 25, Item H.1.c.: Revise to read as follows: "Respond to the discharge of spills and the dumping or disposal of materials other than stormwater...to the MS4."
- 9. Page 27-28, Item J.2.b.: It is not clear why there is a difference between SPCA preparation, response, and review time frames for RWQCB and permittees. As written, the RWQCB has 120 days to review and comment. The permittee has only 60 days to respond to a rejected SPCA. This should be changed for consistency, and to allow the permittee 120 days also.

**II. Requirements for Illicit Connections/Discharges**

- 10. Page 29, Item II.: Please note that direct illicit drainage system connections also include the physical transfer to other natural and artificial stormwater conveyances from a variety of other land uses (such as residential, institutional, and recreational), to the following drainage system infrastructure: swales, spreading areas, ditches, streets, gutters, catch basins, and storm drains.

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11. Page 29, Item A. 1. Due to past delays and postponements during the permit revision process, the July 15, 1996, due date (for the program to eliminate illicit connections) should be reset to a more appropriate date, to allow adequate time for permittees to prepare and submit required program documents.
12. Page 30, Item B. 1. h.: Investigation, containment, and clean-up procedures should ensure that both treated *and* untreated sewage is not discharged into the storm drain system to the extent practicable.
13. Page 33, Item D. 3.: We agree with the inclusion of street washing and sidewalk washing as a designated discharge (sweeping is the preferred method as an ongoing maintenance activity). However, it should be recognized that certain road construction activities may require street and sidewalk washing as an effective interim measure for dust control and site clean-up during the period of construction (as conditionally approved and permitted by a local responsible agency). This item should be specified as a conditional exemption and be included on the list of Item D. 2.
14. Page 34, Item E.: As with other sections of the draft, due dates may need to be adjusted to allow adequate time for the preparation of documents, depending upon the date of adoption of the revised NPDES permit.

### III. Program Requirements for Industrial/Commercial Sources

15. Page 35, Item A. 1.: As with other sections of the draft, due dates may need to be adjusted to allow adequate time for the preparation of documents, depending upon the date of adoption of the revised NPDES permit. Please explain "NPDES stormwater permit coverage status, if applicable," and "permit coverage status."
16. Page 39, Item D. 2. ii.: Define GISP.

### IV. Program Requirements for Development Planning/Construction

17. Page 43 - 46, Item A. 2. a. iv.: We recognize that the maintenance and reduction of peak runoff rates is an important flood control issue. However, it does not appear to be an effective way to achieve the water quality goals of the revised permit. To maintain existing runoff rates would affect the quantity of surface water runoff, but would not help to improve the quality of runoff. Many development projects and redevelopment projects are constructed in phases. Each phase of a development would require detention basins and the placement of other runoff control devices. Because these runoff control measures are provided by the developer as part of the project, it is difficult to assure the proper maintenance and performance of these facilities. We request that this language be deleted. Please clarify the responsibility and discretion of the Director of Public Works on limited priority projects. Because each watershed has its own unique parameters, we recommend that any proposed changes to existing CEQA guidelines be limited to concerns regarding water pollution impacts. Planning and construction are really two development components, and should not be addressed as one activity.

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- 18. Page 44 Item A.3.a: Guidelines for the environmental review portion of the planning process should not be limited only to EIR's and associated mitigation conditions. The guidelines should also require that NPDES concerns be addressed as a standard part of the review process, even if the proposal is determined to be exempt from CEQA, or if a Negative Declaration is adopted for the project.

**V. Public Agency Requirements**

- 19. Page 52 Item B.2.a: This appears to indicate that it is necessary for the permittee to notify the Regional Board of proposed public construction activity. The permit should allow self-monitoring by permittees involved in public construction activities. Please clarify the responsibilities of the permittee involved in a public construction project.
- 20. Page 54 Item D.1.I: "List of approved pesticides and preferred..." Please clarify the reference to which the word "preferred" is being made.
- 21. Page 56 Item D.5.v: It is unclear what "integrated pest management techniques" have to do with facilities management and stormwater/urban runoff water quality control. If these techniques do not reduce or eliminate stormwater pollution, then this item should be removed from this list.
- 22. Page 56 Item D.7: It is unclear why procedures for discharge of municipal swimming pool water in the MS4 need to be under a separate permit. Please explain.

**VI. Program Requirements for Public Information and Participation**

- 23. Page 66 Item B.1: The proposed 5-year Countywide stormwater education strategy may not need review by a "permittee public education committee." The existing EAC and/or WMC should suffice for this purpose. We recommend that a separate new committee should not be formed.

**VII. Requirements for Monitoring Program**

- 24. Page 76 Item B.5.h: Clarify the principal permittee's (County of Los Angeles) monitoring responsibility versus the co-permittee's (City of Santa Clarita) within the Santa Clara River watershed management area. This section appears to be inconsistent with the language under "Study Design" on Page 77. In particular, the issue of the number of sites and number of years needs to be clarified and made consistent.
- 25. Page 78 Item B.6: Please clarify the extent the City of Santa Clarita will be required to participate/conduct studies and perform monitoring of receiving waters. The two major receiving water bodies of the Santa Clara watershed are the Santa Clara River and the Pacific Ocean. Please consider that the Santa Clara watershed is the only watershed management area within Los Angeles County (under this permit) that does not drain into Santa Monica Bay. The Santa Clara watershed ultimately drains through Ventura County into the Santa Barbara Channel between the Cities of Ventura and Oxnard.

**VIII. Program Evaluation and Reporting**

26. No comment.

**IX. Additional Provisions**

27. No comment.

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City of  
Santa Clara

23920 Valencia Blvd.  
Suite 300  
Santa Clara  
California 91355-2196

Phone  
(805) 258-2488  
Fax  
(805) 254-3538



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**FAX TRANSMITTAL SHEET**

TO: Wanda DATE: 5/17/96  
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FAX NUMBER: 213-266-7600

PHONE NUMBER: \_\_\_\_\_

FROM: Don Williams PHONE # \_\_\_\_\_

PAGES (INCLUDING TRANSMITTAL SHEET): 2

REMARKS: \_\_\_\_\_  
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TRANSMITTED BY: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

FOLLOW-UP SENT? YES \_\_\_\_\_ NO \_\_\_\_\_

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City of  
Santa Clarita

23920 Valencia Blvd. Phone  
Suite 300 (805) 259-2489  
Santa Clarita Fax  
California 91355-2100 (805) 259-8125



May 17, 1996

FAX (213) 266-7600

Dr. Robert Ghirelli  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject: May 15, 1996 Draft of Revised NPDES Permit (CA0061654)

Dear Dr. Ghirelli:

The City of Santa Clarita appreciates the opportunity to review the May 15, 1996, draft of the Revised NPDES Permit. The California Regional Water Quality Control Board (RWQCB) called a meeting to distribute these latest revisions to the Executive Advisory Committee (EAC) on May 16, 1996, with the intention of making the document available for public review on May 20, 1996. Please be aware that the City of Santa Clarita intends to continue reviewing the latest revised draft of the permit, and will provide additional comments during the official public review period.

We appreciate that the RWQCB has responded to many of the previous comments submitted by the permittees directly and through the EAC. Our initial cursory review of the May 15 version of the draft revised permit indicates that many of our previous comments and concerns have been addressed, and that this version may be acceptable to the City with some additional refinements.

In our previous response, we indicated that we agree with the inclusion of street and sidewalk washing as a conditionally exempted discharge (Page 24, Items 2.1. and m.). However, due to the pending study and Regional Board Executive Officer's decision, we respectfully request these proposed exemptions be deleted at this time.

Again, we feel that additional revisions and clarification will be needed to make the revised permit an effective document for implementation. We look forward to working with you and your staff to reach the objectives of the RWQCB. Should you have any questions or need additional information, please contact me at (805) 255-4343.

Sincerely,

Don Williams  
Stormwater Utility Program Coordinator

DMW:MJC:ikl  
update 5/17/96

cc: Anthony J. Nisich, P.E., City Engineer

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# CITY OF SANTA FE SPRINGS

11710 TELEGRAPH ROAD, 90670-3658 - P.O. BOX 2120 - (310) 868-0511 - FAX (310) 868-7112

January 29, 1996

California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention: Catherine Tyrrell, Assistant Executive Officer Surface Water Programs  
Subject: NPDES Five-Year Permit Draft Review

Dear Ms. Tyrrell:

As requested, I am submitting for your information a few general comments regarding the December 18, 1995 release of the NPDES Five-Year Permit. This letter is to document the City's concurrence of the problem areas brought to your attention by the Executive Advisory Committee and various other agencies in the San Gabriel River Watershed. I would also like to take this opportunity to emphasize a few of our basic concerns with this permit. After a quick review of the permit it appears there are still numerous areas of serious concern. Many of these areas could possibly be resolved with mere modifications in language or requirement standards.

The most significant comment is regarding the discontinuity between *intent* and *actual wording* of the permit. This is an issue that, due to litigation, must be addressed before adoption of any permit. The permit should not leave agencies open to lawsuits while trying to resolve this discontinuity issue.

The Guidance Manual, if still necessary, should be released and reviewed prior to the next draft. It will serve no purpose if released after a comprehensive permit has been approved and issued.

The following are listed comments regarding the permit to this stage:

1. The Findings sections of the permit should be more concise, and give only factual information directly related and necessary to the forthcoming requirements.
2. Many of the dates specified in the permit are extremely unrealistic. Based on the uncertainty of the adoption date of the permit, periods of time and not specific dates should be used.
3. Many of the specifics listed in this permit should be included only in the Watershed Management Plan and not the permit itself.

Beth Wilson, Mayor • George Minnichon, Mayor Pro-Tempore  
City Council  
Mercedes A. Diaz • Ronald S. Kermes • Albert L. Sharp  
City Manager  
Don Powell

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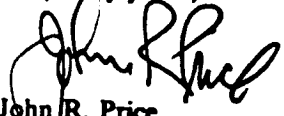
California Regional Water Quality Control Board  
Los Angeles Region  
January 30, 1996  
Page 2

4. The term *to be developed* gives the State the right to impose excessive requirements on the Agencies in the future with out defense or appropriate review and comment period.
5. The *Pollutants of Concern* should be adequately identified and associated with their specific sources.
6. Clarification of definition of *Maximum Extent Practicable*, and who determines the extent must be indicated in the permit.
7. The *Conditionally Exempted Discharges* should also include commercial roof drains and hydrant flushing.
8. Individual agencies should be provided, by the State, with a list of those businesses in their jurisdiction that are currently under a separate state issued permit. This should serve as the agency's justification for non inclusion in such programs.
9. The Administrative Review process is lengthy and far too intense. A less extensive process would serve the same purpose at less cost to both the agency and the State. Also an agency should not be found in *violation* until the review process is complete.
10. Prioritization of projects for Development Planning/Construction should be clarified and be more specific.
11. The monitoring and budget requirements, as written, are too cumbersome for the majority of the Agencies impacted.
12. The Glossary of Terms included is not complete.

Please be aware that due to the short time period allowed for review of this draft, only our highest priority concerns are listed here. Our staff is currently in the process of reviewing the permit in a more detailed manner.

Thank you for your time and consideration, if you have any questions or comments, please feel free to contact George O'Brien at (310) 868-0511, Extension 267.

Very truly yours,

  
John R. Price  
Director of Public Works

JRP/gho/tc

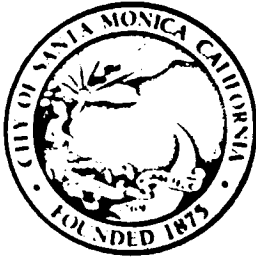
xc: Frank Kuo, Los Angeles County Department of Public Works,  
Waste Management Division

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CITY OF  
**SANTA MONICA**  
CALIFORNIA

Craig Perkins  
Director of Environmental and  
Public Works Management Department

1685 Main Street, P.O. Box 2200  
Santa Monica, CA 90407-2200  
(310) 458-8221 • Fax (310) 576-3598

VIA FAX (213) 266-7600

Los Angeles Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

January 29, 1996

Attn: Catherine Tyrrell  
Assistant Executive Officer, Surface Water Programs

Subject: Comments on the December 18 Draft NPDES Permit

Dear Regional Board Members and Staff:

After reviewing the latest draft of the 1995 NPDES stormwater discharge permit for Los Angeles County, the City of Santa Monica would like to commend all parties who have spent countless hours negotiating and crafting the permit language. The permit, as drafted, is environmentally and scientifically sound and the City strongly supports its approval. It emphasizes a watershed approach and sets forth specific actions to ensure that real environmental benefits are achieved.

We believe that the timely implementation of the requirements outlined in the permit is not only feasible but critical to the preservation and improvement of coastal resources and fulfillment of the goals of the Santa Monica Bay Restoration Plan.

In this spirit, we offer the following comments for improvement of the draft permit:

**Watershed Management Area Plans**

- Requirements for the watershed management area plans (WMAp) need to be strengthened. As written, the WMAp content and time lines for implementation are not clearly defined.
- Although transportation related activities have been identified as the most important source of metals pollution in stormwater they have not been addressed by this permit. The permit should therefore specify that this issue be addressed in the WMAps.
- The Watershed Management Committees: The WMC representative to the EAC should be based on WMC consensus, defaulting to the city with the largest population if necessary.

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**Exempted Discharges**

- We are pleased to see street and sidewalk washing discharges move from "conditionally exempt" to "designated" discharges and strongly support this change.
- Water line flushing discharges related to pipeline construction can have high chlorine levels. Appropriate efforts to dechlorinate should be required when chlorine levels exceed 1.0 parts per million.

**Planning Control Measures**

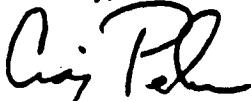
- Permittees should be required to list storm water mitigation measures in the standard conditions of approval for all construction projects requiring discretionary approval.

**Public Agency Requirements**

- We support the effort to streamline stormwater permits for facilities owned and operated by the permittee, we recommend also allowing Permittees to seek coverage under this permit for utility discharges into the storm drain system.

I appreciate your consideration of these comments and look forward to participating in the upcoming public hearing on the permit..

Sincerely,



Craig Perkins, Director  
Environmental and Public Works Management

cc: John Jalili, City Manager  
Mark Gold, Chairperson,  
City of Santa Monica Task Force on the Environment

0758



## City of Sierra Madre

232 WEST SIERRA MADRE BOULEVARD  
SIERRA MADRE, CALIFORNIA 91034  
(610) 355-7138

January 24, 1996

Catherine Tyrell  
Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

**Subject: Comments on the Draft December 18, 1995 NPDES  
Stormwater Permit**

1. The permit is too long and too cumbersome. Foundational type work should be implemented at this time, detailed implementation should wait until the watershed management area plans are completed.

A suggestion to help reduce confusion by individual permittees is to place all Principle Permittee requirements in a single section.

2. There are too many programs that are "to be developed in the future". This is far too open-ended, with unknown requirements or consequences.

3. The EAC membership should be determined by the watershed.

4. The requirement of pilot and scientific studies to support every requested change in the program is unrealistic. Since much of the requirements in this permit are based upon "probable likely impact" (of BMPs and industrial operations) without strong scientific back-up. Changes that may result in a more efficient program should also be based upon "probable likely benefit".

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**Administrative  
Engineering/Technical  
Support**

Hours spent and specific duties do not need to be listed.

7. The Legal authority requirements (section H-1-d) should be amended to include:

"if Federal, State or County ordinances already control specific aspects of stormwater discharges, then the local municipalities need not adopt redundant ordinances"

8. The requirement of having Joint Powers and interjurisdictional agreements should be removed from required legal authority. Instead, working relationships should be developed through the Watershed committees.

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This may not be compatible with an as of yet unknown format. Some flexibility must be available to avoid costly re-entering of data.

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Page 1, "the Findings - - -" The word bases is used twice in the first paragraph. The correct word is basis.

Both High Priority and Priority projects on page 43 contain the parameter of a 25% slope. This should only apply to one or the other.

Please call me if you have any questions.

Sincerely,

*John Davidson*  
John Davidson  
Director of Public Works

cc: Don Wolfe, Los Angeles County Department of Public Works

2-7-80





**CITY OF SIGNAL HILL**

2175 Cherry Avenue • Signal Hill, California 90806 • (310) 989-7300 • FAX (310) 989-7393/7391

January 24, 1996

Catherine Tyrell  
Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

**Subject: Comments on the Draft December 18, 1995 NPDES  
Stormwater Permit**

1. The permit is too long and too cumbersome. Foundational type work should be implemented at this time, detailed implementation should wait until the watershed management area plans are completed.

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Engineering/Technical  
Support**

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- - -

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Please call me if you have any questions.

Sincerely,



John L. Hunter  
Environmental Protection Specialist

cc: Don Wolfe, Los Angeles County Department of Public Works

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**CITY OF SOUTH EL MONTE**

1415 N. SANTA ANITA AVENUE  
SOUTH EL MONTE, CALIFORNIA 91733  
(818) 579-6540 • (213) 686-0460 • FAX (818) 579-2107

January 24, 1996

Catherine Tyrell  
Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

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Sincerely,

*for Sheila Emdadi*

Steve A. Henley  
Assistant City Manager/  
Director of Public Works

cc: Don Wolfe, Los Angeles County Department of Public Works

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07-00-03

R0030619





# City of South Gate

8650 CALIFORNIA AVENUE • SOUTH GATE, CA 90280 3575 • (213) 563-9537  
FAX (213) 563-9572

FROM THE OFFICE OF  
JAMES A. BIERY, P.E.  
DIRECTOR OF PUBLIC WORKS  
CITY ENGINEER

January 24, 1996

Catherine Tyrell  
Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

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03-1-88

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Please call me if you have any questions.

Sincerely,



John M. Garcia  
Assistant City Engineer

cc: Don Wolfe, Los Angeles County Department of Public Works

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# CITY OF TORRANCE

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RICHARD W. BURTT  
ENGINEERING DIRECTOR  
ENGINEERING DEPARTMENT

GENERAL MANAGER  
TORRANCE MUNICIPAL WATER DEPARTMENT

CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

January 30, 1996

Ms. Catherine Tyrrell  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrrell:

**Subject: Comments Regarding: Draft of Water Discharge Requirements  
for the Discharge of Storm Water in Los Angeles County**

The City was unable to conduct a comprehensive review of the subject document due to the fact we only received a copy on January 22, 1996. The following comments are the result of our superficial review of the draft permit.

**Specific comments:**

- Pg. 14, II, B., II. - A substantial burden of proof is placed on the Permittee. It could prove very costly for the Permittee to defend itself.
- Pg. 19, I, B., 1 - Difficult to agree to implement programs that have yet to be developed.
- Pg. 22, I, E. - Executive Advisory Committee (EAC) representatives should be decided on by the members of the watershed and not by population.
- Pg. 22, I, E., 4., b. - Is there enough evidence regarding the effectiveness of pollution control efforts that the Permittees will be able to make an informed decision? Will the Regional Water Quality Control Board (Board) be providing the information to the Permittees?
- Pg. 27, J., 1. - This could lead the Permittee to expend a substantial effort on a program that turns out not to be acceptable to the Board.

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- Pg 30, B - It is not very clear what the difference is between an illicit discharge and an illicit connection.
- Pg 32, C., 1., h. - Why are concrete trucks being singled out here? It seems like many other operations are as significant a contributor to pollutant loads.
- Pg 33, 3., b. - Sidewalk washing does not seem to be a significant source of contaminants. What research was this based on?

**General Comments:**

1. In addition to the Glossary of Terms, the document should include a list of acronyms.
2. Depending on the Board's definition of "implement a program", the January 1997 compliance deadline for many items may not be achievable.
3. We have reviewed, albeit superficially, comments submitted to the Board by other cities regarding this draft document and for the most part concur.

City staff will continue to review the draft permit and will forward additional comments to your office if they have not already been addressed in the submittals from other cities or the EAC.

If you have any questions regarding these comments and the City's NPDES program, please contact Michael Ritchey of this office at (310) 618-2820.

Richard W. Burt  
Engineering Director

By *N. A. Qureshi*  
Nazir A. Qureshi  
Division Engineer, Water Resources

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**CITY COUNCIL**

**LEONIS C. MALBURG**

Mayor

**THOMAS A. YBARRA**

Mayor Pro-Tem

Wm. "BILL" DAVIS

Councilman

H. "LARRY" GONZALES

Councilman

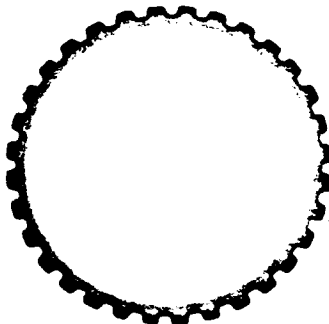
W. MICHAEL McCORMICK

Councilman

**BRUCE V. MALKENHORST**

City Administrator/City Clerk

FAX: (213) 581-7926



**CITY HALL**

4305 SANTA FE AVENUE, VERNON, CALIFORNIA 90058  
TELEPHONE (213) 583-8811

**DAVID B. BREARLEY**

City Attorney

FAX: (818) 330-5818

**S. KEVIN WILSON**

Acting Director of Community Services & Water

FAX: (213) 588-2761

**KENNETH J. DeDARJO**

Director of Light & Power

FAX: (213) 583-1983

**DAVE TELFORD**

Fire Chief

FAX: (213) 581-1385

**LOUIS ROSENKRANTZ**

Police Chief

FAX: (213) 581-1178

January 25, 1996

Robert P. Ghirelli, D.Env.  
Executive Director  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterrey Park, CA 91754-2156

RE: Comments Regarding the December 18, 1995 Draft of the New NPDES Permit

Dear Mr. Ghirelli,

Please find enclosed our comments relating to the December 18, 1995 draft of the new NPDES permit. My staff has made as complete a review as possible given the short review period. We feel that the permit needs to be refined in a number of areas before it can become a good working permit that individual jurisdictions can be reasonably expected to enforce. As is the case with most matters, one of the biggest issues here is the bottom line. We encourage you to either reduce the financial impact of this permit on the Permittees or provide some sort of revenue source to offset these costs.

We look forward to the successful creation of a mutually acceptable NPDES permit. If you have any questions, please do not hesitate to contact myself or Tom Kennedy at (213)583-8811.

Very truly yours,

Samuel Kevin Wilson

Director of Community Services and Water

/tk  
enclosures

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Comments on the December 18, 1995 Draft NPDES Permit

The following is a provision by provision list of comments and objections that the City of Vernon would like the Regional Board to consider when preparing the final draft of the new NPDES permit.

**PROVISION B** - The acronym WMAP is used in Provision B but is not defined until Provision C. The prolific use of acronyms in this document can be confusing. The addition of a glossary of acronyms would be helpful. At a minimum, no acronym should be included in the body of the text before it is properly defined.

**PROVISION C.I** - Provision C.I establishes January 1, 1997 as a deadline for Permittees to complete all of the Storm Water Management Program provisions of the Order. Some of these provisions require each Permittee to develop and implement a Watershed Management Area Plan (WMAP) based upon the Countywide Storm Water Management Plan (CSWMP). However, both of these plans have the same deadline of January 1, 1997. If the CSWMP is not completed in a timely manner, each Watershed Management Committee (WMC) will be unable to meet the deadline, and will thereby be in non-compliance with the Order. There should be a specific deadline for the development of the CSWMP and another deadline for the WMAP. The deadline for the WMAP should be set at some reasonable length of time after the deadline for the CSWMP.

**PROVISION C.I.D** - The inclusion of Regional Board staff and members of the public on the Executive Advisory Committee (EAC) is an unnecessary intrusion into the affairs of the Permittees. Reaching consensus on these issues is at best difficult and the addition of outside influences may make it even more so. If the Regional Board wishes the public and industry to join in the policy development process, those groups should be invited to attend Watershed Management Committee meetings or Regional Board meetings, not the meetings of the EAC.

**PROVISION C.I.D** - The assignment of WMC to the EAC should not be based on population. **ALL** members of the EAC should be elected by their respective WMCs.

**PROVISION C.I.J** - The requirement for demonstration of storm water pollutant reduction through scientific means in order to substitute a BMP is unreasonable. How can the Regional Board expect a Permittee to make such a demonstration when the Regional Board itself cannot scientifically justify the existing BMPs? The requirements for program substitution should be relaxed to allow a more reasonable method of demonstrating the effectiveness of a substitution.

**PROVISION C.II** The deadline of July 15, 1996 for the development of Illicit Connections/Discharges Programs seems a little optimistic given the delayed adoption date of this Order. Also, There should be a requirement for the Principal

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Permittee to allow individual Permittees to comment on the contents of these programs. The resources available to the Principal Permittee are vastly greater than those available to some smaller cities. Any surveillance program should be scaled in such a way that all jurisdictions can afford to implement the program within the required time period. For this reason, it is important to give each Permittee the opportunity to comment on the program during it's development.

**PROVISION C.II** - When deadlines for implementation of the various sections of this Order are set, the Regional Board should keep in mind how each city's budget process works. In our case, and in many other cities, the fiscal year begins on July 1 and ends the following June 30. If we need to budget funds to implement a program beginning in January, we must have a firm idea of the associated costs well in advance of the beginning of the fiscal year in which those costs are incurred. This means that the Program has to be completely defined by some date that allows a reasonable time period to evaluate the program and determine the costs before the deadline to submit budget requests for the next year. This deadline for budget requests occurs at least 90 days before the beginning of the fiscal year. For instance, each Permittee is required to implement the provisions of the Illicit Connections/Discharges Program on January 1, 1997. However, the provisions of that program will not be set until July 15, 1996. Undoubtedly, there will be elements of the Program that will require some sort of financial outlay for the Permittee due to labor costs, monitoring equipment, etc.. Therefore, it is unreasonable to expect any Permittee to be able to implement any Program in January 1997 unless that Program is defined before March 1996. Since this is clearly an improbable goal, the deadlines for implementation should be adjusted to allow a reasonable time period for Permittees to budget the necessary funds.

**PROVISION C.II** - This section should address the sections of storm drain that are owned and operated by the Principal Permittee but are located within the jurisdiction of individual Permittees. Who will follow up on illicit connections? Will the Principal Permittee be making facility inspections to locate illicit connections in our jurisdictions? How will this work?

**PROVISION C.II.C.1.g** - This Provision refers to "Health and Safety Codes". Which specific codes require washing impervious areas into the MS4? We are familiar with United States Department of Agriculture (USDA) requirements for the cleaning of loading dock areas, but we are not familiar with any such requirements in the Health and Safety Code. This exemption from the prohibition of washing down impervious surfaces should be more thoroughly researched to narrow down the specific codes which require such activity.

**PROVISION C.II.D.1** - This list of exempted discharges **MUST** be amended to include the discharge of water from the installation, maintenance, and periodic testing of automatic fire sprinkler systems. The MS4 is the only viable location for

this type of discharge of what is essentially a potable water system.

**PROVISION C.II.C.2** - The list of Conditionally Exempted Discharges located in Provision C.II.C.2 needs clarification. For instance, does the exemption of water line flushing apply to water utilities? Can a water utility flush it's lines into the MS4? What about other incidental discharges of potable water? If irrigation runoff (potable water in most cases and decidedly non-potable in others) is allowed, how about other discharges from potable water sources? Also, why were commercial roof drains removed from the list? Does this mean that the roof drains from commercial buildings cannot discharge to the MS4 without a separate NPDES permit? Are industrial roof drains considered to be the same as commercial roof drains in this case?

**PROVISION C.III** - The deadline for compliance with the program requirements of the Industrial/Commercial Sources section of the Order do not allow each Permittee sufficient time to complete their required activities. Since each Permittee must wait for the Principal Permittee to develop the formats for Identification, Prioritization, and Inspection of Sources, additional time should be given in order for each Permittee to review the formats in order to develop and implement a program. The 90 day period given in the Order is insufficient.

**PROVISION C.III.C.2.F**- The requirement for parking lot sweeping in Provision C.III.C.2.f need clarification. What time interval is considered "regular". Would an annual cleaning suffice, or are more frequent cleanings required?

**PROVISION C.III** - The entire Industrial/Commercial program seems to be just one more unfunded mandate passed along by legislators at both the State and Federal level to underfunded and overworked municipalities. This entire program should be eliminated from this Order and returned to State or Federal agencies to enforce. It is clear that this program will effectively enlist municipal employees to act as agents for recalcitrant Federal and State agencies. The only portion of this program that local governments should be involved in is the collection of data concerning the location and nature of industrial/commercial activity within their jurisdictions. All inspection and enforcement provisions should be deleted and returned to the appropriate Federal or State agency unless sufficient funds are made available to local agencies to perform these duties.

**PROVISION C.III.D** - The deadlines included in the Source Inspection Program as described in Provision C.III.D.1 through C.III.D.4 are unacceptable. If this Provision is not deleted entirely, it is clear that the breadth of this program will require an extensive fiscal commitment on the part of each Permittee. These funds are not available to most municipalities in the time frames allotted. If these programs are going to be effectively developed, sufficient time must be given for each Permittee to determine how it will pay for these programs. In some cases, there may even

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be a need to raise revenue through utility taxes and the like This process can take many months to complete. The deadlines for compliance with these provisions must be extended.

**PROVISION C.IV - The deadlines included in the Development Planning/Construction section are unreasonably short. The implementation of a program of this magnitude will require a vigorous training effort to educate building department personnel. The implementation should be phased in with a training period of several months followed by full implementation of the program.**

**PROVISION C.IV.A.3.a - Again, the deadlines for completion should not be fixed in time if each permittee must wait for the principal permittee to establish the groundwork. The deadline for each Permittee should be set as some period of time after the program is developed by the Principal Permittee and approved by the Regional Board. This should pertain to all of the program elements in this Order, not just the Development Planning/Construction section.**

**PROVISION C.IV.A.1 - It is clear that the method outlined here for determining what type of development project is a high priority leaves much to be desired. It seems that judging the priority based upon size alone will exclude some potentially significant sources of pollution from the requirement to implement BMP's while mandating that some large, yet benign projects jump through hoops for no reason. This method of prioritization should be more use specific.**

**PROVISION C.IV.A.4 - The post construction BMPs outlined in the *Construction Best Management Practices Handbook* are not applicable to most developments. Settling ponds and retention basins for sites of 1-5 acres in size will become breeding grounds for insects and other vermin. Such puddles and standing water will not be allowed by local Health Departments unless they are treated with insecticides which will violate other sections of the Order. The other options are also problematic. Asking a developer, whose only motivation is to maximize profits, to minimize impervious areas will not work unless specific limits are established that are clearly enforceable. In addition, since no clear evidence can be presented that supports the effectiveness of these BMPs, these requirements that effectively reduce the buildable area of a parcel (and thereby it's actual value) will more than likely result in a lawsuit.**

**PROVISION C.V.A - Many cities have sewer systems within their city limits that they do not own or operate. In our city, a large percentage of the sewers are operated and maintained by the County Sanitation District of Los Angeles County (LACSD). Since the LACSD is not a Permittee in this permit, how will this Order effect their operation of their lines within our city limits? This Order should specify that each Permittee is only responsible for those sewers that it owns and operates.**

**PROVISION C.V.D** - Again, many of the storm drains that are within the jurisdictional boundaries of each permittee are operated and maintained by other agencies, including the County of Los Angeles Department of Public Works. The provisions of this Order should clarify that each permittee is only responsible for the sections of storm drain that it owns and operates.

**PROVISION C.V.D** - Both "Storm Drain Operation and Maintenance" and "Parks and Recreation Facilities Management" are called Provision C.V.D. The section numbers in this section should be reviewed and corrected.

**PROVISION C.V.G.1.a** - How is this parking lot maintenance requirement to be enforced? Will each permittee be required to inspect each parking lot? What parameters are to be used to determine an acceptable level of cleanliness? It seems that the twenty five parking space threshold is way too low.

**PROVISION C.VI** - The requirements of the Public Information and Participation program should be arranged in such a manner that each Permittee is not responsible for the development of their own multimedia publicity campaign. The development of radio and TV ads, videos, billboards, and other large scale projects should be given to the Principal Permittee. Most Permittees are far too small to economically undertake such activities. In addition, these types of large scale informational campaigns will be much more effective if they are evenly and consistently applied throughout the county as opposed to sporadic efforts on the part of each individual Permittee. At a maximum, individual Permittees with a population under 100,000 should only be responsible for the distribution of written materials within their jurisdiction.

**GENERAL COMMENT** - Since the individual Permittees have limited resources, we are relying on this Order to provide the guidelines for compliance with the Clean Water Act (CWA). This Order should contain language that equates compliance with this Order with compliance with the CWA. As a small municipality, we cannot be expected to interpret and implement the CWA directly. The exclusion of a statement equating the Order and the CWA leaves municipalities vulnerable to legal action from the environmental community even though we have complied with the terms of this Order

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**CITY COUNCIL**

**LEONIS C. MALBURG**  
Mayor

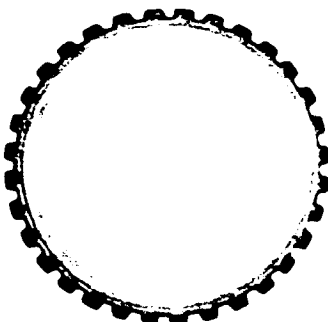
**THOMAS A. YBARRA**  
Mayor Pro-Tem

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Councilman

**H. "LARRY" GONZALES**  
Councilman

**W. MICHAEL McCORMICK**  
Councilman

**BRUCE V. MALKENHORST**  
City Administrator/City Clerk  
FAX: (213) 581-7924



**CITY HALL**

4305 SANTA FE AVENUE, VERNON, CALIFORNIA 90058  
TELEPHONE (213) 583-8811

February 8, 1996

**DAVID B. BREARLEY**  
City Attorney  
FAX: (818) 330-5818

**S. KEVIN WILSON**  
Acting Director of Community Services & Water  
FAX: (213) 588-2761

**KENNETH J. DeDARIO**  
Director of Light & Power  
FAX: (213) 583-1983

**DAVE TELFORD**  
Fire Chief  
FAX: (213) 581-1385

**LOUIS ROSENKRANTZ**  
Police Chief  
FAX: (213) 581-1178

Mr. Jorge León, Regional Council  
California Regional Water Quality Control Board  
901 "P" Street  
Sacramento, California 95812

Re: Waste Discharge Requirements for Municipal Stormwater  
Discharges within the County of Los Angeles

Dear Mr. León:

My office was represented by J. David Fitzsimons, attorney, at the meeting on February 6, 1996, with regard to the proposed Order on "Waste Discharge Requirements for Municipal Stormwater Discharges within the County of Los Angeles". Mr. Fitzsimons expressed the City of Vernon's concern about the process being used for adopting regulations for stormwater discharges. The City of Vernon opted to become a co-permittee under the County of Los Angeles as the principal permittee because we were told that it would simplify the process. It was the City's anticipation that Countywide regulations would be adopted which would be enforced uniformly throughout the County. The procedure which is being considered vitiates the whole purpose of having a principal permittee as the lead agency for the co-permittees. The inefficiency of having 85 separate local jurisdictions within the County draft ordinances and regulations is obvious.

However, the City of Vernon also has questions regarding the legal jurisdiction to impose upon the cities within Los Angeles County the responsibility for adopting rules and regulations which, for all intent and purposes, are the responsibility of the State Water Quality Control Board and the Regional Boards. Mr. Fitzsimons' legal analysis of those issues is enclosed for your information and review. Copies will be sent to the other participants in the February 6 meeting.

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Mr. Jorge Leon  
February 8, 1996  
Page 2

Since you are located in Sacramento, California, you may be unfamiliar with a similar regulatory situation which developed with regard to the South Coast Air Quality Management District. A few years ago, SCAQMD adopted an air quality management plan (AQMP) which was approved by the State Board. The AQMP anticipated that the cities within the SCAQMD would voluntarily adopt 17 ordinances in order to implement the program. The SCAQMD's attempt to pressure cities to adopt these ordinances has not been uniformly successful, and the program itself has resulted in conflicting local regulations. This has caused the State Legislature itself to intervene, for example, with regard to transportation plans by multiple-site employers (Health & Safety Code Section 40717).

It would be preferable if the Regional Board or the County of Los Angeles would adopt a regulatory scheme to be enforced uniformly by all the agencies with variations for watershed management in specific areas. Local agencies should have the option of either enforcing these provisions or of adopting a substitute set of regulations subject to the approval of the principal permittee or Regional Board. Of course, pursuant to State law, the cities already have the option of supplementing any county or Regional Board regulations.

My office will continue to participate in any meetings which may be scheduled with regard to the legal issues. If you have any questions, please give me a call.

Very truly yours,

*David B. Brearley*

David B. Brearley  
City Attorney

DBB:JDF:nc  
Enclosure

cc: List Attached

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SUMMARY OF RULES IN THE PROPOSED  
"WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL WATER DISTRICTS"

A. The first rule imposed by Section A, "Discharge Prohibitions and Receiving Water Limitations" (p. 13), states:

"I. Discharge Prohibition

Each permittee shall, within its jurisdiction, affectively prohibit non-storm water discharges into the municipal separate storm sewer system (MS4) and water courses..."

This is subject to an exception for discharges allowed by an NPDES or other permit. The scope of the Order therefore requires each Permittee (County and cities) to adopt ordinances to enforce the rules. Even courts of law cannot require county supervisors or city council members to vote for an ordinance.

Paragraph II contains a preferable format since it states in a more direct fashion, "based upon the above-mentioned water quality objectives, authorized discharges under this Order shall not:..." followed by a list of seven restrictions.

B. Paragraph B. (p. 14) refers to "Compliance with Discharge Prohibitions and Receiving Water Limitations." The latter orders each Permittee to comply with the contents of paragraph A. In contrast, the scope of the California statutes merely requires local agencies to report on compliance.

C. Paragraph C, "Storm Water Management Program Requirements," (p. 15) then states: "Each Permittee shall implement within its jurisdiction the following:..." followed by a reference to the Storm Water Management Program, to the Countywide Storm Water Management Plan (CSWMP), and to the applicable Watershed Management Area Plan

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(WMAP). The rule mandates participation in the development of the latter.

D. Roman Numeral I. The next part of the Order changes format (p. 17) to Roman numeral paragraphs, "I. Requirements for Program Management." These impose upon the County of Los Angeles detailed organizational responsibilities, including a series of water management committees in which the cities will participate. Then paragraph B mandates a series of obligations on all Permittees to participate in the Water Management Committee, including:

"2. Each Permittee shall coordinate among each Permittee's internal departments and agencies (e.g., public works, planning, utilities, water supply):

- a. Implementation of permit requirements and pollution prevention activities; and
- b. Interagency and inter-departmental agreements to ensure compliance with the CSWMP and the WMAP."

The next section provides:

"3. Each Permittee's City Administrator/Public Works Director shall appoint a representative(s) to the WMC, who has the delegated authority to make decisions on storm water permit issues on behalf of the jurisdiction."

The City Council of the City of Vernon reserves such jurisdiction to itself, and whether it chooses to delegate such authority is a matter within its sole discretion which cannot be mandated by the Regional Board.

The rules go on at length and include preparation of a budget summarizing resources dedicated for storm water program

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implementation, a demonstration of legal authority to control storm water discharges which must be certified by legal counsel, delegation of legal authority to an executive officer to allow a Permittee to use its own storm water program, and a mandatory public review program.

E. Roman Numeral II, "Requirements for Illicit Connections/ Discharges" (p.29), imposes similar requirements for identifying illicit connections to the storm drains such as paragraph C, Other Prohibited Activities, "Each Permittee shall prohibit by legal authority by July 15, 1996, any person from:..." followed by a list of eight prohibitions which must be enacted and enforced.

F. Roman Numeral III (p.35) pertains to "Program Requirements for Industrial/Commercial Sources." The Permittees would be required to establish a data base for all industrial-commercial facilities by October 15, 1996. Paragraph C, Source Control Measures, subparagraph 2 (p.37) states: "Each Permittee shall require through its legal authority by July 15, 1996:..." nine specific prohibitions pertaining to vehicle and equipment washing, repair, and maintenance. Paragraph D (p.39) imposes an extensive source inspection program to be prepared by October 15, 1996.

G. Roman Numeral IV, "Program Requirements for Development Planning/Construction," (p.42) requires the implementation of detailed planning control measures by January 15, 1997. The section emphasizes best management practices (BMPs) and requires each Permittee to develop a regulatory program, including implementation of a source inspection program by January 15, 1997, for construction activities. This section also requires the adoption of a model CEQA checklist which explicitly addresses watershed, water quality, and

non-point source pollution impacts by October 15, 1996. The Regional Board does not have the authority to amend CEQA. Public Resources Code Section 21083 assigns to the Office of Planning and Research the responsibility for developing guidelines. A local agency is required to adopt procedures consistent therewith (Publ. Res. Code §21082).

H. Roman Numeral V, "Public Agency Requirements" (p. 51), gets into sewage system operations, public construction activities management, vehicle maintenance-material storage facilities management, parks and recreation/facilities management, storm drain operation and management, streets and roads maintenance, flood control maintenance, parking facilities management, and public industrial activities. These are all to be included in a program developed by the County of Los Angeles. It then requires each Permittee to develop and implement a public agency program based on this model program by July 15, 1997.

I. Roman Numeral VI (p. 62) pertains to "Program Requirements for Public Information and Participation." The number and types of written material are specified, followed by provisions on audio material and visual material. Implementation requires a training program of the appropriate Permittee employees and an analysis of the residents and businesses by January 15, 1997. There is a five-year storm water public education strategy which covers several pages.

J. Roman Numeral VII contains the "Requirements for Monitoring Program" (p. 71). The monitoring program is to be developed by the County of Los Angeles. It does not yet appear to impose any requirements upon the cities.

K. Roman Numeral VIII, "Program Evaluation and Reporting" (p. 82), is based upon the foregoing obligations. It requires a demonstration

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of compliance, internal reporting and record keeping, program reporting, program evaluation, performance standards, and an annual report.

L. Roman Numeral IX, "Additional Provisions" (P. 89), is general. One provision provides that all reports of submittals shall be made to the Regional Board "under penalty of law" with a rather extensive certification as to the reliability of the information contained.

CONCLUSION

To the extent that the above procedures are restricted to information gathering and reporting, they may be in compliance with State statutes. But the attempt to shift regulation making and enforcement to Los Angeles County and its cities is improper. First, it seeks to delegate the Regional Board's statutory responsibilities to Los Angeles County and the cities. Second, it infringes on the powers of the County and cities which derive their authority and prerogative from the ~~STATE OF CALIFORNIA~~ PROPOSED

"WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL WATER DISTRICTS"

A. The first rule imposed by Section A, "Discharge Prohibitions and Receiving Water Limitations" (p. 13), states:

"I. Discharge Prohibition

Each permittee shall, within its jurisdiction, affectively prohibit non-storm water discharges into the municipal separate storm sewer system (MS4) and water courses..."

This is subject to an exception for discharges allowed by an NPDES or other permit. The scope of the Order therefore requires the City of Vernon (as well as the County and other cities) to adopt ordinances to enforce the rules. The following approach would be better: "Non-storm water discharges into the municipal separate water storm sewer

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Gail Ruderman Feyer	NRDC	6310 San Vicente Blvd. Los Angeles, CA 90048
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Mark Wm. Steres	Brown, Winfield & Canzoneri	300 S. Grand Ave. #1500 Los Angeles, CA 90071-3125
Charles Bergson	Monterey Park	320 W. Newmark Ave. Monterey Park, CA 91754
David Huff	Whittier	390 N. Brea Blvd., #A Brea, CA 92621
Lisa Peskay Malnsten	Long Beach	333 Ocean Blvd Long Beach, CA 90802
Rufus C. Young	Burke, Williams & Sorenson	611 W. Grand #2500 Los Angeles, CA 90017
David Burhenn LA County	Sidley & Austin	555 W. Fifth St. 40th Fl Los Angeles, CA 90013-1010
Betty Miller Jenning	SWRCB	901 "P" St. Sacramento, CA 95814
Gina Marie Aguirre	El Monte	11333 Valley Blvd. El Monte, CA 91731
Winnie Jesena	RWQCB-LA	101 Centre Plaza Dr. Monterey Park, CA 91754
Carlos Urrunaga	CRWQCB-LA	101 Centre Plaza Dr. Monterey Park, CA 91754
Xavior Swamikannu	CRWQCB-LA	101 Centre Plaza Dr. Monterey Park, CA 91754
Christina Sansone	Glendale	613 E. Broadway #220 Glendale, CA 91206

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CITY OF WEST COVINA

Incorporated 1923

January 29, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Center Plaza Drive  
Monterey Park CA 91754-2154

COV 101-50 7-11-2  
LOS ANGELES REGION

RE: COMMENTS TO DECEMBER 18, 1995 NPDES DRAFT PERMIT

Dear Dr. Ghirelli:

Some of the previous comments made by City staff and counsel have been addressed by Regional Board staff, while others were not incorporated in the Draft Permit of December 18, 1995. Our comments on the current Draft Permit are described first by general comments on the overall draft permit, with specific comments following under each item. Also, while the City agrees with the comments of the EAC, there are others which need to be addressed.

Our major items of concern are as follows:

1. Unknown requirements that will be imposed in the future.
2. Regional Board staff makes verbal comments that are contrary to what is written in the permit. An example would be at the SGR permittee meeting where Board staff contradicted several items in the permit by saying that it was not mandatory while in the permit it says that it must or shall be done.
3. The permit is too lengthy and complex.
4. Compliance dates are not realistic in regards to the adoption of the permit.
5. The permit exceeds the Clean Water Act authority.
6. Outline headings and sequence should be consistent.
7. Early Sections of permit appear to require a significant amount of editorial corrections as well as incorporation with the rest of the permit (specifically page 13-16).

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Our specific comments are as follows:

#### FINDINGS SECTION

1. Since public education is one of the major requirements of this permit. It is inappropriate to use "municipal separate storm sewer system (MS4) and we recommend the term "municipal separate storm drain system (MSSDS)."
2. Findings should be limited to those relevant to stormwater quality enhancement.
3. Some information presented as factual is not correct. For example, the California Ocean Plan is now in the process of being revised. How does the California Enclosed Bays & Estuaries Plan standard objectives apply to the permit?
4. The requirements to provide "scientific information and documentation" in relationship to BMP'S may be counter-productive. It is virtually impossible to scientifically prove that catch basins signs have actually reduced Stormwater contamination.

#### DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS SECTION

1. Receiving water limits are unachievable.
2. Water quality objectives should be goals and not compliance standards.
3. Compliance of permit should not be related to exceeding any water quality objectives, but should only be evaluated based on implementation of programs.
4. The Storm Water Management Plan has not been completed. What requirements will be enforced upon the Permittees once it is developed?
5. "Pollutants of Concern" are not adequately identified and referenced.
6. Findings should not be self serving or biased.
7. Major Land areas are exempted from the Permit which may have significant discharge/runoff.
  - Universities, State, and Federal Hospitals
  - School Districts
  - State and Federal facilities and lands

#### REQUIREMENTS FOR PROGRAM MANAGEMENT SECTION

1. Budget requirements are too detailed.
2. The Program substitution requirements (page 26) are too burdensome on individual Permittees.
3. The time needed for the Board staff to review submittals should be included in the time allowed for plan implementation.
4. The development of the Los Angeles and San Gabriel River WMC according to the permit would allow a larger city to have 2 of the 11 EAC votes. The intent is appropriate, but some other apportionment may be required.

5. Joint powers/inter-jurisdictional agreements requirements are not achievable by Permittees.

#### **REQUIREMENTS FOR ILLICIT CONNECTIONS/DISCHARGES SECTION**

1. The program requirements such as G. I. S. are a costly expense which many Permittees simply can not afford.
2. The inspection requirements of the illicit connections still remains one of the most costly requirements.
3. Other discharges, such as commercial roof drains, should be included. The elimination of commercial roof drains could be counterproductive unless the Board's intention is to divert these flows to the sewage treatment system.
4. Guidelines which are being developed by the Regional Board should be available for review prior to the approval of the draft permit.

#### **PROGRAM REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL SOURCES SECTION**

1. Is the database referred to in this section of the permit the same as the one referred to in I.C.1? An effort should be made to make them compatible or clarify why they are different.
2. The priorities established that target certain industrial activities are unclear.
3. The permit should allow for the public outreach program to be implemented to inform industries prior to beginning inspections.
4. The inspection schedule for industrial/commercial is extensive, when considering there is not enough staff available to conduct these inspections.

#### **REQUIREMENTS FOR DEVELOPMENT PLANNING/ CONSTRUCTION SECTION**

1. The responsibility for large construction sites has not been retained by the Regional Board. Are the Permittees to be responsible for these sites?
2. The Post-Development runoff requirement is not achievable.
3. Planning and Construction should not be classified together because they have separate requirements.
4. Provide correlation between types of construction projects to "pollutants of concern."

#### **REQUIREMENTS FOR PUBLIC INFORMATION AND PARTICIPATION SECTION**

1. Public education and the development of Stormwater Management Plans do not include public participation.

**REQUIREMENTS FOR MONITORING PROGRAM SECTION**

1. In relation to Co-Permittee Water Quality Monitoring, an arbitrary number of critical sources have been selected for monitoring without data to support the need for them.
2. There is no relationship between Water Quality Monitoring and the Stormwater Management Plans.

**PROGRAM EVALUATION AND REPORTING SECTION**

1. Pilot studies can not be undertaken for every BMP practice in the permit.
2. Requirement to demonstrate Maximum Extent Practicable standard for BMP's is not achievable.
3. Delete performance standards development requirements.

These are preliminary comments, more extensive comments will be following once staff has conferred with counsel and reviewed the permit more thoroughly. If you have any questions in the interim, please contact Tom Mayer or Beatrice Ramirez at (818) 814-8425.

Sincerely,

CITY OF WEST COVINA



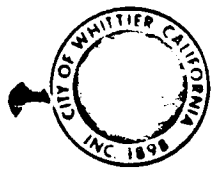
Patrick J. Glover,  
City Engineer/Public Works Director

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# City of Whittier

13230 Penn Street, Whittier, California 90602-1772  
(310) 945-8200

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January 22, 1996

Catherine Tyrrell  
Assistant Executive Officer  
Storm Water Programs  
Los Angeles Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

56 JUN 25 PM 11:38  
CITY OF LOS ANGELES REGION

Subject: Comments Regarding Draft NPDES Municipal Permit

Dear Ms. Tyrrell:

The City of Whittier received your letter dated December 18, 1995, and the Los Angeles County Storm Water draft Permit (hereinafter "draft permit"). City staff has reviewed the draft permit and has provided comments (attached herewith). The City also agrees with comments provided by the cities of La Verne, Long Beach, and Azusa.

Two of the permit's provisions are especially disturbing to us. First is the county-wide and watershed storm water management program plans, which are to be developed and implemented after the permit is adopted. The problem is that two sets of additional storm water requirements can be arbitrarily imposed on permittees without their approval. Second, the draft permit denies small city representation on participation on the EAC.

In general, we believe that the draft permit has evolved substantially since it was first introduced last February; however, it still needs improvement. We hope our comments will be useful and helpful to revise the draft permit to accommodate concerns of the permittees. If you have any questions or require additional information, please call me at (310) 464-3514.

Sincerely,

Leon Yehuda  
Assistant Director of Public Works

DTM:LY:da  
(ComCvt)

cc: David T. Mochizuki, Director of Public Works  
Ray Tahir, TECS

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COMMENTS ON DECEMBER 18 DRAFT STORM WATER PERMIT

City staff has reviewed the proposed draft storm water permit and concluded that it is in need of much correction. The following is a "short list" of the draft permit's deficiencies:

1. Receiving water limitations are unclear and confusing. The draft permit actually contains two sets receiving water limitations which appear to be in conflict. One set is derived from water quality objectives contained in the ocean and basin plans developed by the State Water Resources Control Board (in Sacramento), and applicable to the Los Angeles region. Another set is actually specified in the permit as qualitative objectives. They include items A.II.1 through 7. Although they are not referred to as water quality objectives or receiving water limitations per se, they appear to be such (e.g., floating materials in concentrations of quantities that do not cause nuisance or adversely affect beneficial uses of receiving waters). The draft permit also appears to contain two contradictory compliance standards. Under B.I, Compliance with Discharge Prohibitions and Receiving Water Limitations, the draft permit says a permittee may comply with receiving water limitations by:

"... demonstrating timely implementation of BMPs and other actions to reduce pollutants in the discharge from their municipal separate storm sewer system to the maximum extent practicable, in accordance with Requirement C of this Order - Storm Water Management Program Requirements."

In other words, by complying with the permit, receiving water limitations (and presumably water quality standards) will also be satisfied.

But under B.II, the draft permit suggests that a permittee could exceed a receiving water limitation (either expressed as a narrative or numerical standard), in which case such permittee would be required to prove that "storm water discharges from its municipal separate storm sewer system are not in fact the cause of the exceedance." The question is how could the permittee exceed a receiving water quality standard if it has met all of the conditions of the permit?

The draft permit goes on to say that if the permittee cannot prove that the exceedance was not caused by discharges within its jurisdiction, it would be required to either (a) accelerate its BMP schedule (a new feature), if the County-wide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMAP) is adequate; or (b) if the CSWMP or WMAP is deemed inadequate, the permittee will be required to modify the plan with the corrected deficiencies for resubmittal to the regional board. The revised plan would

contain new or revised BMPs aimed at preventing future exceedances of a receiving water limitation.

Clearly, this provision is in conflict and confusing, and is in need of resolution. It should be revised to simply say that conformance with receiving water limitations will be achieved by meeting requirements of the permit. This is how other regional boards have dealt with this issue.

2. The draft permit does not clearly identify basic permit requirements. Here are a few of many examples:

a. The section dealing with pollutant discharges from construction sites does not clearly indicate what types of construction are subject to control. The term "construction activity," as defined by federal NPDES regulations, refers to the disturbance of soil by grading, clearing, and excavating. As it is understood, a construction project that results in the disturbance of five acres or more of soil by grading, clearing, and/or excavating, is subject to NPDES construction permit requirements. But the permit is not clear about other construction projects (i.e., those that do not cause the disturbance of five acres or more of soil). The basic problem here is that the permit does not identify all construction projects that are subject to permit requirements.

b. See also comment #14 regarding legal authority requirements.

c. The draft permit tends either to be vague about bottom line requirements or does not mention them at all, and then provides a list of tasks presumably associated with them. "Program Requirements for Industrial/Commercial Sources" illustrates this point. It begins with the following

"Each permittee is required to develop and implement an industrial/commercial program that focuses on identification and control of storm water pollutant and non-storm water discharges from industrial/commercial sources within its jurisdiction."

A. Identification of Sources

1. The Principal Permittee in consultation with the EAC shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by October 15, 1996 ..."

What is missing is the bottom line requirement, which in this case is "controlling" pollutant and non-storm discharges from industrial/commercial sources. Once the this basic requirement is established, sub-requirements can be determined. Here's an example of a basic requirement

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relating to controlling pollutant discharges from industrial/commercial sources:

A. Controlling Pollutant Discharges from Industrial/Commercial Facilities

1. All industrial and commercial facilities shall be (i) prohibited from discharging non-storm water to the MS4 unless exempted by this Order; and (ii) required to implement appropriate best management practices that operate to minimize the discharge of pollutants associated with industrial or commercial operations to the MS4, to the maximum extent practicable.

Once these basic requirements have been identified, criteria or tasks for satisfying them can be more easily determined.

3. The draft permit, despite its glossary of terms section, does not define key terms. The term "industrial activity" is a very important NPDES term, yet it is not found in the draft permit (though construction activity is defined). While the permit provides a broad definition of industrial/commercial facilities, it does not provide a separate definition of each. This is important because the term "industrial" has special significance within the context of NPDES provisions of the Clean Water Act (CWA). Also absent from the draft permit is the term "control," which is very important to understanding certain legal authority requirements. Another term referenced in the draft that is not defined is "treatment."
4. The draft permit now contains provisions that would impose additional requirements after its adoption. The permit (in the glossary, inappropriately), defines the County-wide Storm water Management Plan as follows:

"A comprehensive plan for implementation of the permit requirement described in Sections C.4 through C.VIII of the NPDES storm water permit that are applicable to all Permittees and all Watershed Management Areas. The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance from the EAC and participation from the permittees, according to the schedule prescribed in the permit. This shall be used as a tool to develop watershed specific storm water management plans."

A complete analysis of this provision cannot be provided because the references to permit sections C.4 through C.VIII of the draft permit do not exist. Nevertheless, in general, this provision -- which is not found in the previous draft version -- calls for the Principal Permittee to develop another storm water management program by way of a County-wide Storm Water Management Plan and a Watershed Management Plan. Both plans are to be developed after the permit is adopted.

If, however, this provision remains, the County and LARB/SWU would have a blank check to impose other requirements, in addition to those contained in the draft permit, without approval from permittees. While a need for a watershed management program/plan is reasonable, an additional storm water management program clearly is not. County-wide program requirements should be dealt with only in this draft permit, not in some future document.

5. The draft permit, unlike the previous version, does not guarantee small city representation on the EAC, as the following indicates:

"In the interest of minimizing the burden on small cities of participating in the committee process, each WMC's representative to the EAC shall be a Permittee other than the City of Los Angeles, with the largest population. In WMAs with two representatives on the EAC, the WMC as a whole shall select the second representative. Where the population of the EAC representative municipality is less than 100,000, the Principal Permittee will provide some sources to the Permittee in carrying out its role on the EAC."

To allow only those permittees with the largest population to participate on EAC is unfair. Eligibility for participation on the EAC should not be exclusive. It should allow small cities to participate and should be based on the permittee's interest in and knowledge of storm water management issues, not to mention desire and willingness to participate, not on population. It is worth noting that with the possible exception of the City of Los Angeles, the combined population of small cities (under 100,000) is greater than that of any other municipality in Los Angeles County.

6. The draft permit arbitrarily determines area-wide storm water management requirements. No where in the permit is there any explanation as to why certain storm water management requirements have been selected for area-wide implementation. Take for example inspecting restaurants, which are a suspected to be source of non-storm water runoff pollution. According to the LARB/SWU, restaurants tend to wash-out garbage cans and trash bins, and hose down floor mats outdoors, causing contaminated runoff (containing nutrients and bacteria) to enter the municipal storm water system. While this may be a problem in the Santa Monica watershed, as asserted by Heal the Bay and the Santa Monica Bay Restoration Project, it may not be a problem in the other watersheds. Therefore, until this is proven to be a problem in other watersheds, managing non-storm water pollution from restaurants should be a watershed-specific requirement, not an area-wide one.

This is not to say that cities should ignore restaurants as potential sources of non-storm water discharge. At a

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minimum, County-wide, all cities should provide restaurants and other suspected sources of runoff pollution with public education materials discouraging them from illicit discharge practices. Then on watershed level, additional requirements can be imposed, but based on compelling data.

Furthermore, there are receiving waters in Los Angeles County that are equipped with structural controls that: (1) prevent non-storm water discharges from entering ocean waters; and (2) trap sediment in large detention basins, thereby also preventing such pollutants from entering ocean waters. Therefore, cities that discharge upstream of these structural controls should be allowed to discharge non-storm water (including non-storm water discharges from restaurants) into the MS4 and should not be required to implement costly BMPs.

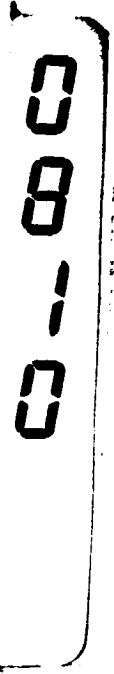
- 7. Several of the draft permit's proposed requirements would require city permittees to perform work that should be the responsibility of LARB/SWU staff. Inspecting industrial facilities that require NPDES General Industrial Activity Storm Water permits (GIASWPs) is one example. This is a state-issued permit required by state law. While it is not unreasonable to require cities to assist the regional board in identifying those industrial facilities that are required to have permits and/or Storm Water Pollution Prevention Plans, and then report them to LARB/SWU staff, it should not be the permittees responsibility to assist the state in enforcing its requirements. For example, cities should not have to inspect an industrial activity site for best management practices implementation. This task would necessitate a review and evaluation of the facility's Storm Water Pollution Prevention Plan (SWPPP) which, therefore, requires a thorough knowledge of GIASWP requirements -- complicated subject.

- 8. Many of the requirements proposed by LARB/SWU exceed federal and state storm water management regulations..

The draft permit contains several provisions that clearly are not called for either in federal or state NPDES requirements. The following examples are provided below:

a. Inspections of Industrial Commercial Facilities

The draft permit would require cities to identify, prioritize, and inspect other industrial facilities that require General Industrial Storm Water Activity NPDES permits (GIASWPs) that are already subject to inspections by LARB. In addition, the draft permit would also require cities to identify, prioritize, and inspect other industrial facilities that do not require GIASWPs. These facilities are identified in Storm Water Discharges Potentially Addressed by Phase II of the National Pollutant Discharge Elimination System Program, Report to Congress, Office of Water, USEPA, Washington D.C.



Nothing, however, contained in NPDES storm water provisions of the federal Clean Water Act specifically mandates inspections of this other category of facilities (referred to by LARB/SWU staff as Phase II facilities). It is understood that the State Water Resources Control Board has asserted its authority to mandate additional requirements. Such requirements should not be arbitrary and should not be performed at the county-wide level.

LARB/SWU must rely on scientific data to justify the need for any additional requirement. This, ostensibly, is the purpose of performing a characterization study and performing storm water/non-storm water monitoring and analysis. But the criteria proposed by LARB/SWU staff to identify and prioritize facilities for inspection are ineffective. They include, for example, "types and quality of non-storm water discharges; professional understanding of the industrial/ commercial sector waste management practices; and experience of local agency industrial inspection programs." However, all of these criteria are subjective and involve a lot of administrative work, but do absolutely nothing to facilitate selection of industries for inspection. If anything, they only confuse the selection process (e.g., how do you determine a facility's professional understanding of the industrial/commercial sector waste management practices?).

It is noted that LARB/SWU has, in response to many permittee complaints about the draft permit exceeding federal and state authority, asserted the following:

"Regional Board staff has discussed this Order extensively with Counsel. It is Counsel's opinion that, given the fact that no numerical criteria have been prescribed and Permittees have had more than five years to develop an MS4 program to reduce pollutants in storm water to the maximum practicable, and that progress in implementing the countywide program has been slow, it is appropriate to include specific program components based on the permit reissuance application submitted by Permittees and the MS4 BMPs practiced by other California MS4 programs ..."

LARB/SWU is essentially saying that it has the prerogative to require what it deems necessary. While LARB/SWU may have the discretion to exceed federal and state requirements with regard to this permit, it cannot do so arbitrarily. Extra-requirements must be based on a demonstrated problem, using acceptable evidence (e.g., scientific data), as opposed to unsubstantiated opinion. LARB/SWU staff's contention that permittees have been slow in implementing countywide program is an example of an unsubstantiated opinion. Furthermore, it is an erroneous opinion. The reason permittees have been slow in developing a countywide storm water management

program is that LARB/SWU has not required it as condition of the existing permit. LARB/SWU has not even specified legal authority requirements under the existing permit -- requirements that are critical to any storm water management program. Beyond this, it has not been able to define what "inspection" means within the context of that Additional Best Management Practice that requires inspections of gas stations, restaurants, etc.

b. Non-storm water discharges  
See below comment #8.

c. Public Education

As proposed, cities would be required to implement an immediate outreach program that involves the performance of several public education tasks, including but not limited to developing and distributing brochures and door hangers, and issuing newsletters containing storm water management-related public education information. In addition, cities would be required to contribute their "fair share" to a long term public education program to be developed by the County of Los Angeles through a \$5,500,000 consulting contract over a five year period.

The draft permit is too controlling here. LARB/SWU has no authority to compel cities to contribute a "fair share" (which is not defined), to a public education program that is to be developed in the future by the Principal Permittee. This would deny cities the opportunity and right to develop a public education program of its own, which in the final analysis might prove more efficient and cost-effective than what the Principal Permittee's consultant could produce.

9. The draft permit unilaterally denies several non-storm water discharges exemptions that are allowed under NPDES provisions of the Clean Water Act.

According to CFR 40, 122.26, the following non-storm discharges are exempted unless such discharges or flows are identified by the municipality as sources of pollutants to waters of the United States: water line flushing water; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street wash water; and discharges resulting from fire fighting (only where such discharges or flows are identified

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as significant sources of pollutants to waters of the United States.

However, the draft permit only unconditionally exempts 6 of these 18 non-storm water discharge categories. They include flows from riparian habitats or wetlands; diverted stream flows; springs; rising ground waters, uncontaminated groundwater infiltration; and discharges of flows from emergency fire fighting activities.

Then the draft permit conditionally exempts the following nine non-storm water discharges (already exempted by federal regulations): landscape irrigation; water line flushing; foundation drains; air conditioning condensate; irrigation water; water from crawl space pumps; retaining wall drains (same as footing drains); individual car washing, and residential swimming pool discharges. Conditionally exempt means that the non-storm water discharges in question "need not be prohibited," provided that (1) the permittee or Executive Officer (of LARB), determines that the discharges are not pollutant sources; and (2) BMPs are developed to "minimize adverse impacts of such sources" (what ever that means).

Beyond this, the draft permit -- surprisingly -- exempts non-storm water discharges that are not even exempted by federal regulations. They include: hydraulic graffiti abatement, inductive traffic loop flushing (discharges not contemplated by CFR 40 §122.26). Then the draft permit conditionally exempts residential roof drain discharges, but denies such discharges from industrial roof drains, both of which are comprised of storm water and, therefore, are not even non-storm water discharges. The permit also flatly denies street washing (an exempted non-storm water) and sidewalk washing, because they are deemed by the Excessive Director of LARB to be significant pollutant sources.

That the draft permit allows for the application of exemptions to LARB's Executive Director is not reassuring. There is no guarantee that the exemption will be granted if the basic criteria are met because they involve too much subjectivity.

It is apparent that LARB/SWU (1) has exceeded its authority by denying permittees non-storm water discharge exemptions granted to municipalities in CFR 40, §122.26; and (2) has been arbitrary in determining which non-storm water discharges should be exempted. As mentioned, federal regulations entitle municipalities to exempt the 18 categories of non-storm water discharges, unless they have been identified as pollutant sources. Until these non-storm water discharges are determined as such by municipalities (e.g., through scientific means), such discharges should be allowed.

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10. The draft permit, incorrectly, lumps illicit connections with illicit discharges and eliminates illegal disposal practices. Actually, illicit connections are a sub-set of an illicit discharge. An illicit connection is a device by which an illicit discharge (a fluid) is conveyed to the MS4. An illegal disposal/dumping practice, however, is an activity that causes the placement of a solid material (e.g., refuse), into the MS4. To put it another way, eliminating an illicit connection is task connected to the basic requirement of controlling illicit discharges. Other tasks associated with this basic requirement include (a) encouraging public reporting of non-storm water discharges through public education/outreach; (b) devising an internal mechanism for recording and responding to such reports; and (c) ordinance enforcement (through routine inspection or discovery by code enforcement).

(Note: It is recommended that "removing" an illicit connection be replaced with "eliminating" an illicit connection. Removing an illicit connection could be construed to mean the physical transfer of such connection from its location to another. However, according to its statutory definition, an illicit connection could be any conveyance, including "any device through or by which non-storm water is discharged into the municipal storm water system, including but not limited to floor drains, pipes or any fabricated or natural conduits." But removing or taking-out the illicit connection could be costly. Using "eliminating" instead would give the owner/operator of the facility where the illicit connection is located the option of rendering it incapable of operating as an illicit connection. A floor drain, for example, could be plugged, thereby preventing it from being a conveyance of an illicit discharge.)

11. The draft permit makes the mistake of combining construction activity program requirements with land use management requirements into one chapter. However, CFR 40 §122.26 and other authoritative documents relating to storm water management, including the California Storm Water Handbook, which is referenced in the draft permit, treats construction and land use management as two separate and distinct issues. The problem with combining these program components is that they contribute further to the confusion that already exists.

12. The draft permit is disjointed and contradictory in many places. For example, the permit requires permittees to prohibit non-storm water discharges (i.e., any material that is not entirely comprised of storm water) to the municipal storm water system (MS4). Yet, under the industrial/commercial section, the draft permit states that non-storm water discharges to the MS4 from gas stations are permissible as long as they are pretreated. However, no where in that part

of Code of Federal Regulations that covers NPDES storm water provisions are such discharges exempted; nor is there an NPDES permit available to service stations/auto repair facilities for this purpose. Furthermore, the term "pretreatment" is not defined anywhere in the permit. If not corrected, this problem will lead to confusion and non-compliance.

13. The draft permit is unnecessarily lengthy (almost 90 pages long). LARB/SWU staff explained that the permit is lengthy because permittees wanted more detail -- a criticism of the existing permit. However, much of the detail contained in the draft permit does not provide clarity. In many cases, it only increases confusion. Permittees have always desired defined requirements (i.e., "ends") not just detailed explanations as how to achieve them (i.e., "means"). For example, under the 1990-1995 permit, permittees are required to establish "requisite legal authority" and conduct inspections of auto repair/parts facilities, gas stations, and restaurants. Yet, neither the current permit nor any other documents issued by LARB/SWU contain any information that identifies criteria required to establish legal authority. Nor does it define "inspection" relative to auto repair/parts facilities, gas stations, and restaurants (e.g., inspection for non-storm water discharges from these sites or inspection for good housekeeping practices or other BMPs that operate to prevent storm water discharges to the MS4?). Clearly without such information compliance would be very difficult.
14. The section on legal authority, located under program management, contains requirements that are taken directly from CFR 40 §122.26, but are not more specifically defined by LARB/SWU. A case in point is controlling "through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system." The problem is that nothing in the draft permit translates this federal requirement into a task; nor does the draft permit provide a clue as to how permittees are to meet this legal authority requirement.
15. The draft permit contains language that is difficult to understand. For example, under Section IV.A 1, the permit reads, "For unitized development the common plan of development or sum of all units shall be considered in determining the priority rating of the development." First of all, no definition of "unitized" is provided. Beyond this, the entire sentence in which this undefined term is contained is also unclear.

The language used in the permit should be as simple as possible, otherwise an inordinate amount of time will be spent on trying to interpret its meaning. And since LARB/SWU staff has not in the past been forthcoming in responding to questions from permittees regarding some of the gray areas of

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the existing permit (e.g., inspections and legal authority), requirements and procedures must be easy to understand.

16. The findings section of the draft permit contains inappropriate information. For example, under finding 36, LARB/SWU acknowledges those cities that contributed money to the guidance document. Clearly such reference should not be made here or anywhere else in the proposed permit. Furthermore, as a matter of accuracy, LARB/SWU has named some cities that have decided not to contribute. Another example is finding 32 (k) which mentions the Natural Resources Defense Council (NRDC) law suit against Caltrans for failing to comply with existing NPDES permit requirements, and 32(1), which references NRDC's settlement agreements with several cities for their alleged failure to comply with existing NPDES permit requirements. It is unclear as to what purpose such information would serve with regard to the proposed permit.

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*St. Jorge, CU*

LAW OFFICES  
**BURKE, WILLIAMS & SORENSEN**

VENTURA COUNTY OFFICE  
2310 PONDEROSA DRIVE  
SUITE 1  
CAMAARILLO, CALIFORNIA 93818  
(805) 887-3488

611 WEST SIXTH STREET, SUITE 2500  
LOS ANGELES, CALIFORNIA 90017  
(213) 238-0800

TELECOPIER: (213) 238-2700

ORANGE COUNTY OFFICE  
3200 PASE CENTER DRIVE  
SUITE 750  
COSTA MESA, CALIFORNIA 92626  
(714) 548-6588

WRITER'S DIRECT DIAL:  
213-238-2821  
Internet: ryoung00@earthlink.com  
OUR FILE NOS. 00004-829, 00104-881,  
00111-838, 01801-881 & 02012-181

May 17, 1996

BY TELECOPIER TO: (213) 266-7626

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

RECEIVED  
96 MAY 21 PM 12:49  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

Re: Request for Extension of Comment Period and Submission of Interim  
Comments; Draft of Waste Discharge Requirements for the Discharge of  
Stormwater in Los Angeles County (NPDES Permit (NPDES No.  
CAS0051654) (Draft of May 15, 1996)

Dear Ms. Tyrrell:

I write on behalf of the City of Santa Clarita, the City of El Segundo, the City of  
Downey, the City of Bellflower and the City of Alhambra regarding the revised WDR/Storm  
Water NPDES Permit draft distributed on May 15, 1996. We understand that you seek  
comments on this draft by close of business on May 17, 1996. This letter provides interim  
comments and requests extension of the time for submission of comments on this May 15th draft  
until June 30, 1996.

Extension of the comment period is essential in view of the size and significant revisions  
(many of them welcome) in this latest draft. Careful review of this latest draft permit, and its  
implications and costs will be required by several City departments, including Public Works,  
Community Development, Finance and the City Attorney, as well as the City Manager and the  
Mayor and members of the City Council.

For these reasons, you should draw no inference that, by submitting these partial  
comments, which do not address each and every provision in the May 15th draft, that the Cities

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Ms. Catherine Tyrrell  
 May 17, 1996  
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of Alhambra, Bellflower, Downey, El Segundo or Santa Clarita, approve of or acquiesce in any or all of the terms of the revised WDR/Storm Water NPDES Permit draft distributed on May 15, 1996. (The only logical inference to be drawn is that the period for submission of informal comments is far too short.)

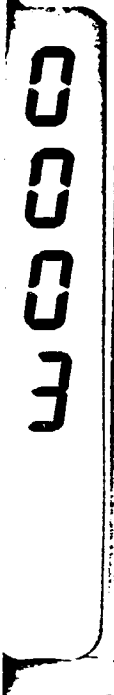
In view of the potential effects on the economy and budget of every city in Los Angeles County of this most important document, we believe that more time for deliberate review of this enormously complex document is absolutely essential. I also add the caveat that the short time schedule did not provide full opportunity for complete staffing of these comments to all cognizant departments of the Cities which this firm represents, but I believe that these interim comments represent the position of the Cities.

We also must point out that the preparation of these and any other comments on the Draft Permit has been hindered seriously by your agency's failure to provide a written, specific response to the Public Records Act request submitted to the Board in connection with the basis for the alleged "findings" to be included in the permit. The statutory time limit for response has long passed. We urge you to respond to our Public Records Act request in compliance with the Government Code, and to extend the period for submission of informal comments on the May 15th draft until your agency satisfies the requirements of the Public Records Act. Only when we have the Board's response will we be able to provide fully informed comments.

In the interim, please consider the attached preliminary comments in preparing your revisions. The Cities, and each of them, reserve the right to submit further comments.

Very truly yours,

RUFUS C. YOUNG, JR.  
 OF BURKE, WILLIAMS & SORENSEN



Ms. Catherine Tyrrell  
May 17, 1996  
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cc: Don Williams, NPDES Program Coordinator  
City of Santa Clarita  
Carl K. Newton, City Attorney  
Julio Fuentes, City Manager  
City of Alhambra  
Terry L. James, Assistant City Manager and  
Public Works Director  
Leland C. Dolley, City Attorney  
Gerald Caton, City Manager  
City of Downey  
Richard Redmayne, Director of Public Works  
Cheryl J. Kane, City Attorney  
Michele R. Vadon, City Attorney  
City of Bellflower  
James W. Morrison, City Manager  
City of El Segundo  
Eduard Schroder, Director of Public Works  
Leland C. Dolley, City Attorney

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**Interim Comments  
Submitted on Behalf of the  
Cities of Alhambra, Bellflower, Downey, El Segundo and Santa Clarita  
on  
Draft of Waste Discharge Requirements  
for the Discharge of Stormwater in Los Angeles County  
(NPDES Permit (NPDES No. CAS0051654) (Draft of May 15, 1996)**

1. Finding 3 is vague and nonspecific. It uses vague, non-specific terms such as "several heavy metals . . . certain pesticides . . . and other pollutants which may cause aquatic toxicity . . . ."

We recommend that this and other findings [of fact] specify just which heavy metals, pesticides and other pollutants the Board finds to be "pollutants of concern" in Los Angeles County. Without this link of specific pollutants to this County, the "finding" is irrelevant.

2. Finding 4 simply reports the existence of studies. It should not be used as a basis for requirements imposed on Permittees unless the Board finds as facts, based on the studies, that the studies are valid and relevant. If the Board were to conclude that the studies are valid, it must specify just which studies are referred to in this finding.
3. Finding 7, in the last sentence of the first paragraph, on page 3, should be revised to read as follows:  
  
"Consequently, the Regional Board recognizes that the Permittees are not responsible for such facilities and/or discharges."  
  
4. Finding 10, in the first sentence, states that  
  
"Certain pollutants present in storm water and/or urban runoff *may be* contributed by activities which the Permittees cannot control."  
  
This equivocal language should be changed to "are contributed" to properly serve as a finding.
5. Finding 12, as pointed out in previous comments, fails to make a vital connection, i.e., a finding that California is a coastal state with an approved coastal zone management program.
6. In Finding 13, the "r" in the word "resources" should be capitalized.

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May 17, 1996  
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7. In Finding 21, the second sentence is incomprehensible. "Plan contains "actions"? " . . . actions that calls for"? and " . . . the Regional Board to then integrate into the storm water permit . . . ." Integrate what?
8. In Finding 22, the word both is redundant and confusing; consider revising " . . . for both the two . . . ." to read " . . . for the two . . . ."
9. Finding 25 (and the order) should be revised to delete narrative receiving water limitations. It is a fact of nature that storm water discharges will occur. Whenever it rains in Los Angeles County, some discharge is going to occur. No permittee can stop rainwater from running downhill. Streets, curbs and gutters are designed to convey water into storm drains. Finding 10 (the one on page three, not the one on page 4) recognizes that

"certain pollutants present in stormwater are contributed by activities which the Permittees cannot control."

Examples are given. Finding 25 is obviously inconsistent with Finding 10. For these reasons, inclusion of narrative receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives, cause conditions of nuisance nor cause water quality improvement in receiving waters would hold the Permittees to an impossible standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible, or to require absurd results. *Hughey v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

10. In Finding 28, the second paragraph, as drafted, would provide for the appointment of only two representative from the six Watershed Management Areas. If that is the case, four of the six Watershed Management Areas would be unrepresented. If what is intended is that there be two representatives from each of the six Watershed Management Areas, the language should be revised to read "two representatives from each of the six Watershed Management Areas."
11. Finding 33 is vastly overbroad when it states that  
  
"Each Permittee owns/operates and/or contracts with outside parties to carry out activities that may impact storm water quality."

That statement could be construed to require apply to electronics repair conducted in another state. If so construed, Permittees might be required to implement BMPs not only outside their own boundaries, but in another state.

Moreover, Finding 13 is without factual basis. (No factual basis is cited. Factual bases for similar statement was the subject of the Public Records Act request, but no records have been made available to support the statement.) For example, footnote 12 recites that the facilities which "Each Permittee owns/operates . . ." include waste transfer stations and swimming pool maintenance activities. No factual basis is presented for the statement that each and every Permittee, as a matter of fact, owns and operates not only one or more waste transfer stations, but conducts swimming pool maintenance activities, as well.

We suggest that Finding 33 be revised to state

"Each Permittee which owns or operates facilities which adversely impact storm water quality or which enters into contracts with third parties for the conduct of activities within the Permittee's boundaries which adversely impact storm water quality shall implement BMPs to reduce storm water pollutant discharges."

12. In Finding 35, the first sentence and the second paragraph should be deleted. Contrary to the staff's response to inquiry on this point, inclusion of settled litigation is not required, for several reasons. First, the staff guidelines referred to as imposing this requirement are not relevant: they apply, by their own terms, only to plant discharges, not storm water permits. Second, even if they are used, the guidelines, at item 7 under findings, on page 13, do not require citation to settled cases, only to ". . . any current enforcement actions . . ." Third, settled cases have no value as precedent. Fourth, the juxtaposition of the second sentence to the first implies, improperly, that the defendants mentioned in the first sentence had been found to have not complied with Order 90-079. That implication is improper.
13. II. RECEIVING WATER LIMITATIONS. (Page 13) This provision should be deleted. It is a fact of nature that storm water discharges will occur. Whenever it rains in Los Angeles County, some discharge is going to occur. No permittee can stop rainwater from running downhill. Streets, curbs and gutters are designed to convey water into storm drains. Finding 10 recognizes that "certain pollutants present in stormwater are contributed by activities which the Permittees cannot control" and gives examples. For these reasons, inclusion of narrative receiving water limitations that require stormwater discharges neither cause violations of water quality objectives, cause conditions of nuisance nor cause water quality improvement in receiving waters would hold the Permittees to an impossible standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible, or to require absurd results. *Hughey v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

**STORM WATER MANAGEMENT PROGRAM REQUIREMENTS**

14. **General Requirement.** In this section, and elsewhere in the Draft Permit, time limits are imposed in terms of "[time period] after permit adoption." The permit will not will not take effect until the end of 15 days after the date of adoption, provided that the Regional Administrator has no objections, (or the exhaustion of appeals, if any). For this reason, it is recommended that time limits (compliance dates) be stated in each case in the permit in terms of "[time period, e.g., nine months] after the permit takes effect."
15. **I.G.2.c, on page 21: Please revise the last sentence to state:**

**"A Permittee shall not be deemed to be in violation of this Order until the Administrative Review provided for in this Section I.G is completed and Regional Board Executive Officer has determined that the time for compliance with the terms and conditions of the SPCA has run."**



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CHICAGO  
NEW YORK  
WASHINGTON, D.C.

555 WEST FIFTH STREET  
LOS ANGELES, CALIFORNIA 90013-1010  
TELEPHONE 213 896 6000  
FACSIMILE 213 896 6000

LONDON  
SINGAPORE  
TOKYO

WRITERS DIRECT NUMBER  
(213) 896-6617

FOUNDED 1866

May 17, 1996

**VIA HAND DELIVERY**

Ms. Catherine Tyrrell  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

RECEIVED  
96 MAY 17 PM 3:58  
CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

Re: Comments of County of Los Angeles on Latest Draft of Tentative  
Waste Discharge Requirement for the Discharge of Stormwater

Dear Catherine:

Attached to this letter are the comments of the County of Los Angeles on the latest draft of the Tentative Waste Discharge Requirement for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles. This letter is intended to briefly explain some of those comments.

In addition to specific page-by-page comments, you will note that a number of time frames have been lengthened. These comments are consistent with our comments filed in January on the December 18, 1995 draft of the permit. The reason additional time is needed is that the County needs to receive input from the Permittees on various items.

- Page 2 -- Our comments on this page are intended to clarify that the order only covers unincorporated areas of the County within the jurisdiction of the Los Angeles Regional Board.
- Page 3 -- The comment under Finding 10 relates to the fact that it is impossible for permit to implement measures to "minimize entry" of pollutants in the stormwater where the entry is beyond the Permittees' control in the first place.
- Page 4 -- This language clarifies the finding.

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Ms. Catherine Tyrrell  
May 17, 1996  
Page 2

- Page 5 -- Typographical correction.
- Page 8 -- The requested change in Finding 27 recognizes that there are certain sources within Permittee boundaries which cannot be controlled.
- Page 10 -- Finding 35 is necessary, in that it references a third-party lawsuit and not an enforcement action by the Regional Board.
- Page 11 -- In Finding 40, including performance standards is simply too ambitious, given the stringent number of reports and findings which already are required.
- Page 14 -- Typographical correction.
- Page 16 -- See clarifying change in Section D2.
- Page 17 -- With respect to the entire Section E beginning on page 17, we note that many specific best management practices have been included in this section, which are in addition to the legal authority described in the EPA stormwater regulations. The County is consulting with County Counsel and DPW administrative staff to determine if the County has any further concerns on this section. We will forward those comments, if any, to you promptly.
- Page 18 -- We have several comments on Section C. First, with respect to C(iii) and (iv), it is more appropriate in the context of this permit to prohibit disposal of substances into the storm drain. Second, with respect to c(v), state law is already very clear that hazardous waste can only be disposed of in appropriate locations. There is thus no need for the separate ordinance coverage.
- Page 20 -- In Section F2(ii), the word "greatly" should be deleted.
- Page 21 -- At the end of Section G2(c), we have added language to make clear that so long as the permittee is in compliance with the terms and conditions of the SPCA, it is not in violation of the Order. This change is consistent with our understanding of the redrafted Administrative Review section.
- Page 22 -- In addition to the timing issues, which we noted above, the County believes that storm drain inspection schedules should be set by each Permittee, given the difference in Permittee resources.
- Page 23 -- In addition to the clarifying language in Section B1(c), we have deleted B1(d) and B1(g). With respect to (d), such a standardized program is not realistic given the



Ms. Catherine Tyrrell  
May 17, 1996  
Page 4

- Page 43 -- Timing issues.
- Page 48 -- The insert from page 41 should be placed after subsection C1(b)(iv)(dd).
- Page 49 -- Typographical correction.
- Page 51 -- With respect to Section A2(c), we have deleted from the annual report a survey of BMP effectiveness, given that this work cannot be done on an annual basis and is better performed as part of the report of waste discharge. We have the same comments with respect to Section A2(b). With respect to Section A2(h), it is onerous and far beyond the requirements of 40 CFR § 122.42(c).
- Page 52 -- With respect to Section B2, the Receiving Water Impacts Report should be limited to the results of the receiving water impacts evaluation. The other items assume that further receiving water monitoring would be required under the new permit. With respect to Section C1, in addition to the timing comment, the deleted sections represent tasks which are too ambitious for this report.
- Page 54 -- With respect to Provision V, given that specific WMAPs may be determined not to be required, we have requested a change which reflects this point.
- Page B-2 -- The Board has added Selenium and Mercury to the list of chemicals of concern. The County is reviewing this inclusion for acceptability. If we have any contrary comments, they will be forwarded to you as soon as possible.
- Page B-3 -- With respect to paragraph 2(a), the wording has been modified to reflect the County's understanding of what Board staff desires with respect to mass emission monitoring.
- Page B-6 -- In its comments to the last draft of the Order, the County requested the addition of language indicating that it would not be liable for the failure of third parties to contribute funding or services with respect to the receiving waters study. This language was not included. However, to make clear that the County's only obligation consists of funding and conducting the river study, we request the addition of the word "sole" in paragraph 5. There are also typographical corrections.
- Page C-1 -- With respect to step 3 of the land use site selection process outline, the words "and usable" should be inserted before the words "aerial photographs." The County has determined that there may not, in fact, be aerial photographs with sufficient definition to be used in this step.

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LOS ANGELES

Ms. Catherine Tyrrell  
May 17, 1996  
Page 5

Page C-13 -- Typographical correction.

Page C-15 The requested change in Paragraph D tracks the other section of the permit.

Page D-1 -- No definition is required of "Annual Report" because the contents of the Annual Report are described in Section 7 of the permit.

Attachment D,  
generally The County is reviewing the Glossary of Terms and may have further comment. Such comments, if any, will be forwarded to you as soon as possible.

Please call Gary Hildebrand if you have any questions about any of the comments noted herein and in the attached document.

Very truly yours,



David W. Burhenn

DWB:bj

cc: Mr. Carlos Urrunaga (w/encl.)  
Judith A. Fries, Esq. (w/encl.)  
Donald L. Wolfe, P.E. (w/encl.)  
Gary W. Hildebrand, P.E. (w/encl.)

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COMMENTS OF L.A. COUNTY

WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES

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**0017**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

ORDER NO. 96-XXX  
(NPDES NO. CAS614001)

WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES

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0018

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter referred to as the Regional Board), finds:

Existing Permit and Report of Waste Discharge

1. The County of Los Angeles and 85 incorporated cities within the County of Los Angeles (see Attachment A), hereinafter referred to as Permittees, discharge or contribute to discharges of storm water and urban runoff from municipal separate storm sewer systems (MS4s), also called storm drain systems, and water courses within the County of Los Angeles into receiving waters of the Los Angeles Basin under countywide waste discharge requirements contained in Order No. 90-079 adopted by this Regional Board on June 18, 1990. That Order also serves as a National Pollutant Discharge Elimination System (NPDES) permit (CA0061654).
2. On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as an application for re-issuance of waste discharge requirements and a NPDES permit.

Nature of Discharges and Sources of Pollutants

3. The discharges consist of surface runoff<sup>1</sup> from various land uses in all the hydrologic drainage basins that discharge into water bodies in Los Angeles County. The quality and quantity of these discharges vary considerably and are affected by the hydrology, geology, and land use characteristics of the watersheds; seasonal weather patterns; and frequency and duration of storm events. Nationwide studies in urban areas have shown that urban runoff typically contains significant quantities of pollutants. The pollutants of concern are several heavy metals, sediment from erosion due to anthropogenic activities, petroleum hydrocarbons from sources such as used motor oil, microbial pathogens of domestic sewage origin from illicit discharges, certain pesticides associated with land application, and other pollutants which may cause aquatic toxicity and adverse human health impacts

<sup>1</sup> Consist of non-storm water and storm water (urban runoff), hereinafter referred to as storm water.

in the receiving waters.

- 4. Studies conducted by the USEPA, the states, flood control districts, and other entities indicate the following constitute potential sources of storm water pollution:
  - a. Industrial sites where appropriate pollution control and best management practices (BMPs) are not implemented,
  - b. Construction sites where erosion and sediment controls and BMPs are not implemented, and
  - c. Non-storm water discharges which are not properly managed.
- 5. Periodic Water Quality Assessments<sup>2</sup> conducted by the Regional Board identified impairment of a number of water bodies in Los Angeles County. The beneficial uses of these water bodies are either impaired or threatened to be impaired. Pollutants found causing impairment include: heavy metals, coliform, enteric viruses, pesticides, nutrients, PAHs, DDT, PCBs, PCE, TCE, sediments, trash, debris, algae, scum, and odor.
- 5. Investigations conducted by the Santa Monica Bay Restoration Project (SMBRP) showed pathogens were detected in summer runoff at four storm drain locations. Possible sources of pathogen contamination include illicit sewer connections to the storm drains, leaking sewer lines, malfunctioning septic systems, inadequate waste disposal by recreational vehicles, campers or transients. Additional potential sources of human pathogens in nearshore waters include sewage overflows into storm drains, small boats waste discharges, and bathers themselves. Although these studies were done at the Santa Monica Bay, the results (except for septic tanks) could be extrapolated to other water bodies in Los Angeles.

*within the jurisdiction of the Los Angeles Regional Board*

Coverage and Exemptions to this Order

- 6. The requirements in this Order cover all areas within the boundaries of the cities as well as unincorporated areas in Los Angeles County, ~~except the Cities of Lancaster and Palmdale.~~ *except the City of Avalon* The Permittees serve a population of about 11.4 million<sup>3</sup> in an area of approximately 3,100 square miles.
- 7. Federal, state or regional entities within the Permittees' boundaries or in jurisdictions outside the County of Los Angeles, and not currently named in this Order, operate storm

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<sup>2</sup> Water Quality Assessment, California Regional Water Quality Control Board, April 18, 1988.

<sup>3</sup> SMBRP (comprised of government, industry, and environmental representatives) was established in 1988 pursuant to Clean Water Act Section 320 which included Santa Monica Bay in the National Estuary Program.

<sup>4</sup> ~~These cities are not under the jurisdiction of the Los Angeles Regional Board but with the Lahontan Regional Board (Region 6).~~

<sup>5</sup> 1990 Census of Population and Housing, Bureau of the Census, U.S. Department of Commerce

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drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges.

For those entities within the Permittees' boundaries (which include large landowners such as state parks and universities), these entities may choose to become Permittees under this Order, or the Regional Board may consider issuing separate NPDES permits. The California Department of Transportation (Caltrans) discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans, currently a Co-Permittee to Order No. 90-079, submitted an ROWD on July 3, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements to be issued to Caltrans will be consistent with this Order.

- 8. Sources of discharges into receiving waters in the County of Los Angeles but in jurisdictions outside its boundary include the following:
  - a. Approximately 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay.
  - b. About nine (9) square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay.
  - c. Approximately 86 square miles of areas in Orange County drain into Coyote Creek, thence into the San Gabriel Watershed in the County of Los Angeles.

The Regional Board will insure that storm water management programs for the areas in Ventura County and the City of Thousand Oaks that drain into Santa Monica Bay are consistent with the requirements of this Order. The Regional Board will coordinate with the Santa Ana Regional Board so that storm water management programs for the areas in Orange County that drains into Coyote Creek are consistent with the requirements of this Order.

- 9. The City of Santa Clarita and some unincorporated areas of Los Angeles County drain into the Santa Clara River watershed which is regulated under the municipal storm water NPDES permit for the County of Ventura (Order No. 94-082, CAS063339). The storm water management plan for the Santa Clara River Watershed will be developed considering the requirements of Order No. 94-082.
- 10. Certain pollutants present in storm water and/or urban runoff may be contributed by activities which the Permittees cannot control. Examples of such pollutants and their respective sources are: polycyclic aromatic hydrocarbons (PAHs) which are products of internal combustion engine operation, nitrates from atmospheric deposition, lead from leaded fuels, copper from brake pad wear, zinc from tire wear and naturally-occurring minerals from local geology. However, Permittees can implement measures to minimize entry of these pollutants into storm water.

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Bases of the Order and Waste Discharge Requirements

Federal Statutes and Regulations

- 10. Section 402(p) of the federal Clean Water Act (CWA), as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s to waters of the United States. Section 402(p)(3)(B) requires that permits for MS4s: "(i) may be issued on a system- or jurisdiction-wide basis; (ii) shall include a requirement to effectively prohibit non-storm water discharges into the storm sewers; and (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable ..... and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."
- 11. On November 16, 1990, pursuant to Section 402(p) of the CWA, the United States Environmental Protection Agency (USEPA) promulgated 40 Code of Federal Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants.
- 12. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. CZARA covers five nonpoint source areas of pollution: Agriculture, Silviculture, Urban, Marinas, and Hydromodification. This Order includes management measures for pollution from Urban Areas and Marinas, and provides the functional equivalence for compliance with CZARA in these two areas. The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration recommends management practices for commercial facilities (including gas stations), and all construction activity (new development and redevelopment).

State Statutes, Permits, and Appeals

- 13. To facilitate compliance with federal regulations, in 1992, the State Water resources Control Board (State Board) issued two statewide general NPDES permits: one for storm water from industrial sites [NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GIASP)] and the other for storm water from construction sites [NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)]. "Industrial Activities", as defined in 40 CFR § 122.26(b)(14)(i) through (xi), and construction activities on five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent with the State Board.
- 14. The State Board adopted a dual annual fee structure for industrial facilities and construction sites covered by the two general permits described in Finding 14. Industrial facilities and construction sites located in jurisdictions with a MS4 permit are subject to a

with a disturbed area of



lower annual fee (\$250) than those located in jurisdictions without a MS4 permit (\$500). The intent of the dual fee structure was to allow Permittees to recover the annual fee differential or portion thereof if necessary to support the MS4 program and also provide some oversight over these facilities.

- 15. The State of California is a delegated state under the NPDES program, and as such, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, may impose more stringent requirements necessary to implement water quality control plans for the protection of beneficial uses of receiving waters, and/or to prevent nuisance.
- 16. California Water Code (CWC) Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241<sup>9</sup>.

X State and Regional Board Water Quality Control Plans and Policies

- 17. The State Board adopted a revised Water Quality Control Plan for Ocean Waters of California (Ocean Plan) on March 20, 1990. The Ocean Plan contains water quality objectives for the Coastal Waters of California.
- 18. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, noncontact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

- 19. This Regional Board has implemented a Watershed Protection Approach in addressing water quality management in the region. The objective of the Watershed Protection Approach is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationship between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available.

<sup>9</sup> CWC Section 13241 prescribes the factors that the Regional board shall consider in establishing water quality objectives.

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20. To implement the Watershed Management Approach, as well as facilitate compliance with this Order, the County of Los Angeles is divided into six Watershed Management Areas (WMAs) as follows:
- a. Malibu Creek and Rural Santa Monica Bay Watershed Management Area
  - b. Ballona Creek and Urban Santa Monica Bay Watershed Management Area
  - c. Los Angeles River Watershed Management Area
  - d. San Gabriel River Watershed Management Area
  - e. Dominguez Channel/Los Angeles Harbor Watershed Management Area
  - f. Santa Clara River Watershed Management Area

Attachment A shows the list of cities under each Watershed Management Area.

Other Bases

21. SMBRP developed a Bay Restoration Plan<sup>7</sup> to serve as a blueprint for Santa Monica Bay's recovery. The Plan contains actions that calls for the Regional Board to then integrate into the storm water permit and provides guidance to the Regional Board for the development of a strong, environmentally sound storm water program.
22. The Regional Board is the enforcing authority for both the two statewide general permits, described in Finding 14, which regulates discharges from industrial facilities and construction sites, and all NPDES storm water and non-storm water permits issued by the Regional Board. However, frequently, industrial and construction sites discharge directly into storm drains and/or flood control facilities owned and operated by the Permittees or located in the jurisdiction of the Permittees. These industrial and construction sites are also regulated under local laws and regulations. Therefore, a coordinated effort between the Permittees and the Regional Board is critical to avoid duplicative regulatory activities and promote program efficiency.
23. The Report of Waste Discharge (ROWD) submitted by the Permittees includes:
- a. Summary of BMPs implemented,
  - b. Storm water management plans for the six Watershed Management Areas,
  - c. Countywide evaluation of existing storm water quality data, and,
  - d. Monitoring Program.

The Report of Waste Discharge served as partial bases for the development of the Storm Water Management Program (SWMP) requirements of this Order.

24. Besides the above referenced state and federal laws and regulations, water quality control plans, policies, and considerations, the requirements in this Order are also based on results of studies and reports on the following:

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<sup>7</sup> The plan was endorsed by the Regional Board and approved by Governor Pete Wilson in 1994, and approved by the USEPA in 1995.

- a. An epidemiological study<sup>9</sup> conducted during the summer of 1995 for the Santa Monica Bay Restoration Project demonstrated that there is an increased risk of acute illnesses caused by swimming near flowing storm drain outlets in Santa Monica Bay.
- b. A USEPA review of activities conducted by the automotive service sector indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water. A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings. Implementation of BMPs at these facilities will reduce the release of pollutants into storm water.
- c. The 1992 USEPA sponsored study on storm water discharges from gasoline stations in California demonstrated that a mix of BMPs is most effective in reducing pollutants in storm water.
- d. Studies demonstrate that parking lots are significant sources of pollutants in storm water<sup>10</sup>.
- e. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County and the experience of other California MS4s indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system. Implementation of BMPs at these facilities will reduce the release of pollutants into storm water.

Objectives and Requirements of this Order

- 25. The intent of this Order is the implementation of the foregoing statutes, regulations, and water quality control plans to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes narrative receiving water limitations that require storm water discharges neither cause violations of water quality objectives, cause a condition of nuisance, nor cause water quality impairment in receiving waters. No numerical limits are prescribed in this Order.

To meet the receiving water limitations, this Order requires the implementation of Best

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- <sup>9</sup> *An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay, May 1996*
- <sup>10</sup> Includes auto body shops, gas stations, auto repair, used car dealers, specialized repair, car washes, car rental, and truck rental. Source: Storm Water Discharges Potentially Addressed by Phase II...Report to Congress, 1995, Document No. EPA 833-K-94-002
- <sup>11</sup> *Urban Storm Water Toxic Pollution, Assessment, Sources, Pitt et al., V. 67, pp. 260 - 276 Results of Retail Gas Outlet & Commercial Parking Lot Storm Water Runoff Study, Western States Petroleum Association and American Institute, 1994 ( Geometric Consultants)*

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Management Practices to reduce pollutants in storm water to the maximum extent practicable" with a monitoring program to assess compliance with the objectives and requirements of this Order.

- 26. This Order designates the County of Los Angeles as the Principal Permittee. The Principal Permittee will coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for insuring compliance of any individual permittee.
- 27. Each Permittee is responsible under this Order for the implementation of the appropriate storm water program pursuant to the requirements of this Order, and not for the implementation of the provisions of this Order applicable to the Principal Permittee or other -Permittees. Each Permittee need only comply with the requirements of this Order applicable to discharges originating from its boundaries. *and over which it has regulatory control.*
- 28. In the Report of Waste Discharge, the Permittees proposed the formation of countywide Executive Advisory Committee (EAC), and a Watershed Management Committee (WMC) for each of the Watershed Management Areas. The EAC and the six WMCs are now functional.

The EAC is comprised of the representative from the County of Los Angeles as Chair, and two representatives from the six Watershed Management Areas. Similar to the Principal Permittee, the EAC are not responsible for insuring compliance of any individual permittee with the requirements of this Order.

The EAC and the WMCs will provide the leadership framework to facilitate development of storm water management programs within the six watersheds and to promote consistency in the implementation of these programs among Permittees.

This Order contemplates that the Principal Permittee will consult with the Permittees through the EAC and the WMC's on the development and implementation of countywide and watershed-specific plans and programs, and in the preparation of reports required under this Order.

- 29. In November 1992, the USEPA issued a guidance document for submittal of Part II application for MS4s which provides the required components of municipal storm water programs. The guidelines recommend program activities in the following areas: a. Program Management, b. Illicit Discharges, c. Industrial/Commercial Sources, d. New Development and Redevelopment, e. Public Agency Activities, f. Public Information and Participation, g. Program Evaluation, and h. Monitoring.

The Storm Water Management Program (SWMP) required in this Order consists of the components recommended in the USEPA guidelines and was developed with the cooperation of representatives from the regulated community and environmental groups. The SWMP includes requirements with compliance dates to provide specificity and

" See Glossary of Terms

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certainty of expectations. It also includes provisions that promote customized initiatives, both on a countywide and watershed basis, in developing and implementing cost-effective measures to minimize discharge of pollutants to the receiving water. The various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water and urban runoff to the maximum extent practicable.

- 30. The main focus of the SWMP required in this Order is pollution prevention through education, public outreach, planning, and implementation of BMPs. Successful implementation of the provisions of the SWMP will require cooperation and coordination of all public agencies in each Permittees' organizations, among Permittees, and the regulated community. To minimize cost, the Permittees are encouraged to utilize their existing organizational framework to implement the various activities required in this Order.
- 31. This Order, pursuant to 40 CFR Part 122.26(d)(2)(i), requires the Permittees to demonstrate that they possess the legal authority to implement and enforce the storm water programs within their respective jurisdiction. This legal authority may be in the form of ordinance, permits, contracts or similar means. If the Permittees decide that the legal authority would be through ordinance, the permittees are encouraged to develop through the EAC a model ordinance to minimize cost and promote countywide consistency.
- 32. Board Order 90-079 required the development and implementation of BMPs to minimize pollutants in storm water. In 1993, the Regional Board approved 13 baseline BMPs to facilitate the implementation of countywide minimum requirements, to encourage countywide consistency, and provide a minimum measure of progress. These BMPs were selected from Permittees' MS4 programs. Twelve of these 13 BMPs have been made a part of this Order which are: a. Catch basin labeling; b. Public illicit discharges reporting; c. Construction storm water ordinance; d. Public education and outreach; e. Catch basin cleanout; f. Roadside trash receptacles; g. Street sweeping; h. Proper disposal of litter, lawn clippings, pet feces; i. Removal of dirt, rubbish and debris at homes and businesses; j. Oil, glass, and plastics recycling; k. Proper disposal of household hazardous wastes; and l. Proper water use and conservation. The 13<sup>th</sup> BMP (inspections of vehicle repair shops, vehicle body shops, vehicle parts and accessories, gasoline stations, and restaurants) has been changed to site visits for educational purposes.
- 33. Each Permittee owns/operates facilities and/or enters into contracts with outside parties to carry out activities that may impact storm water quality.<sup>12</sup> As part of the Storm Water Management Program, each Permittee is required to implement BMPs to reduce pollutant discharges from these activities/facilities.

Non-storm water discharges from these facilities and/or activities also affect water quality. This Order prohibits non-storm water discharges from public facilities unless the

<sup>12</sup> These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, storm drain system maintenance activities and the application of herbicides and pesticides.

discharges are exempt or covered under the terms of this Order, or are permitted by the Regional Board under a separate individual or General NPDES permit.

- 34. This Order provides Permittees the flexibility to petition the Regional Board Executive Officer to substitute a BMP included under the requirements of this Order with an alternative BMP, if they can provide scientific information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP in meeting the objectives of this order.

Enforcement Actions under the Existing Order (90-079)

35. Pursuant to CWA Section 505, NRDC filed citizens suits with the Federal District Court, Central District of California, against Caltrans, the Cities of Beverly Hills, Culver City, El Segundo and Hermosa Beach, and the County of Los Angeles for noncompliance with the requirements of Order No. 90-079. The court ruled in NRDC vs Caltrans (C.D. Cal. 1994) that the Director of Caltrans has not substantially complied with Order No. 90-079. In the ruling, the Court stated that in order to reduce pollutants to the maximum extent practicable, a Permittee must evaluate and implement all applicable BMPs, except where, (i) other effective BMPs will achieve greater or substantially similar pollution control benefits; (ii) the BMP is not technically feasible; or (iii) the cost of BMP implementation greatly outweighs the pollution control benefits.

In the lawsuits against the other defendants, negotiated settlements were reached and entered in Court which require the defendants to implement storm water pollution control measures or conduct storm water monitoring.

- 36. On December 6, 1993, and September 26, 1994, the Regional Board issued cease and desist orders to Caltrans (Order No. 93-081) and the City of Azusa (Order No. 94-102), respectively, for failure to fully comply with the requirements contained in Board Order No. 90-079. Both Caltrans and the City of Azusa were required to undertake tasks to correct their noncompliance. The City of Azusa has satisfactorily completed the required tasks, while Caltrans compliance with the cease and desist order is still pending.

Provisions

- 37. The Regional Board will provide the Principal Permittee with an updated list of NPDES permits on a quarterly basis through the Regional Board's electronic bulletin board which may be accessed at (213) 266-7663, or other available methods, for use by each Permittee to identify permitted sources of active non-storm water discharges into the MS4.
- 38. The Permittees will work with other agencies, to the extent necessary, and report to the Regional Board on recommendations to resolve any conflicts identified between the provisions of this permit and the requirements of other regulatory agencies, if they deem it necessary.
- 39. This action to adopt and issue waste discharge requirements and a NPDES permit is exempt from the provisions of the California Environmental Quality Act, Chapter 3

(commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code.

Public Process

- 40. The Regional Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules, including Annual Reports, Work Plans, ~~Performance Standards~~, and proposed Storm Water Management Plan revisions, submitted in response to requirements of this Order. The Regional Board will consider comments and may modify the reports, plans, or schedules or may modify this Order in accordance with the NPDES permit regulations, and applicable substantive and procedural requirements and provisions of the Water Code and the California Code of Regulations.
- 41. This Order may be modified or alternatively revoked or reissued, prior to its expiration date, in accordance with the procedural requirements of the federal NPDES program, California Water Code and Title 23 of the California Code of Regulations for the issuance of waste discharge requirements, and upon prior notice and hearing.
- 42. The Regional Board solicited comments on early drafts of this Order from Permittees, interested agencies, and interested persons. In addition, Regional Board staff met with representatives from Permittees, business associations, environmental groups, and other interested persons to discuss permit requirements and resolve critical issues. Regional Board staff also solicited feedback from the Santa Monica Bay Oversight Committee on early drafts of the Order, and attended Permittee watershed meetings, made presentations to government officials, and public workshops to hear concerns.

The Regional Board has notified each Permittee, interested agencies, and interested persons of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharges and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

The Board, in a public hearing, heard and considered all comments pertaining to the tentative waste discharge requirements. This order shall serve as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to Section 402 of the federal Clean Water Act, or amendments thereto, and shall take effect at the end of 15 days from the date of its adoption, provided the Regional Administrator of the U.S. Environmental Protection Agency, Region IX, has no objections.

IT IS HEREBY ORDERED that the County of Los Angeles and the Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates,

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DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS

I. DISCHARGE PROHIBITIONS

Each Permittee shall, within its jurisdiction, effectively prohibit non-storm water discharges into the municipal separate storm sewer system (MS4) and watercourses, except where such discharges are:

- A. In compliance with a separate NPDES permit; or
- B. Identified and in compliance with Provision II. <sup>§</sup> (Illicit Connections/Discharges: Non-storm Water Discharges), of this Order; or
- C. Discharges originating from federal, state or other facilities which the Permittee is preempted from regulating.

Compliance with this Order through timely development and implementation of programs described herein shall constitute compliance with this prohibition.

II. RECEIVING WATER LIMITATIONS

The water quality objectives and water quality standards contained in the Basin Plan (Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994), and amendments thereto, shall serve as Receiving Water Limitations for discharges covered under this Order. The discharge of storm water, or non-storm water, from a municipal separate storm sewer system (MS4) for which the dischargers are responsible shall not cause nuisance, continuing or recurring impairment of beneficial uses, or exceedances of water quality objectives in the receiving waters. The Permittees will not be in violation of this provision so long as they are in compliance with the Storm Water Management Program Requirements set forth in this Order.

*Bold*

*In response to comments:  
State ~~that~~ we always write the  
rule's. If the Permittees do not  
like it, then we will use  
the Orange County language in all of it.*

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**STORM WATER MANAGEMENT PROGRAM REQUIREMENTS**

**General Requirement**

Each Permittee shall implement within its jurisdiction the requirements of the storm water management program according to the Countywide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMAP) that will be developed pursuant to this Order.

The CSWMP is the comprehensive implementation plan for all segments of the Storm Water Management Program required in this Order that are applicable to all Permittees and all Watershed Management Areas. Upon approval by the Regional Board, Regional Board Executive Officer, the Permittees will implement the CSWMP.

The WMAP is the comprehensive implementation plan for a specific watershed based on the requirements of this Order, the CSWMP, and any other applicable actions that address pollutants of concern and other water quality issues unique to that watershed toward the objective of reducing pollutants to the maximum extent practicable. Upon approval by the Regional Board Executive Officer, the WMAP will supersede the CSWMP.

**I. Program Management**

**A. Responsibilities of Principal Permittee.**

The County of Los Angeles is hereby designated as the Principal Permittee, and as such shall:

1. Coordinate permit activities among permittees and act as liaison between Permittees and the Regional Board on general permit issues;
2. Provide personnel and fiscal resources for the development and update of the Countywide Storm Water Management Plan (CSWMP) and the Watershed Management Area Plans (WMAPs) described in this Order;
3. Convene the Watershed Management Committees (WMCs) constituted pursuant to Provision I.B upon designation of representatives thereof;
4. Provide technical and administrative support for both the EAC, and the WMCs;
5. Provide personnel and fiscal resources for the preparation of Program Annual Reports required in this Order;
6. Implement the Countywide Monitoring Program required in this Order; and,
7. Comply with the responsibilities of the Permittees applicable to the Principal Permittee's jurisdiction.

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**B. Responsibilities of the Permittees**

1. By the dates specified in this Order, each Permittee shall implement within its jurisdiction the Storm Water Management Program provisions and the Countywide Storm Water Management Plan (CSWMP) and amendments thereof;
2. Each Permittee shall coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of this Order in an efficient and cost-effective manner.
3. Each Permittee shall participate in the development and, if necessary, the update of the CSWMP.
4. Each Permittee shall provide in a timely manner all information needed by the Principal Permittee for completing the Annual Reports.
5. Each Permittee's shall appoint a technically knowledgeable representative(s) to the WMC.
6. Each Permittee shall participate in the development of the WMAP for its respective watershed management area through its Watershed Management Committee (WMC), and upon approval by the Regional Board Executive Officer shall implement said WMAP.

**C. Watershed Management Committees (WMCs)**

1. Each Watershed Management Committee shall be comprised of a voting representative from each Permittee in the Watershed Management Area (WMA).
2. The WMC's chair and secretary shall be chosen by the WMC. In the absence of volunteer Permittee(s) for the positions, the Principal Permittee shall assume those roles, until the WMC approves qualified persons.
3. The WMC shall,
  - a. Facilitate cooperation and exchange among Permittees;
  - b. Establish goals and objectives for the watershed;
  - c. Prioritize pollution control efforts;
  - d. Participate in the development of a WMAP after the CSWMP is completed;

- e. Assess the effectiveness of, prepare revisions for, and recommend appropriate changes to the CSWMP and the WMAP;
- f. Support the lead municipalities in the development and implementation of watershed special/ pilot projects;
- g. Coordinate and facilitate the submittal of completed reporting forms to the Principal Permittee for report integration, and assist in the preparation of Annual Reports by the Principal Permittee on permit activities within the watershed for submittal to the Regional Board;
- h. Identify, as part of the industrial/commercial Source Identification program, SIC industrial/commercial groups selected as priorities to be included in the database described in the Public Education Section V.B.2.a.8. The criteria for inclusion may consider:
  - i. Extent of exposure of the industrial/commercial activity to storm water;
  - ii. Types and quality of non-storm water discharges;
  - iii. Similarity of industrial/commercial activity to industrial activity regulated under the USEPA Phase 1<sup>13</sup>;
  - iv. Types of chemicals and wastes generated that can contaminate storm water;
  - v. Existence of duplicate regulatory programs with other agencies that emphasize waste management and minimize exposure of the industrial/commercial activity to storm water;
  - vi. Number of facilities in watersheds;
  - vii. Professional understanding of the industrial/commercial sector waste management practices;
  - viii. Experience of local agency industrial inspection programs; and,
  - ix. Any other information that indicates a significant potential for contamination of storm water.

D. Fiscal Resources

1. The Principal Permittee in consultation with the Permittees, shall prepare a budget summary format by 3 months from the adoption of this Order for use by each Permittee to report resources available to implement the storm water management program.
2. Each Permittee shall submit to the Principal Permittee a summary of resources dedicated for storm water program implementation, not later than 60 days of budget adoption by the Permittee's elected local governing

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<sup>13</sup> See definition of Phase 1 facilities in the Glossary of Terms

body. A Permittee may provide all necessary data in an alternate format which includes the same information unless directed otherwise by the Regional Board Executive Officer.

**E. Legal Authority**

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1. Each Permittee shall demonstrate that it possesses legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction, so as to comply with this Order. This legal authority may be demonstrated by either a single ordinance or a single guidance document containing all the statutes, ordinances, permits, contracts, orders or inter-jurisdictional agreements among Permittees which govern a Permittee's storm water management activities, as required by 40 CFR 122.26(d)(2)(i)(D):

a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity, through the following prohibitions and requirements :

- i. Prohibit the discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned;
- ii. Prohibit the discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
- iii. Prohibit to the maximum extent practicable, discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is undertaken;
- iv. Prohibit discharges to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), and unsealed receptacles containing hazardous materials;
- v. Prohibit discharges of swimming pool filter backwash to the MS4;
- vi. Prohibit washing toxic materials from paved or unpaved areas which results in a discharge to the MS4;

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- vii. Prohibit washing impervious surfaces in industrial/commercial areas which results in a discharge to the MS4, unless specifically required by State or local health and safety codes or permitted under a separate NPDES permit;
  - viii. Prohibit the washing out of concrete trucks into storm drains;
  - ix. Require regular sweeping or other equally effective measures to remove debris from industrial/commercial motor vehicle parking lots with more than twenty-five parking spaces that are located in areas potentially exposed to storm water;
  - x. Require placement of machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, in a manner where leaks, spills and other maintenance related pollutants are not discharged to the MS4;
- b. Prohibit illicit discharges and illicit connections to the MS4 and require removal of illicit connections;
  - c. Control the discharge of spills and the dumping or disposal of materials other than storm water to the MS4 through the following prohibitions or requirements ;
    - i. Prohibit filtering;
    - ii. Prohibit the disposal of leaves, dirt or other landscape debris into a storm drain;  
*disposal into the storm drain*
    - iii. *which* Prohibit the use of any pesticide, fungicide, or herbicide whose sale has been voluntarily discontinued or is prohibited by the USEPA; or  
*Prohibit disposal into the storm drain*
    - iv. ~~Require proper disposal of food wastes by the food service and food distribution industry, and~~
    - v. ~~Require disposal of hazardous wastes at appropriate disposal sites, and not in trash containers used for municipal trash disposal, and~~
    - vi. Require removal and proper disposal of all fuel and chemical residue, animal waste, garbage, batteries, or other types of potentially harmful materials which are located in

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areas susceptible to or exposed to storm water;

- d. Control to the extent practicable through interagency or inter-jurisdictional agreements among Permittees the discharge of pollutants from one portion of the MS4 to another;
- e. Require compliance with conditions in ordinances, permits, contracts or orders; and
- f. Conduct inspection, surveillance and/or monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to the MS4.

2. Each Permittee shall:

- a. Provide to the Principal Permittee for submittal to the Regional Board Executive Officer of the Regional Board by (120 days of the adoption of this Order) copies of ordinances, regulations, and other legal documents establishing legal authority, or in the alternative:
  - I. A statement by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, referencing that legal authority with specificity; and/or
  - II. If Provision 1.E.2.a.i. is only partially fulfilled, a timely schedule for obtaining adequate legal authority to comply with this Order, enumerating with specificity that legal authority which remains to be obtained .
- b. Exercise full legal authority within its jurisdiction to require compliance with this Order, the CSWMP and/or the WMAPs.

F. BMP Substitution

A Permittee may petition the Regional Board Executive Officer to:

- 1. Substitute for any BMP or requirement identified in this Order, the CSWMP, or the WMAP, if the Permittee can demonstrate through documentation and/or scientific data that the proposed alternative BMP:
  - a. will meet the objective of the original BMP or Order requirement to achieve a similar or greater reduction in storm water pollutants; and
  - b. will be implemented within a similar period of time.

- 2. Eliminate any BMP identified in this Order, the CSWMP, and/or the WMAP, for its jurisdiction if it can demonstrate through documentation and/or scientific data, that:
  - I. The BMP is not technically feasible;
  - II. The cost of implementation greatly outweighs the pollution control benefits; or
  - III. Is not applicable in the Permittee's jurisdiction.

The Regional Board Executive Officer will approve or disapprove the petition in accordance with Provision I.G and I.H.

**G. Administrative Review**

The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees, prior to initiating enforcement action.

- 1. Storm water program documents, including progress reports, guidelines checklists, BMPs, databases, program summaries, and implementation and compliance schedules, developed by a Permittee under the provisions of this Order shall be submitted to the Regional Board Executive Officer or the Regional Board where required for approval. The Regional Board Executive Officer will notify the Permittee and the Principal Permittee of the results of the review and approval or disapproval within 120 days. Documents that require Regional Board approval will undergo public review and comment before Board consideration at a public meeting.
- 2. If the Regional Board Executive Officer finds tentatively that a Permittee's storm water program is insufficient to meet the provisions of this Order, the Regional Board Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific findings in support of the determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.
  - a. The Permittee, upon receipt of a NIMC, shall meet and confer with Regional Board staff to demonstrate that the Permittee's program is sufficient to meet the requirements of this Order, and if not, seek clarification on the steps to be taken to completely meet the provisions of this Order. The meet and confer period will conclude with either a notice of program sufficiency to the Permittee, or the submittal to and acceptance by the Regional Board Executive Officer of a written "Storm water Program Compliance Amendment

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(SPCA)" which shall include implementation deadlines. The Regional Board Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPCA by a specified date. Failure to submit an acceptable SPCA by the specified date shall constitute a violation of this Order.

- b. The Regional Board Executive Officer will approve or reject the submitted SPCA or an amended SPCA within 120 days. Rejection of a SPCA by the Regional Board Executive Officer shall state the reasons for the failure to approve the SPCA. A Permittee that receives a rejection of an SPCA shall have sixty (60) days to remedy the specified deficiency and resubmit the SPCA.
- c. The Permittee shall comply with the terms of the SPCA. The Permittee shall submit reports to the Regional Board Executive Officer of progress made under the SPCA. The frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Regional Board Executive Officer. Failure to comply with the terms and conditions of the SPCA shall constitute a violation of this Order and shall be cause for enforcement action by the Regional Board. Permittees are not in violation of this Order until the Administrative Review is deemed complete by the Regional Board Executive Officer, *and so long as they are*

*NO*

H. Public Review *in compliance with the terms and conditions of the SPCA.*

- 1. The Principal Permittee shall maintain a current mailing list of interested parties, organized by WMAs, for distribution of documents that require the Regional Board Executive Officer's approval. The Regional Board will provide the Principal Permittee with the initial list of interested parties.
- 2. The Principal Permittee shall distribute for public comment the initial CSWMP, WMAPs and other storm water program requirements that are submitted to the Regional Board Executive Officer for approval. Interested parties wishing to have their comments considered prior to Regional Board Executive Officer, and/or Regional Board action on these documents must submit their comments in writing to the Regional Board Executive Officer not later than 45 days after the Principal Permittee has made the document available to the public.



II. Illicit Connections and Illicit Discharges

A. Illicit Connections

- 1. The Principal Permittee in consultation with the Permittees shall develop a countywide model program for elimination of illicit connections to the MS4 by 4 months after permit adoption. The program shall include, at a minimum:
  - a. Standardized storm drain inspection procedures, and illicit connection identification and elimination procedures;
  - b. Methods to prioritize potential problem areas, including, but not limited to old commercial/industrial areas, and areas with heavy industry listed under subchapter N of 40 CFR Parts 405 - 471;
  - c. Methods to utilize results of field screening activities, and other appropriate information.
    - Such program shall include:
      - Storm drain inspections schedule for illicit connections;
  - d. Standardized record keeping to document illicit connections; and
  - e. Enforcement procedures to terminate illicit connections.
- 2. Each Permittee, based on the countywide model program, shall develop and implement as appropriate a program to identify and eliminate illicit connections to the maximum extent practicable, not later than four months after the approval of the model program by the Regional Board Executive Officer.

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Such program shall include:  
Storm drain inspections schedule for illicit connections;

B. Illicit Discharges

The primary responsibility for cleanup and removal of illicit discharges of pollutants to the MS4 shall be with the owner/operator of the discharging facility or site. Nothing in this Order shall be interpreted to limit or in any way prevent action by a Permittee against the party responsible for the illicit discharge.

- 1. The Principal Permittee in consultation with the Permittees shall develop a countywide model illicit discharges elimination program by 4 months after permit adoption. The program shall include, at a minimum:
  - a. Standardized enforcement procedures, including administrative and judicial, to eliminate illicit discharges;
  - b. Standardized procedures for investigation, containment and cleanup for spills, which include a procedure to ensure that sewage treated

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with disinfection agents will not be discharged into the storm drain system to the extent practicable;

*OK* *Methods for*

Prioritization of problem areas of illicit disposal where inspection, clean up, and enforcement are necessary to prevent the discharge of contaminants;

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~~d. Standardized surveillance program to detect illicit discharges.~~

e. Standardized procedures to educate inspectors, maintenance workers, and other field staff to notice illicit discharges during the course of their daily activities, and report such occurrences;

f. Standardized record keeping system to document illicit discharges;

~~g. Standardized enforcement procedures to eliminate illicit discharges.~~

h. Industrial/commercial education and outreach materials to inform businesses about the problem of illicit discharges/dumping and proper discharge/disposal practices;

2. Each Permittee, based on the countywide model program, shall develop and implement as appropriate a program to identify and eliminate illicit discharges, not later than four months after the approval of the model program by the Regional Board Executive Officer.

**C. Non-Storm Water Discharges**

Non-storm water discharges in compliance with a separate NPDES permit/ Waste Discharge Requirement (WDR) or granted a discharge exemption by the Regional Board Executive Officer or the Regional Board or the State Board are not prohibited under this Order.

**1. Exempted Discharges**

The following non-storm water discharges need not be prohibited:

- a. Flows from riparian habitats or wetlands;
- b. Diverted stream flows;
- c. Springs;
- d. Rising ground waters;
- e. Uncontaminated groundwater infiltration; and
- f. Discharges or flows from emergency fire fighting activities.

The Regional Board Executive Officer, upon presentation of evidence in accordance with Provision II.C.4 may include other categories of non-storm water

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discharges under this sub-section.

2. Conditionally Exempted Discharges

The following non-storm water discharges need not be prohibited. However, if they are identified by either a Permittee or the Regional Board Regional Board Executive Officer as being significant sources of pollutants to receiving waters, then appropriate BMPs to minimize the adverse impacts of these sources shall be developed and implemented under the CSWMP or the WMAPs:

- a. Landscape irrigation;
- b. Water line flushing (dechlorinated);
- c. Potable water sources (if conducted in accordance with the industry-wide standard Pollution Prevention Practices developed by the American Water Works Association, California-Nevada Section, or equivalent document, and in compliance with any requirements established by the Permittee);
- d. Foundation drains;
- e. Footing Drains;
- f. Air conditioning condensate;
- g. Irrigation water;
- h. Lawn watering;
- i. Water from crawl space pumps;
- j. Dechlorinated swimming pool discharges (including filter back-wash);
- k. Individual residential car washing;
- l. Street washing (until completion of a study and the Regional Board Executive Officer's decision); and
- m. Sidewalk washing (until completion of a study and the Regional Board Executive Officer's decision)

The Regional Board Executive Officer, upon the presentation of evidence in accordance with Provision II.C.4, may include other categories of non-storm water discharges under this sub-section.

3. Designated Discharges

a. Street washing, and b. Sidewalk washing, have been determined by the Regional Board Executive Officer to be potential sources of pollutants of concern.

The City of Los Angeles will conduct a study to characterize these non-storm water discharges, and evaluate alternatives that will range from elimination of the discharge to development of appropriate BMPs to minimize the adverse impacts to the maximum extent practicable. The City of Los Angeles will submit its recommendations to the Regional Board by one year from adoption of this Order.

After the Regional Board Regional Board Executive Officer makes a

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determination on non-storm water management alternatives, Permittees will have one year from the date of the decision to implement the non-storm water management alternative to the maximum extent practicable and where applicable. A BMP implementation schedule shall be included where appropriate.

The Regional Board Executive Officer, upon presentation of evidence, may include other categories of non-storm water discharges under this subsection.

4. Procedures for Exemption

of The Principal Permittee in consultation with the Permittees may identify and describe additional categories of non-storm water discharges to be considered by the Regional Board Executive Officer for exemption from the Discharge Prohibitions. The criteria for consideration of a request for exemption of a non-storm water discharge type include one or more of the following:

- a. Documentation that the discharges are not significant sources of pollutants to receiving waters or do not cause impairment of beneficial uses of receiving waters;
- b. Special circumstances that have been defined in which the discharges have been found not to be sources of pollutants to or do not cause impairment of beneficial uses of receiving waters;
- c. Specific BMPs, where determined feasible, that have been identified to reduce pollutants in discharges to the maximum extent practicable and minimize adverse impacts of such sources, with an implementation schedule; or
- d. Established procedures to ensure BMP implementation, including an implementation schedule, performance standards, monitoring and record keeping.

The exemption request for additional non-storm water discharge types may be submitted, beginning with the first Annual Report. The exemption for a non-storm water discharge type becomes effective upon approval by the Regional Board Executive Officer.

D. Public Reporting

- 1. The Principal Permittee in consultation with the Permittees shall develop a countywide standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices by 4 months after adoption of this Order. The program may include, but not be limited to:

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- a. A system to receive in-coming complaints;
  - b. A communication network to link Permittees so that action can be coordinated and complaints can be investigated promptly; and
  - c. A system to notify the complainant of any action taken, if appropriate.
2. Each Permittee shall implement the countywide illicit discharges and illicit disposal reporting program not later than four months after the approval by the Regional Board Executive Officer.
3. The Principal Permittee in consultation with the Permittees shall develop a countywide program by 4 months after adoption of this Order for reporting incidents of 'reportable quantity'<sup>14</sup> of hazardous substances entering the MS4. The incidents shall be reported to the State of California Office of Emergency Services (OES) [current number, (800) 852-7550] and the Federal Hazardous Response Center [current number, (800) 424-8802].
4. Each Permittee shall implement the countywide program for reporting hazardous substances entering the MS4, not later than four months after the approval by the Regional Board Executive Officer.

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<sup>14</sup> See definition of 'reportable quantity' in the Glossary of Terms

III. Development Planning and Construction

A. Development Planning

1. Countywide Guidelines

a. The Principal Permittee in consultation with the Permittees shall develop ~~as part of the Countywide Storm Water Management Plan (CSWMP)~~, recommended Best Management Practices (BMPs) for use during planning and permitting of all development projects requiring discretionary approval by 18 months after adoption of this Order. The BMPs shall include:

- I. Site planning practices;
- II. Post-construction best management practices; and
- III. Redevelopment and infill practices.

The recommendations shall consider the type of development and the potential for storm water pollution when determining the applicability of BMPs. Cost effectiveness, ease of maintenance, and consistency with other environmental mandates may be considered.

For utilization where increased storm water discharge rates will result in an increase in downstream erosion potential, the recommendations shall include BMPs which can be used to maintain peak runoff rates at pre-development levels to the maximum extent feasible.

b. The Principal Permittee in consultation with the Permittees shall develop not later than 6 months after Regional Board Executive Officer approval of the BMPs in III.A.1.a. Standard Urban Storm Water Mitigation Plans and guidelines for their preparation. The Plans shall incorporate the appropriate elements of the recommended BMPs in the Countywide Guidelines. At the minimum, standard plans and guidelines shall be prepared for the following development categories:

- I. a 100+ home subdivision;
- II. a 10-home subdivision,
- III. a 100,000+ square-foot commercial development,
- IV. an automotive repair shop, v) a retail gasoline outlet,
- VI. a restaurant, and
- VII. a hillside-located single-family dwelling.

2. Prioritization of Development Projects

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- a. Priority Projects are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines may have a potential significant effect on storm water quality.
- b. Exempt Projects are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines will not have a potential significant impact on storm water quality.

As part of the ~~CSWAMP~~ <sup>T</sup> The Principal Permittee, in consultation with the Permittees, shall develop a documented system, such as a checklist, for determining "potential significant effect" as well as a list of specifically exempt projects by 18 months after adoption of this Order. Each Permittee shall incorporate a substantially similar system into their procedures not later than 6 months after the approval of the documented system by the Regional Board Executive Officer.

The documented system shall consider location of the project with respect to designated environmentally sensitive areas and the slope and erosion potential of the site and surrounding areas.

3. Planning Process

In order to integrate storm water management considerations into discretionary development projects at the time that they are first proposed to jurisdictions, and to support other provisions of this Order:

- a. The Principal Permittee in consultation with the Permittees shall develop, ~~as part of the Countywide Plan,~~ storm water management guidelines to use in preparing/reviewing CEQA documents, and in linking storm water quality mitigation conditions to local discretionary project approvals by 18 months after adoption of this Order.  
  
The guidelines shall address the presentation or restoration of areas that provide water quality benefits such as riparian corridors and wetlands and promote protection of the biological integrity of drainage systems and water bodies.  
  
Each Permittee shall review the Guidelines for the purpose of making appropriate modifications in their internal procedures not later than 6 months after the ~~Regional Board~~ Regional Board Executive Officer's approval of the Guidelines.
- b. Each Permittee shall include watershed and storm water management considerations in the process whenever a Permittee engages in a significant rewrite of the Permittee's General Plan

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elements for:

- I. Conservation; or
- II. Open space; or
- III. Land-use; or
- IV. Public utilities; or
- V. Infrastructure.

Programs developed under Section III.A.1. through 3. 6E

Consistent with the CWA model

4. Planning Control Measures

Each Permittee shall develop a program to implement planning control measures for priority projects (Provision III.A.2.a) consistent with the CSWAMP not later than 6 months after approval of the CSWAMP by the Regional Board Executive Officer. Each Permittee shall require that the project applicant submit an Urban Storm Water Mitigation Plan, and that the Permittee approve the Plan prior to the issuance of any grading or building permit. The Urban Storm Water Mitigation Plan shall incorporate by detail or reference appropriate post-construction BMPs to:

- a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies;
- b. Increase, to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;
- c. Decrease, to the maximum extent practicable, the amount of storm water directed to impermeable areas and to the MS4;
- d. Decrease, to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs such as retention, infiltration, and good housekeeping;
- e. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and
- f. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.

The Permittee may refer applicants to the Best Management Practices



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Handbooks, California Storm Water Quality Task Force, Sacramento, CA, 1992, and its revisions; the Countywide Storm Water Management Plan, USEPA Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, Issued under the Authority of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990, Document No. EPA 840 B 92-002 (1993), and similar manuals for specific guidance on selecting post-construction BMPs for reducing pollutants in storm water discharges.

5. Developer Information Program

*in consultation with the Permittees,*

The Principal Permittee shall develop a model program by 18 months after adoption of this Order to inform developers seeking discretionary approvals about:

- a. Development and construction storm water management;
- b. Maximization of pervious areas and storm water infiltration (where geology and topography permit); and
- c. Cost effective storm water pollution control measures.

The program shall provide specific guidance on selecting BMPs to reduce pollutants in storm water discharges from urbanized areas, and include appropriate BMPs, educational materials and handbooks and guidelines described in Provision III.A.4.

Each Permittee shall implement a developer information program consistent with the model program not later than 6 months after approval of the model by the Regional Board Executive Officer. Each Permittee's program shall include information about its legal authorities. Permittees are encouraged to engage in joint efforts in implementing the program.

B. Development Construction

1. Countywide Guidelines

The Principal Permittee in consultation with the Permittees and appropriate stakeholder organizations shall develop by 14 months after adoption of this Order as part of the Countywide Plan minimum recommended requirements and Best Management Practices (BMPs) for all development project construction activities. Requirements and BMPs appropriate for various activities shall be developed along with checklists for use in design and inspection. The Countywide Guidelines shall:

- a. Include erosion and sediment control practices;
- b. Address multiple construction activity related pollutants;

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- c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;
- d. Target construction areas and activities with the potential to generate significant pollutant loads;
- e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste and other pollutants from construction activity;
- f. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
- g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site.
- h. Require, to the maximum extent practicable, containment of non-storm water from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

**2. Construction Control Measures**

- a. Each Permittee shall develop a regulatory program for construction activities consistent with the Countywide Guidelines not later than 6 months after the Regional Board Executive Officer's approval of the minimum recommended requirements and BMPs in Provision III.B.1. The Program shall require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control and storm water pollution prevention plans which include, by detail or reference, all appropriate construction BMPs contained in the Countywide Guidelines.

Priority Project plans must include a narrative discussion of the reasons used for selecting or rejecting the BMPs. In lieu of a narrative, the project architect or engineer of record may sign a statement on the plan to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities."

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- b. Each Permittee shall implement a procedure by 6 months after

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adoption of this Order whereby the Permittee shall not issue a grading permit for developments with disturbed areas five acres or greater unless the applicant can show that (i) a Notice of Intent (NOI) to comply with the State Construction Activity Storm Water Permit has been filed and (ii) a Storm Water Pollution Prevention Plan (SWPPP) has been prepared.

3. Site Inspection

- a. The Principal Permittee, in consultation with the Permittees, shall develop a model construction activity inspection program, which includes checklists, by 14 months after adoption of this Order. The model program shall include but not be limited to:
  - I. Procedures for construction site inspections;
  - II. Procedures to require corrective action be undertaken by contractors at noncomplying sites;
  - III. Procedures for enforcement action against noncomplying construction activity; and
  - IV. Appropriate training for program staff. *program*
- b. Each Permittee shall implement a construction activities inspection program containing all elements of the model not later than 6 months after the Regional Board Executive Officer's approval of the model program. The program may be integrated with the Permittees regular program of construction inspection for maximum efficiency.

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IV. Public Agency Activities

A. Public Agency Model Program

The Principal Permittee, in consultation with the Permittees, shall ~~evaluate existing public agency activities~~ and develop a model program to reduce the impact of public agency activity on storm water quality by 16 months after adoption of this Order. The countywide model shall be submitted to the Regional Board for approval.

B. Permittee Public Agency Programs

Each Permittee shall develop a Public Agency Program based on the model program developed by the Principal Permittee, and an implementation schedule, not later than four months after the approval of the countywide model by the Regional Board.

C. Program Requirements

Both the model program and the Permittee programs shall at a minimum include, where applicable:

1. Sewage Systems Operations

- a. Procedures to keep sewage spills or leaks from facilities operated by a Permittee from entering the MS4 to the maximum extent practicable;
- b. Procedures to identify, repair, and remediate sanitary sewer blockages, exfiltration, overflow, and wet weather overflows from sanitary sewers operated by a Permittee to the MS4;
- c. Procedures to respond to overflows, ~~follow-up tests~~, and investigate complaints;
- d. Procedures to insure that the Permittee is able to investigate any suspected connections or cross connections from the sanitary sewer systems to the MS4, using techniques such as field screening, sampling, smoke/dye testing, and TV inspection, as appropriate; and
- e. Procedures to notify public health agencies with discretionary decision authority on beach closures when there is a threat to public health.

2. Public Construction Activities Management

- a. Storm water management requirements for the design and construction of public facilities comparable to requirements for private development;
  - b. Procedures to seek coverage, as an option, under this Order for construction activity with a disturbed area of five acres or more (Phase 1, 40 CFR 122.26) which are owned and operated by a Permittee if the Permittee develops:
    - I. A process for notifying the Regional Board of public construction activity owned or operated by the Permittee;
    - II. A checklist of construction activity BMPs using BAT/BCT criteria for public construction activity;
    - III. A procedure to verify implementation of construction activity BMPs;
    - IV. A requirement to prepare and retain site specific SWPPPs;
    - V. A procedure to report annually on the effectiveness of SWPPPs at public construction activity, and certify compliance with the requirements of this Order.
3. Vehicle Maintenance/Material Storage Facilities Management
- a. Model pollution prevention plan for public vehicle maintenance/material storage facilities which have the potential to discharge pollutants into storm water. A public vehicle maintenance/material storage facility is any Permittee-owned or operated facility or portion thereof that:
    - I. Conducts industrial activity, operates equipment, handles materials, and provides services similar to Federal Phase 1 facilities;
    - II. Performs fleet vehicle maintenance on ten or more vehicles per day including repair, maintenance, washing, and fueling;
    - III. Performs maintenance and/or repair of heavy industrial machinery/equipment; and
    - IV. Stores chemicals, raw materials or waste materials in quantities that require a hazardous materials business plan or a Spill Prevention, Control and Counter-measures (SPCC) plan.

- b. BMPs to improve site specific pollutant control including but not be limited to:
  - i. Good Housekeeping practices;
  - ii. Material storage control;
  - iii. Vehicle leaks and spill control; and
  - iv. Illicit discharge control;
  - v. Training for employees on proper outdoor loading/unloading of materials;
  - vi. Vehicle and equipment washing area control;
  - vii. Regular maintenance of treatment structures such as sumps, oil/water separators, and equivalent; and
  - viii. Proper waste handling disposal.

4. Landscape and Recreational Facilities Management

- a. Procedures for application of pesticides, herbicides, and fertilizers that will include:
  - i. List of approved pesticides and preferred use;
  - ii. Product and application information;
  - iii. Application equipment use and maintenance; and
  - iv. Record keeping.
- b. Procedures to minimize storm water pollution by pesticides and fertilizers used for landscape maintenance, including the utilization of Integrated Pest Management (IPM) techniques;
- c. Procedures to prevent the disposal of landscape waste into the MS4;
- d. Procedures to encourage retention and planting of native vegetation to reduce water, fertilizer, and pesticide needs;
- e. BMPs to reduce exposure of fertilizers and pesticides to storm water during storage, to include,
  - i. Storage indoors or under cover on paved surfaces;
  - ii. Secondary containment;
  - iii. Reduction in storage and handling of hazardous materials;
  - iv. Regular inspection of storage areas;

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- f. Guidelines to schedule irrigation and fertilization to minimize:
  - I. Chemical application during wet season and to terminate chemical application during storm events;
  - II. Over watering and nutrients/pesticides entrainment.
- g. Procedures to manage the discharges of municipal swimming pool water into the MS4, including dechlorination practices, proper disposal of clean-out waters, and piping of filter back-wash to the sanitary sewer;
- h. BMPs to minimize trash, debris, and other pollutants from entering Permittee owned recreational water bodies, to include:
  - I. Routine trash collection along, on, and/or in, water bodies, where feasible; and
  - II. Public outreach to educate the public about impacts of litter disposal.
- 5. Storm Drain Operation and Management
  - a. BMPs for Inlet Maintenance to be implemented including but not be limited to:
    - I. Inspection and cleaning of catch basins between May 1 and September 30 of each year,
    - II. Additional cleaning of catch basins, as necessary, between October 1 and April 30;
    - III. Record keeping of catch basins cleaned; and
    - IV. Recording of the quantity of catch basin waste collected.
  - b. BMPs for Storm Drain Maintenance to be implemented including but not limited to:
    - I. Proper disposal of material removed;
    - II. Removal of trash and debris from open channel storm drains at least annually between May 1 and September 30 of each year,
    - III. Surveillance for debris buildup in open channels during the rainy season.

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- c. Waste Management program to include:
  - I. Procedures to identify problem areas of illicit discharge for regular inspection;
  - II. Procedures to minimize to the maximum extent practicable the discharge of contaminants during MS4 clean up to maintain channel optimum capacity;
  - III. *OUT* Pilot projects/studies to determine the cost effectiveness of innovative MS4 structural elements to provide pollutant removal from storm water; and
  - IV. A review of current maintenance activities to assure that appropriate storm water BMPs are being utilized.
- d. Program to investigate the feasibility of dry weather flow diversion from the MS4 to municipal waste water treatment plants where appropriate.

6. Streets and Roads Maintenance

- a. Program to sweep curbed streets at a targeted frequency of:
  - I. At least monthly; and
  - II. Where feasible, areas generating significant refuse more frequently.
- b. Streets and roads maintenance program including:
  - I. BMPs for existing saw-cut management and paving practices to include but not be limited to:
    - aa. Avoidance during wet weather; and
    - bb. Material storage away from drainage areas to prevent storm water pollution.
  - II. Good housekeeping practices to insure proper management of any wastes that are generated;
  - III. Collection, transport and disposal of maintenance waste at appropriate disposal facilities in accordance with applicable federal, state, and local laws and regulations;
  - IV. Management of concrete materials and wastes including but



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not be limited to:

- aa. Washout of concrete trucks off- or on-site in designated areas and not into storm drains, open ditches, streets, or catch basins.
- bb. Material storage under cover, away from drainage areas; and
- cc. Avoidance of excess mixing of concrete or cement on-site.
- v. Employee training to:
  - aa. Promote a clear understanding of the potential for maintenance activities to pollute storm water; and
  - bb. Identify and select appropriate BMPs;

7. Parking Facilities Management

- a. Parking Facilities Management Plan to include periodic hardscape and catch basin cleaning on Permittee owned parking lots with twenty-five or more parking spaces which may be potentially exposed to storm water, to reduce oil and grease, suspended particulates, metals, and petroleum byproducts.

8. Public Industrial Activities

- a. Procedures to seek coverage, as an option, under this Order for Phase I industrial facilities which are owned or operated by a Permittee, if the Permittee develops:
  - I. A process for notifying the Regional Board of public industrial facilities owned or operated by the Permittee;
  - II. A checklist of BMPs using BAT/BCT criteria for public industrial facilities;
  - III. A procedure to verify implementation of industrial facility BMPs;
  - IV. A requirement to prepare and retain site specific SWPPPs; and
  - V. A procedure to report annually on the effectiveness of SWPPPs and the results of the facility monitoring programs

at public Phase 1 industrial facilities, and certify compliance with the requirements of this Order.

9. **Emergency Procedures**

Procedures for addressing emergency repairs of essential public services and infrastructure and responding to natural disasters.

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V. Public Information and Participation

To reach as many Los Angeles County residents as possible, a comprehensive educational outreach approach shall be undertaken under this Order. In recognition of the importance of public education to effective storm water management solutions, this Order calls for immediate permittee public outreach efforts at a specified minimum level as well as a longer term effort to develop an integrated, comprehensive outreach program. As part of the immediate effort, each Permittee is expected to choose an appropriate combination of outreach tools and activities to raise public awareness of storm water issues and improve water quality in its own individual jurisdiction, with efforts at a prescribed minimum level as described below. As part of the longer term effort, each Permittee is expected to work collaboratively to develop a comprehensive outreach/education program countywide and within its watershed management area.

The objectives of the public education program are, (i) to measurably increase the knowledge of the target audiences regarding the MS4, the impacts of storm water pollution on receiving waters, and potential solutions for the target audiences to implement BMPs to reduce the problems caused, and (ii) to measurably change the behavior of target audiences by encouraging those audiences to implement appropriate solutions.

A. Immediate Outreach

1. Each Permittee shall, at a minimum, have available for distribution or reference as appropriate, by 3 months after adoption of this Order, the following:

a. Written Material

- I. Written materials (minimum of three types in addition to those listed below) to convey pertinent information to meet program objectives. Examples of written materials include flyers, brochures, door-hangers, newspaper articles, mail-inserts, and newsletters;
- II. Documentation that a reasonable effort was made to list pertinent City phone numbers under the government pages of phone directories. This should be updated as necessary and should include telephone numbers for reporting clogged catch basin inlets and/or illicit discharges/dumping, and a general number for storm water management program information. These phone numbers may be city-specific or county-wide.);
- III. Training materials for educating appropriate Permittee employees regarding compliance with applicable storm water permits;

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- iv. An up-to-date listing of contractor and developer storm water management training programs available in the area. This list should be updated annually or as needed;
- v. An up-to-date checklist and a brochure explaining contractor and developer needs as it relates to Provision III (Development Planning/Construction) of this Order for use at a Permittee's planning/permitting counter. This should be updated annually or as needed; and
- vi. Education materials (a minimum of three types) for targeted business sector audiences for use in site visits as per Provision V.B.2 of this Order.

b. Audio Material

Documentation that a reasonable effort was made by the Principal Permittee or on behalf of the Permittees as a whole to obtain radio broadcast public service announcements to convey information regarding storm water management.

c. Visual Material

A catch basin labeling program, including label installation and maintenance schedules, to educate the public on the ultimate destination of storm drain flows.

2. Each Permittee shall demonstrate by 12 months after adoption of this Order, that it has undertaken the following activities:

- a. Distribution of outreach materials to the general public, or targeted audiences such as schools, community groups, contractors and developers at the appropriate public counters and public events; and,
- b. Training of the appropriate Permittee employees (those whose jobs or activities potentially affect storm water quality, or those who respond to questions from the public) regarding the requirements of the storm water management program.

3. The Permittees shall complete an analysis <sup>no later than 54</sup> ~~within 30~~ months after adoption of this Order, of the general success of outreach materials to residents and businesses to assist in identifying and/or developing public education and outreach goals for target audiences for watershed-wide and countywide outreach and education. ~~(City and County of Los Angeles only)~~ Each Permittee shall assist in these efforts by their individual VMC or the EAC to identify public education and outreach goals and target audiences in the

Re-work an assessment of the effectiveness of the first year education strategy

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~~context of watershed-wide and county-wide outreach and education~~

**B. Industrial/Commercial Educational Program**

Each Permittee shall develop an industrial/commercial site visit program. The purpose of such site visits will be solely educational and to provide industrial/commercial facilities with information regarding the Permittee's storm water program and to provide advice when requested, to industrial/commercial facilities in understanding and complying with the Permittee's storm water regulations. An individual Permittee may contract with existing fire department, health department, industrial waste and/or other inspection programs to conduct site visits and need not institute new and separate site visit programs. The program shall contain the following components:

**1. Identification of Sources**

a. The Principal Permittee in consultation with the Permittees shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by four months after adoption of this Order. This database will serve as a reference resource for the public, business, industry, local government, the Regional Board, and other public agencies on storm water program participation. The initial accuracy of the database will be dependent on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the industrial/commercial oversight program. No legal import is to be attributed to the database developed by the Permittees. The database format shall include at a minimum:

- I. Facility name;
- II. Site address;
- III. Watershed;
- IV. Applicable SIC code(s); and
- v. NPDES storm water permit coverage status, if applicable.

b. Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its jurisdiction and submit to the Principal Permittee not later than 4 months after the Principal Permittee providing the database format. The list of facilities shall include, at a minimum:

- I. All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities);
- II. Motor vehicle repair shops, motor vehicle body shops,

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motor vehicle parts and accessories facilities, gas stations, and restaurants; and,

- iii. Additional SIC industrial/commercial groups identified as priorities by each WMC pursuant to this Order.
- c. The Principal Permittee shall compile the information submitted by each Permittee into a database of industrial/commercial facilities based on the standard format by 16 months after adoption of this Order. This database shall include:
  - i. For each four digit SIC Industry Number, primary activities that might impact runoff discharges (from national or commercial database sources); and
  - ii. For each four digit SIC Industry Number, primary materials that might impact runoff discharges (from national or commercial database).

2. Source Control Measures

- a. The Principal Permittee in consultation with the Permittees shall develop a checklist of specific storm water BMPs for use by Permittees for each industrial/commercial SIC group requiring educational site visits under Provision V.B.2 by nine months after adoption of this Order. The BMPs shall:
  - i. Address multiple pollutants;
  - ii. Initially focus on pollutant source minimization, education, good housekeeping, and site design alternatives; and
  - iii. Target source areas and activities with the highest potential to generate substantial pollutant loads.

After the BMP lists are developed by the Principal Permittee and approved by the Regional Board, each Permittee shall use the checklists as part of the outreach measures conducted during industrial/commercial site visits.

3. Educational Site Visits

- a. Effective from the date of adoption of this Order, each Permittee shall implement an industrial/commercial facilities educational site visit program, in accordance with the following schedule:

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SITE VISIT FACILITIES	SITE VISIT FREQUENCY (No. of Contacts / Time period)
Phase I, (i)-(ix) and (xi) with waste discharge or pretreatment permit	1 / 24 months
Phase I, (i)-(ix) and (xi) with no waste discharge or pretreatment permit but with GIASP	1 / 24 months
Phase I, (i)-(ix) with no waste discharge or pretreatment permit, and no GIASP	1 / 24 months
Phase I (xi) with no GIASP	1 / 5 years*
Vehicle repair shops, vehicle body shops, vehicle parts and accessories facilities	1 / 24 months
Gas stations	1 / 24 months
Restaurants	1 / 24 months
Facilities selected by WACs	1 / 24 months

\* See exception in text below

24 months

- I. Phase 1 facilities in categories (i) through (ix) and (xi) which have an industrial waste discharge permit or a pretreatment permit, once every twenty-four months;
- II. Phase 1 facilities in categories (i) through (ix) and (xi), which do not have an industrial waste discharge permit or a pretreatment permit but have obtained coverage under the GIASP, once in five years;
- III. Phase 1 facilities in categories (i) through (ix), which do not have an industrial waste discharge permit, a pretreatment permit or GIASP coverage, once every twenty-four months;
- IV. Phase 1 facilities in category (xi) without an industrial waste discharge permit, a pretreatment permit, or GIASP coverage. In lieu of a site visit contact by phone, mail-out of questionnaire and educational materials or other similar method, to inform the facilities of notice of intent (NOI) requirements and encourage good storm water quality control measures (non-responders to be identified in annual report), once in five years;
- V. Vehicle repair shops, vehicle body shops, vehicle parts and accessories facilities

accessories (SIC Industry Major Group 75); once every twenty-four months;

vi. Gasoline stations (SIC Industry Number 5541); once every twenty-four months;

vii. Restaurants (SIC Industry Number 5812), once every twenty-four months; and,

viii. Any additional SIC industrial/commercial groups identified by the WMC for the watershed in which the Permittee is located, once in thirty-six months, with a maximum limit of 3,000 additional visits per Permittee during the term of this Order.

b. During the educational site visit, the Permittee shall:

i. Consult with a representative of the facility to explain applicable storm water regulations;

ii. Distribute and discuss applicable BMP and educational materials, including information regarding the Codes, regulations and ordinances applicable to the category of the facility;

iii. Identify Phase 1 facilities where a SWPPP is not available on-site or an NOI has not been submitted to the Regional Board or other appropriate agencies and notify the Regional Board within ninety days of site visit; and,

iv. Follow-up with facilities as deemed necessary and appropriate by the Permittee to provide advice in complying with the Permittee storm water regulations.

4. Alternative Programs

A Permittee may petition the Regional Board Executive Officer to substitute the industrial/commercial source education program with an alternative industrial/commercial educational program that will achieve greater or substantially similar educational goals and which will be implemented within a similar period of time.

C. Five-Year Storm Water Public Education Strategy

As a part of the CSWMP and subsequent WMAPs, the Five-Year Storm Water Public Education Strategy shall be developed by the Principal Permittee which elaborates steps for implementing public education programs. The strategy shall: communicate key educational information; develop educational programs for target audiences; utilize various innovative educational tools and incentives for participation; and employ

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effective outreach to the regions multi-ethnic communities; and conduct opinion surveys to assist in evaluating public awareness both before and after implementation of the public education programs.

The Permittees shall endeavor to coordinate public outreach efforts among themselves and with environmental groups, and pertinent public and private agencies

- 1. The Principal Permittee in consultation with Permittees shall develop by 12 months after adoption of this Order, a Five-Year Countywide Storm Water Education Strategy which addresses education/outreach issues countywide as well as by watershed, including a schedule for implementation. The strategy shall include a full range of outreach tools, from sophisticated media to simple brochures. The strategy shall identify the Permittee's responsibilities for implementation, including specific quantifiable objectives for changing knowledge and behavior.

At a minimum, the Five-Year Storm Water Education Strategy shall include actions for:

- a. Identification of land uses and activities that have a higher potential for storm water pollution and will include and/or accomplish the following:
  - I. Pollutants: The reduction of targeted pollutants of concern in particular watershed; and
  - II. Activity-specific: Activity-specific outreach programs shall be developed and implemented using written, audio, or visual outreach tools.

The strategy shall include activity-specific outreach programs that inform residents about the problem of illicit discharges and dumping and promote, publicize, and facilitate public reporting of these activities. The program shall also include continuing operation, maintenance, and promotion of the county-wide reporting hotline.

- b. Emphasize the importance of pollution prevention for a variety of audiences, including local residents, school-aged children, businesses and public employees whose job functions and daily lives may impact storm water quality and will include and/or accomplish the following:
  - I. For Residents
    - aa. Educate residents on recycling and household hazardous waste disposal options. The program shall provide information on collection services, including locations and schedule, provide outreach materials on source reduction and proper use, storage, and, disposal methods for

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household hazardous wastes; and continue to encourage residents to recycle (e.g., oil, antifreeze, glass, plastics, batteries);

bb. Encourage residents to participate in specific storm water outreach programs. Residents shall be informed of programs provided with the opportunity to share ideas and comments about the programs. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed management area or region and to receive feedback from the communities while measuring success of the program.

cc. Educate Do-it-yourselfers regarding pollution prevention strategies. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed management area or region.

dd. Promote public participation through cooperative programs to foster awareness and identification of storm water pollution issues among residents in a watershed. Catch basin labeling and other established sign programs are examples of this type of cooperative effort. Another example for cooperative outreach is an "Adopt-A-Program" program. Residents can "adopt" highways, storm drains, catch basins, or streams, to monitor, restore and protect them.

ee. Residents shall be encouraged to mow vegetation surrounding their residence rather than disk.

**I. For School Children**

School programs shall be developed and implemented wherever possible to include information on MS4s, the difference between sanitary sewers and storm drains, the importance of preventing storm water pollution, and provide illicit discharges/disposal and reporting procedures, source minimization, and general pollution prevention. Acquisition and/or development of curriculum materials, and distribution for teachers is encouraged.

**II. For Businesses**

aa. An education and outreach program shall be developed and implemented for business operations identified as

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having greater potential of discharging pollutants into the MS4. The program shall encourage employee training on, and the effectiveness of storm water pollution prevention practices. In addition to written, audio, and visual materials, other possible means of focused outreach may include: conducting workshops, mass mailings, submitting informational articles to trade/industry magazines. Each Permittee shall provide outreach materials through business license renewal counters and/or make efforts to outreach through professional and business associations or industrial/commercial site visits.

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bb. Construction

An education program shall be developed and implemented for construction contractors, owners, builders, and do-it-yourselfers on proper BMP implementation and maintenance, and pollution prevention.

iv. Permittee Employees

Permittee employees involved in storm water related activities shall be trained on storm water management and pollution prevention practices and the training must include employees at different levels - from program managers to field personnel. Cooperative efforts among enforcement agencies should be encouraged.

Training programs shall include, but are not limited to, articles in city newsletters, training classes, checklists for field personnel and interdepartmental forums or committees to the extent the Permittee utilizes any of the foregoing. Materials developed for other audiences may also be used in Permittee employee training programs. Appropriate public agency employees shall be trained in:

- aa. Emergency spill cleanup procedures and hotline phone numbers;
- bb. Environmentally sensitive alternative products;
- cc. Good housekeeping practices; and,
- dd. NPDES Municipal and other permitting requirements.

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**VI. Monitoring**

**A. Objectives**

The overall goal of this monitoring program is to develop and support effective watershed storm water quality management programs towards reduction of pollutant to the maximum extent practicable.

The major specific objectives of the monitoring program are as follows:

1. To track water quality status, pollutant trends, pollutant loads, and identify pollutants of concern;
2. To monitor and assess pollutant loads from specific land uses and watershed areas;
3. To identify, monitor, and assess significant water quality problems related to storm water discharges within the watershed;
4. To identify sources of pollutants in storm water runoff;
5. To identify and eliminate illicit discharges;
6. To evaluate the effectiveness of management programs, including pollutant reductions achieved by best management programs (BMPs); and,
7. To assess the impacts of storm water runoff on receiving waters.

**B. Monitoring Program Requirements**

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The Principal Permittee shall implement the monitoring program as described in Attachment G, Monitoring Program Requirements.

**C. Watershed Special/ Pilot Projects**

Municipalities in each Watershed Management Area, other than the Principal Permittee, shall participate and conduct one special/ pilot project per watershed over the term of this Order. The objective of the watershed special/ pilot project may include one or more of the following of special significance to the particular watershed: (i) to characterize a source of a pollutant of concern; (ii) to characterize a type of non-storm water discharge; (iii) to evaluate specific BMPs and their effectiveness; (iv) to quantify certain methods of pollutant reduction; (v) to objectively measure effectiveness of implementation of a certain storm water program component; and (vi) any other project that will further the objectives of storm water quality management in the watershed.

- a. Responsibility: The lead responsibility in each Watershed Management Area for the development and implementation of the special/ pilot project shall rest with

the medium and large municipalities in the watershed (i.e. those with a population of 100,000 or greater).

- b. Participation: All Permittees in the WMC are encouraged to participate in the development and implementation of the special/ pilot project. Assistance provided by Permittees to the lead municipalities may include, equipment, personnel resources, and other in-kind services.
- c. Project Approval: The lead municipalities on behalf of each WMC shall submit to the Regional Board Executive Officer, no later than 18 months after adoption of this Order for approval, one special/ pilot project proposal for each Watershed Management Area. The Regional Board Executive Officer approve the project not later than 120 days after submittal for implementation by WMC.

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VII. Program Reporting and Evaluation

A. Program Annual Report

- 1. The Principal Permittee shall develop a standard program annual reporting format for use by Permittees not later than 6 months after adoption of this Order.
- 2. The Principal Permittee, in coordination with the Permittees shall submit a Program Annual Report to the Regional Board by April 15 of each year. The first Annual Report is due on April 15, 1997. The Program Annual Report shall comply with 40 CFR §122.42(c) and include, at a minimum:
  - a. A review of the status of program implementation and compliance (or non-compliance) with the schedules contained in this Order as applicable to each Permittee;
  - b. A Summary of Program accomplishments by each Permittee organized by Watershed, Management Areas in the areas of (i) Program Management; (ii) Illicit Connections/ Discharges; (iii) Development Planning/Construction; (iv) Public Agency Activities; (v) Public Education/Public Participation;
  - c. A Summary of BMP implementation, ~~BMP effectiveness~~ Permittee level of effort, and other such measures of achieving storm water program objectives, utilizing uniform information and data collection methodology to support area to area, and year to year comparisons.
  - ~~d. An evaluation of the effectiveness of activities performed under this Order and any recommendations to make improvements;~~
  - e. Any recommended changes and/or modifications to this Order, CSWMP, and/or WMAP, as applicable;
  - f. A list of additional non-storm water discharge types for potential exemption from Discharge Prohibitions, if desired, and a discussion of how the criteria for exemption have been met for each type;
  - g. A report on progress in obtaining full legal authority and/or legal controls for implementing and carrying out the Order as described in Provision 1.E.2 (Program Management), if not demonstrated by 120 days from adoption of this Order.
  - ~~h. A list of known spill incidents that resulted in a reportable quantity discharge to the MS4 or any waters of the United States, including but not be limited to: the date, type, quantity, source of spill and~~

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~~name of receiving water(s) impacted to the extent known, and remedial/corrective actions implemented; and~~

3. ✓

The names, titles, and telephone numbers of personnel responsible for supervising implementation of the program tasks contained in the Order, CSWMP, and/or WMAP, as applicable to each Permittee.

B. Monitoring Annual Report

- 1. The Principal Permittee shall submit a separate Monitoring Annual Report by August 15 of each year. The first Monitoring Annual Report is due August 15, 1997. The Monitoring Annual Report, in addition to reporting on the implementation and results of the monitoring program described in Attachment C shall include:
  - a. Any suggested modifications and amendments to the Monitoring Program described in this Order with relevant justifications, for the Regional Board Regional Board Executive Officer's approval; and
  - b. A summary of plans or progress of the six watershed pilot/special projects implementation as reported by lead Permittees for the six Watershed Management Areas.
- 2. The Principal Permittee shall prepare and submit an <sup>a) 9</sup> ~~integrated~~ Receiving Water Impacts Final Report, by ~~54 months~~ after adoption of this Order on the results of the receiving water impacts evaluation, ~~feasible environmental indicators, and make recommendations on integrating storm water receiving water impacts monitoring with a regional receiving water monitoring program.~~

C. Program Evaluation Report

- 1. The Principal Permittee shall submit a report by <sup>54 months</sup> ~~four years~~ after adoption of this Order, which assesses to the extent practicable the effectiveness of BMPs implemented, and ~~make recommendations for performance standards for Watershed Management Areas. Performance standards indicate the level of implementation necessary to demonstrate that efforts are being made to control the discharge of pollutants in storm water to the maximum extent practicable.~~

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**STANDARD PROVISIONS**

- I. The initial storm water management program, as delineated in the CSWMP or WMAPs may need to be modified, revised, or amended from time-to-time to respond to changed conditions and to incorporate more effective approaches to pollutant controls. Minor changes may be made at the direction of the Regional Board Executive Officer. Minor changes requested by the Permittees shall become effective upon written approval of the Regional Board Executive Officer. If proposed changes involved a major revision in the overall scope of the program, such changes must be approved by the Regional Board as amendments to this Order.
- II. This Order may be modified, revoked, or reissued, prior to the expiration date as follows:
  - A. To address changed conditions identified in the required technical reports or other sources deemed significant by the Regional Board;
  - B. To incorporate applicable requirements or statewide water quality control plans adopted by the State Board or amendments to the Basin Plan;
  - C. To comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the Clean Water Act, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable; or
  - D. To consider any other Federal or State Laws or Regulations that become effective after adoption of this Order.
- III. The issuance of this Order is not intended to, and does not, absolve any Permittee of liability for conduct which may have constituted a violation of the previous Board Order 90-079 (CA0061654, CI 6948) adopted by this Regional Board on June 18, 1990.
- IV. Except as otherwise provided in this Order, all reports or submittals made directly to the Regional Board or through the Principal Permittee shall be signed under penalty of perjury by the principal executive officer or the ranking elected official of the Permittee or a duly authorized representative if:
  - A. The authorization is made in writing by a person described in above;
  - B. The authorization specifies either an individual or a position having responsibility for the overall operation of the Permittee's storm water management program, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the Permittee. (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and,





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- C. The written authorization is submitted to the Regional Board Executive Officer.
- V. This Order expires on (five years after the date of reissuance.) The Principal Permittee and Permittees must submit complete Reports of Waste Discharge (ROWD) in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements. The ROWD shall include those watershed specific WMAPs *if determined appropriate.*
- VI. Except for enforcement purposes and applicability to the State of California Department of Transportation (Caltrans), Order No. 90-079 (NPDES Permit No. CA0061654) is hereby rescinded.

I, Robert P. Ghirelli, Regional Board Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on (date of reissuance).

ROBERT P. GHIRELLI, D.Env.  
Executive Officer

*The Permittees shall continue to implement the Provisions of Board Order 90-079.*

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ATTACHMENT A  
NPDES STORM WATER PERMIT  
WATERSHED MANAGEMENT AREAS

Santa Monica Bay

Malibu Creek and Other Rural

Agoura Hills  
\*Calabasas  
Los Angeles County  
Malibu  
Westlake Village

Ballona Creek and Other Urban

Beverly Hills  
Culver City  
El Segundo  
Hermosa Beach  
Los Angeles  
Los Angeles County  
Manhattan Beach  
Palms Verdes Estates  
Rancho Palms Verdes  
Redondo Beach  
Rolling Hills  
Rolling Hills Estates  
\*Santa Monica  
West Hollywood

Dominquez Channel

Los Angeles Harbor Drainage

Carson  
Gardena  
Hawthorne  
Inglewood  
Lawndale  
Lomita  
Los Angeles  
Los Angeles County  
\*Torrance

Los Angeles River

Alhambra  
Arcadia  
Bell  
Bell Gardens  
Burbank  
Commerce  
Compton  
Cudahy  
El Monte  
Glendale  
Hidden Hills  
Huntington Park  
La Canada Flintridge  
\*Long Beach  
Los Angeles  
Los Angeles County  
Lynwood  
Maywood  
Monrovia  
Montebello  
Monterey Park  
Paramount  
Pasadena  
Rosemead  
San Fernando  
San Gabriel  
San Marino  
Sierra Madre  
Signal Hill  
South El Monte  
South Gate  
South Pasadena  
Temple City  
Vernon

San Gabriel River

Artesia  
Azusa  
Baldwin Park  
Bellflower  
Bradbury  
Cerritos  
Claremont  
Covina  
Diamond Bar  
Downey  
Duarte  
Glendora  
Hawaiian Gardens  
Industry  
Irwindale  
La Habra Heights  
La Mirada  
La Puente  
La Verne  
Lakewood  
\*Long Beach  
Los Angeles County  
Norwalk  
Pomona  
Pico Rivers  
San Dimas  
Santa Fe Springs  
Walnut  
West Covina  
Whittier

Santa Clara River

Los Angeles County  
Santa Clara

*Italicized agencies are present in more than one watershed. \* indicates City with the largest watershed population other than the County of Los Angeles and the City of Los Angeles*

ATTACHMENT B

MAP OF LA COUNTY PERMITTED AREA

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ATTACHMENT C

MONITORING PROGRAM

The following monitoring program is designed to meet the objectives stated under Provision VI of this Order.

1. Land Use Station Monitoring

- a. The Principal Permittee shall reevaluate the location of monitoring stations reflecting specific land uses ("land use stations") consistent with the cost-benefit methodology described in Attachment C-1. To the extent required by the reevaluation process, existing land use stations under Order 90-079 will be moved to monitor land use categories recommended for monitoring under the reevaluation methodology. Existing land use stations under Order 90-079 which do not reflect land use categories recommended for monitoring under the cost-benefit analysis or which are duplicative of other stations will be decommissioned. By September 1, 1996, the Principal Permittee shall submit a report to the Regional Board Executive Officer upon completion of Step 6 of the reevaluation process in Attachment C-1, outlining the steps taken thereunder and recommending land use categories to be monitored.
- b. Upon approval of the report by the Regional Board Executive Officer, the Principal Permittee shall complete Steps 7-8 of the reevaluation process in Attachment C-1.
- c. The Principal Permittee will monitor land use stations at a rate of 100 station events in the 1996-97 storm season. A station event is defined as one sampling event per station. The Principal Permittee shall be required to monitor a maximum of 100 station events, provided that there are a sufficient number of storm events. The Principal Permittee will monitor land use stations at a rate of 200 station events in each of the 1997-98 and 1998-99 storm seasons. The Principal Permittee shall be required to monitor a maximum of 200 station events during these years, provided that there are sufficient storm events. Following the 1998-99 storm season, the Principal Permittee shall not be required to monitor more than 200 station events per storm season at the land use stations. Land use stations shall be operated until the permit term is concluded or until EMCs are derived, at the 25% error rate, for the following detected constituents of concern:

PAHs (total)	Chlordane	Cadmium
Copper	Nickel	Lead
Chromium	Silver	Zinc
Selenium	Mercury	Total Nitrogen
Total Phosphorus	Total Suspended Solids	
Diazinon	Chlorpyrifos	Malathion
Simazine	Total DDT	Total PCBs

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The Regional Board Regional Board Executive Officer may add or delete constituents of concern other than those listed above. However, for constituents added after the commencement of the second rainy season under the Order, the Principal Permittee need not derive an EMC at an error rate of 25% prior to closing a station.

- d. All samples for land use station monitoring may be taken with the same type of automatic sampler used under NPDES Permit No. CA0061654. The samplers shall be set to monitor storms totalling 0.25 inches of rainfall or greater. The constituents to be analyzed are listed in Attachment C-3. The Principal Permittee, for landuse sites, may exclude constituents from the list that require grab sampling.

In addition, the Principal Permittee will, as a pilot study, set one land use sampler to monitor storms totaling to 0.1 inch of rainfall or greater. Based upon an assessment of 1) the operational effectiveness of the sampler, 2) the feasibility and effectiveness of sample retrieval and transport, and 3) the ability to reprogram and maintain this setting at other samplers, a decision will be made as to whether to set some or all of the remaining land use samplers to monitor storms totalling 0.1 inches of rainfall or greater.

- e. If a constituent is not found at the method detection limit (MDL) for its respective test methodology listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern. The Principal Permittee will also conduct annual confirmation sampling for non-detected constituents at each station for as long as the station remains open.

2. Mass Emission Station Monitoring

- a. The Principal Permittee will monitor a total of four mass emission stations. During the 1995-96 and 1996-97 storm seasons, monitoring will be conducted only at the Ballona Creek and Malibu Creek monitoring stations established under Order 90-079. During the 1997-98 storm season, monitoring will begin at the San Gabriel River and Los Angeles River (downstream of Wardlow Road) stations. The Principal Permittee will monitor the Ballona Creek and Malibu Creek monitoring stations during the 1995-1998 storm season (for up to ten station events per year. This monitoring will include dry weather sampling. Thereafter, the monitoring will be reduced to a maximum of five storm events per station per storm season including dry weather monitoring. Mass emission station monitoring frequency will be reevaluated after the 1998-1999 storm season. The frequency for mass emissions monitoring for the 1999-2000 storm season may not exceed five storm events per site.

- b. Samples for mass emission station monitoring shall be taken with the same type of automatic sampler used under Order 90-079, as well as

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only at all sites

through grab sampling. The samplers shall be set to monitor storms totaling 0.25 inches of rainfall or greater. The constituents to be analyzed for samples taken at mass emission stations are listed in Attachment C-3. The Principal Permittee may elect not to sample Volatile Organic Compounds from the list of constituents for mass emission stations.

- c. If a constituent is not found at the method detection limit for its respective test methodology listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern.
- d. With the exception of the stations noted in (2)(a) above, monitoring at other mass emission stations installed under NPDES Permit No. CA0061654 will be discontinued and the stations decommissioned.

3. Critical Source/Best Management Practice Monitoring

The Principal Permittee shall conduct a program for monitoring of critical sources and best management practices ("BMPs") to characterize sources of storm water pollutants, and assess effectiveness of BMPs. The program shall be consistent with the following:

- a. Selection of Critical Sources: The Principal Permittee will select critical sources for monitoring based on the methodology described in Attachment C-4. A total of five (5) critical sources will be monitored over six rainy seasons commencing with the 1996-97 rainy season, subject to the provisions of (3)(d) below.
- b. By September 1, 1996, the Principal Permittee shall submit a report to the Regional Board Executive Officer on the critical source selection process and recommending critical sources for evaluation. Upon approval of the report by the Regional Board Executive Officer, the Principal Permittee shall proceed to conduct the activities set forth in (3)(c-f).
- c. Characterization of Critical Sources: Commencing with the 1996-97 rainy season, the Principal Permittee shall commence the characterization of critical sources. A total of six (6) examples of each critical source will be characterized through analysis of flow runoff. Fewer examples may be selected due to distance considerations and/or the unavailability of sufficient source locations willing to participate in the program. A total of at least five (5) storms will be used to characterize the critical source runoff. Samples will be analyzed for those pollutants anticipated to be found in the critical source storm water/ non-storm water discharges and such analytes will be

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partitioned, as appropriate, to determine the dissolved and undissolved portions.

d. Evaluation of BMPs: In the year after a critical source has been characterized, a BMP or BMPs appropriate to the critical source will be selected and installed at up to half of the critical source examples (the "test sites"). Flow from the remaining source examples (the "control sites") will continue to be analyzed. A total of ten (10) targeted storm events will be monitored to assess the effectiveness of the BMPs; if there are insufficient storm events during the year, the evaluation may be continued during the next storm season. The Principal Permittee's monitoring of critical sources and evaluation of BMPs will be concluded by the end of the sixth full rainy season after the adoption of this Order, provided that sufficient number of storms have occurred.

e. Additional Evaluation: After the third full rainy season following the adoption of the Order, the Principal Permittee will reevaluate, using the same process described in Attachment C-4, the progress made by other public entities in the State to evaluate critical sources and BMPs. If, following that evaluation, the Principal Permittee determines that there either are additional critical sources or BMPs associated with identified significant critical sources which have not been monitored and/or evaluated, and subject to the approval of the Regional Board Executive Officer, the Principal Permittee will monitor up to an additional three (3) critical sources or evaluate up to an additional three (3) BMP sets or some combination totalling three critical sources or BMPs (the "Additional Monitoring"). The extent of Additional Monitoring will be dependant on the Principal Permittee's ability to complete the monitoring/evaluation described in(3)(c-d) above; if more time is needed to complete such monitoring, the extent of the Additional Monitoring shall be accordingly reduced.

4. Loads Assessment Model

Following the third full rainy season after the adoption of the Order, the Principal Permittee will take then-existing monitoring data from the land use and mass emission stations (including data collected from stations monitored under Order No. 90-079 for use in a model to assess loads of pollutants entering into the ocean receiving waters off the County. The model to be used for this assessment will be the USEPA Simplified Method. The Principal Permittee will submit to the Regional Board Regional Board Executive Officer for approval a workplan for performance of the loads assessment model by no later than 18 months after adoption of this Order. The Loads Assessment model will be run for each of the six WMAs in the County.

5. Receiving Waters Study

The Principal Permittee, in conjunction with such other participants as it may choose, will fund a study of receiving waters impacted by storm water described in Attachment C-5, subject to revisions as set forth below in (5)(d). The purpose of the study will be to study the impacts, if any, of storm water/ non-

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storm water on the beneficial uses of Santa Monica Bay and to assist the Permittees in developing storm water management programs. The obligation of the Principal Permittee under this Order with respect to the study of receiving waters shall consist of the following:

- a. **Plume Study:** The Principal Permittee will support a plume study to evaluate the dispersion, fate, and transport of storm water pollutants in Ballona Creek and Malibu Creek, by a contribution of up to a maximum of \$145,000.
- b. **Benthic Study:** The Principal Permittee will support a study <sup>okg</sup> to assess impacts of storm water on the marine benthic community near the mouths of Ballona Creek and Malibu Creek, by a contribution of up to a maximum of \$205,000. If it is the consensus of project scientists that a third year of benthic study is advisable to meet the goals of the receiving waters study, the Principal Permittee will contribute up to a maximum of an additional \$80,000 for the third year of study.
- c. **Toxicity Study:** The Principal Permittee will support a study to evaluate sediment and water column toxicity in Ballona Creek and Malibu Creek with a contribution up to a maximum of \$118,500. If it is the consensus of the project scientists that a third year of toxicity studies is advisable to meet the goals of the receiving waters study, the Principal Permittee will contribute up to a maximum of \$80,500 to fund a third year of study.
- d. **River Study:** The Principal Permittee will take a total of three (two storm weather and one dry weather) water samples at each of the Los Angeles and San Gabriel River mass emission stations during the 1997-98 and 1998-99 seasons. The samples will be subjected to sea urchin fertilization bioassays to evaluate water column toxicity, with the Principal Permittee's out-of-pocket expenses for the study not to exceed \$3,600.
- e. **Project Design:** The receiving waters study shall initially contain the elements set forth in Attachment C-5. However, the scientists conducting the receiving waters study may alter the parameters of the second and (if necessary) the third year of the receiving waters study so as to meet the objectives of the study. Such alterations, among other items, may include changing the location of sampling locations, different sampling techniques or other redirection of resources. The Principal Permittee shall provide to the Regional Board Executive Officer notice of any revisions to the second and (if necessary) third years of the receiving waters study for review and approval.
- f. **Study Reports:** The Principal Permittee shall cause the project scientists conducting the study to produce an annual report covering study activities of the previous year, and any interim/ final assessments. Such reports shall be submitted by the Principal Permittee to the Regional Board Executive Officer with the Annual Monitoring Report.



- h. **Principal Permittee Responsibilities:** The commitment of the Principal Permittee toward performance of a receiving waters study is the provision of funding and various reports, as well as undertaking the work described in (5)(f).

**MONITORING PLAN**

1. The Principal Permittee shall prepare and retain a Monitoring Plan, and revise it accordingly, to include at a minimum, the following:
  - a. Quality control, quality assurance, data collection, storage and analyses, and detection limits;
  - b. All sample collection, handling, storage, and analyses in accordance with 40 CFR 136;
  - c. Location of monitoring stations, constituents, and sampling frequency;
  - d. Targeted monitoring indicators (e. g., ecosystem, biological diversity, in stream toxicity, habitat, chemical, sediment, stream health) chosen for monitoring;
  - e. Statistical methods used to design studies, conduct sampling, and interpret data;
  - f. A description of the role and responsibilities of all the participants in monitoring studies;
  - g. A description of computer software and modelling programs that will be utilized to assess data, interpret information; and
  - h. A general description of how data are intended to be utilized for feedback into the storm water management program.

An up-to-date Monitoring Plan shall be submitted to the Regional Board Executive Officer, when so requested.

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ATTACHMENT C-1  
LAND USE SITE SELECTION PROCESS OUTLINE

**Step 1**

The Principal Permittee will take the Southern California Association of Governments (SCAG) categories listed below as an initial list of land use categories. The Principal Permittee will use its best efforts to obtain overlays (or similar information) for use in the land use selection process. However, these overlays or information must be usable County-wide in the SCAG database and the Principal Permittee shall not be required to look for or use overlays or information which cannot be so used. The Principal Permittee also shall not be required to create overlays. Some of these categories may not be important (very small area represented in study area, and/or known very low EMC or runoff mass). The initial number of categories will be reduced at this step.

For each remaining category, the Principal Permittee will identify eight (8) representative locations. The eight (8) locations in each category would be relatively small areas, such as a square block for residential areas, a single school or church, a few blocks of strip commercial, etc. These sites would be selected, where possible, over a wide geographical area of the study area to include a range of topographical characteristics such as distance from ocean, etc.

**Step 2**

In this step, the Principal Permittee should perform a site survey of ground conditions. For each of the eight (8) locations identified for each category, the Principal Permittee should collect information, to the extent such information is available, including: type of roof connections, type of drainage, age of development, housing density, type of landscaping, condition of pavement, soils, and existing storm water control practices.

These are simple field surveys that can be completed by a team of two people at the rate of about 5-8 (maximum) locations a day, depending on navigation problems, traffic delays, and the proximity of the sites. Several photographs should be made of each site and archived with the field sheets for future reference.

**Step 3**

6x In this step, currently available <sup>and usable</sup> aerial photographs taken in the past five years are used to measure the percent impervious area associated with rooftops, streets, driveways, sidewalks, parking areas, storage areas, decks and sheds, swimming pools, alleyways, and other paved areas. Photographic prints for each of the homogeneous neighborhoods examined on the ground in step 2 are needed. The actual measurements require about an hour per site.

**Step 4**

In this step, the Principal Permittee would compile the information collected in the previous steps and use it to determine which land use categories should be monitored. This refinement step would result in a final list of categories to be examined, based on the actual measured values.

Some of the sites selected for field measurement may actually belong in another category and would be reassigned to that category before the data were evaluated. In addition, development characteristics

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and areas of important elements may indicate greater variability within an initial category than between other categories in the same land use. If there is no other reason to suspect differences that would affect drainage quality or quantity, these areas could be combined to reduce the total number of individual land use categories used in subsequent evaluations.

On the basis of Step 2 and Step 3, the Principal Permittee will measure the percent of directly connected impervious area for each of the eight neighborhoods surveyed. The Principal Permittee will then compare the percent of impervious area using simple non-parametric statistics to see how differences within a single land use category compare with differences between land use categories. Based on this analysis, the Principal Permittee will aggregate or subdivide land use categories as appropriate. Subdivisions of land use categories shall correspond to those in the SCAG database.

**Step 4**

Next, the Principal Permittee will rank the selected land use categories according to their predominance and pollutant generation. As part of its analysis, the Principal Permittee would perform a marginal cost/benefit analysis as to which land use categories should be monitored.

For each land use category the following will be estimated based on existing data: drainage area, runoff quantity and an EMC value for each of four indicator pollutants (preliminarily, copper, pyrene, total suspended solids and diazinon). The product of runoff quantity and EMC is the estimated total annual pollutant loading associated with each land use category and indicator pollutant. These sums are then ranked, from the largest to the lowest, and an accumulated percentage contribution is then produced for each pollutant. These accumulated percentage values are plotted against the number of land use categories. The graph will be relatively steep initially and then level off as it approaches 100%. A marginal cost-benefit analysis can then be used to select the number of land uses that should be monitored, which will take into account all four of the indicator pollutants.

The list of County-wide land use categories to be evaluated in Step 5 will be reviewed for each of the six watersheds in the Permit area. If there is a land use category in an individual watershed which may be feasibly monitored and is in the top five land uses in terms of total area in the watershed and is otherwise an important contributor of constituents of concern, but which would not be monitored based on the County-wide marginal cost-benefit analysis, up to two such land uses shall be monitored after the first year of the monitoring program, subject to the station event cap.

**Step 5**

The Principal Permittee will take the top ranked land uses and if the total number of categories exceed ten, select ten monitoring sites for monitoring the first year. All of the remaining top-ranked land uses will need to be monitored in future years, subject to the station event cap. In selecting those sites for initial monitoring, the Principal Permittee should look for homogeneous areas that are self-contained in a drainage area. In addition, monitoring locations will need to be selected along storm drains that are able to accommodate the sampling equipment, have sampling access, no safety problems, etc.

**Step 6**

Next, the monitoring stations are installed. The monitoring equipment will include automatic water samplers and, if surcharging flow problems are anticipated, flow sensors measuring velocity and depth of flow. The samples collected at the automatic samplers should all be flow-weighted composites, requiring only one sample to be analyzed per event at each monitoring station. Each sampler site will need to be visited periodically to ensure that everything is ready to sample.

**Step 8**

The Principal Permittee should continue down the list of priority land use categories and install additional monitoring stations in subsequent years. At some point, the marginal benefit from monitoring an additional land use category will not be sufficient to justify the cost, as determined from the marginal cost-benefit analysis in step 5, and no additional sites will need to be installed. The land use sampling program will end when sufficient storms have been sampled to obtain the desired error level in the EMC values for the constituents of concern.

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ATTACHMENT C-2

SCAG LAND USE CLASSIFICATIONS

- Single Family Residential
  - High Density
  - Low Density
- Rural Residential
- Retail Stores and Commercial Services
- Other Commercial
- Special Use Facilities
- Military Installations
- Heavy Industrial
- (Mineral) Extraction
- Transportation
- Utility Facilities
- Mixed Transportation
- Mixed Commercial and Industrial
- Under Construction
- Local Parks and Recreation
- Cemeteries
- Specimen Gardens and Arboreta
- Other Open Space and Recreation
- Irrigated Cropland and Improved Pasture Land
- Non-Irrigated Cropland and Improved Pasture Land
- Orchards and Vineyards
- Dairy and Intensive Livestock, and Associated Facilities
- Poultry Operations
- Horse Ranches
- Abandoned Orchards and Vineyards
- Vacant with Limited Improvements
- Mobile Homes and Trailer Parks
- Multi-Family Residential
- Mixed Residential
- General Office Use
- Public Facilities
- Educational Institutions
- Light Industrial
- Wholesaling and Warehousing
- Communication Facilities
- Maintenance Yards
- Mixed Transportation and Utility
- Mixed Urban
- Golf Courses
- Regional Parks and Recreation
- Wildlife Preserves and Sanctuaries
- Beach Parks
- Urban Vacant
- Nurseries
- Other Agriculture
- Vacant Undifferentiated

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ATTACHMENT C-3

LIST OF CONSTITUENTS IN MONITORING PROGRAM  
AND ASSOCIATED DETECTION LIMITS

<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMIT</u>
<b>Conventional Pollutants</b>		
Oil and Grease	413.2	1 ppm
Total Phenols	420.1	0.1 ppm
Cyanide	335.2	0.01 ppm
pH	150.1	0 - 14
Temperature		None
Dissolved Oxygen		Sensitivity to 5 mg/L
<b>Bacteria</b>		
Total Coliform	9221B	<20mpn/100ml
Fecal Coliform	9221B*	<20mpn/100ml
Fecal Streptococcus	9221B*	<20mpn/100ml
<b>General</b>		
Dissolved Phosphorus	300	0.05ppm
Total Phosphorus	300	0.05ppm
Turbidity	180.1	0.1NTU
Total Suspended Solids	160.2	2ppm
Total Dissolved Solids	160.1	2ppm
Volatile Suspended Solids	160.4	2ppm
Total Organic Carbon	415.1	1ppm
Total Petroleum Hydrocarbon	418.1	1ppm
Biochemical Oxygen Demand	405.1	2ppm
Chemical Oxygen Demand	410.4	20-900ppm
Total Ammonia-Nitrogen	350.2	0.1ppm
Total Kjeldahl Nitrogen	351.2	0.1ppm
Nitrate-Nitrite	4110*	0.1ppm
Alkalinity	310.1	2ppm
Specific Conductance	120.1	1umho/cm
Total Hardness	130.2	2ppm
MBAS	425.1	<0.5 mg/L
Chloride	4110	2ppm
Fluoride	4110	0.1ppm
Sulfate	4110*	2ppm
<b>Metals (Total and Soluble)</b>		
Aluminum	202.1	100mg/l
Antimony	204.2	10ppb

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Arsenic	208.2	10ppb
Barium	208.2	100ppb
Beryllium	210.2	5ppb

LIST OF CONSTITUENTS                      EPA METHOD                      DETECTION LIMIT

Metals (continued)

Boron	212.3	250ppb
Cadmium	213.2	10ppb
Calcium	215.2	200ppb
Chromium	218.2	10ppb
Copper	219.2	10ppb
Hex. Chromium	7196	<10mg/L
Iron	236.2	100ppb
Lead	239.2	10ppb
Magnesium	242.1	200ppb
Manganese	243.2	30ppb
Mercury	245.1	1ppb
Nickel	249.2	10ppb
Potassium	258.1	1ppm
Selenium	270.2	5ppb
Silver	272.2	10ppb
Sodium	273.1	5ppb
Thallium	279.2	10ppb
Zinc	289.2	50ppb

Semivolatile Organic Compounds

Acids	8250	(ug/l)
Benzoic Acid	8250	△
Benzyl Alcohol	8250	△
2-Chlorophenol	8250	△
2, 4-Dichlorophenol	8250	△
2, 6-Dichlorophenol	8250	△
4-Dimethylphenol	8250	△
4, 6-Dinitro-2-methylphenol	8250	△
2,4-Dinitrophenol	8250	△
2-Methylphenol	8250	△
4-Methylphenol	8250	△
2-Nitrophenol	8250	△
4-Nitrophenol	8250	△
4-Chloro-3-methylphenol	8250	△
Pentachlorophenol	8250	△

LIST OF CONSTITUENTS                      EPA METHOD                      DETECTION LIMIT

Acids (continued)

Phenol	8250	△
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2,3,4,6-Tetrachlorophenol-	8250	<0.5
2,4,5-Trichlorophenol	8250	<0.5
2,4,6-Trichlorophenol	8250	<0.5
Base/Neutral	8250	
Acenaphthene	8250	<0.5
Acenaphthylene	8250	<0.5
Acetophenone-	8250	<0.5
Aniline	8250	<0.5
Anthracene	8250	<0.5
4-Aminobiphenyl	8250	<0.5
Benzidine	8250	<0.5
Benz(o,e)anthracene	8250	<0.5
4-Chloroaniline	8250	<0.5
1-Chloronaphthalene	8250	<0.5
p-Dimethylaminoazobenzene	8250	<0.5
7,12-Dimethylbenz(o,e)-anthracene	8250	<0.5
a-,e-Dimethylphenethylamine	8250	<0.5
Benz(o,e)pyrene	8250	<0.5
Benz(o,b)fluoranthene	8250	<0.5
Benz(o,h)fluoranthene	8250	<0.5
Chlordane	8250	<0.5
Bis(2-chloroethoxy)methane	8250	<0.5
Bis(2-chloropropyl)ether	8250	<0.5
Bis(2-chloroethyl)ether	8250	<0.5
Bis(2-ethylhexyl)phthalate	8250	<0.5
4-Bromophenyl phenyl ether	8250	<0.5
Butyl benzyl phthalate	8250	<0.5
2-Chloronaphthalene	8250	<0.5
4-Chlorophenyl phenyl ether	8250	<0.5
Chrysene	8250	<0.5
Dibenz(a,d)acridine	8250	<0.5
Dibenz(a,h)anthracene	8250	<0.5
1, 3-Dichlorobenzene	8250	<0.5
1, 4-Dichlorobenzene	8250	<0.5
1, 2-Dichlorobenzene	8250	<0.5
3, 3-Dichlorobenzidine	8250	<0.5
Diethylphthalate	8250	<0.5
Dimethylphthalate	8250	<0.5
Di-n-butylphthalate	8250	<0.5
2,4-Dinitrotoluene	8250	<0.5

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<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Base/Neutral (continued)	8250	(ug/l)
2, 6-Dinitrotoluene	8250	0.5
Diphenylamine	8250	0.5
1, 2-Diphenylhydrazine	8250	0.5
Di-n-octylphthalate	8250	0.5
Ethyl methanesulfonate	8250	0.5
Fluoranthene	8250	1.0
Fluorene	8250	1.0
Hexachlorobenzene	8250	1.0
Hexachlorobutadiene	8250	1.0
Hexachlorocyclopentadiene	8250	1.0
Hexachloroethane	8250	1.0
Indeno(1, 2, 3-cd)pyrene	8250	1.0
Isophorone	8250	0.5
3-Methylcholanthrene	8250	0.5
Methyl methanesulfonate	8250	0.5
Naphthalene	8250	0.5
1-Naphthylamine	8250	0.5
2-Naphthylamine	8250	0.5
2-Nitroaniline	8250	0.5
3-Nitroaniline	8250	0.5
4-Nitroaniline	8250	0.5
Nitrobenzene	8250	0.5
N-Nitroso-di-n-butylamine	8250	0.5
N-Nitrosodimethylamine	8250	0.5
N-Nitrosodiphenylamine	8250	0.5
N-Nitroso-di-N-propylamine	8250	1.0
N-Nitrosopiperidine	8250	0.5
Pentachlorobenzene	8250	0.5
Phenactin	8250	0.5
Phenanthrene	8250	0.5
2-Picoline	8250	0.5
Pronamide	8250	0.5
Pyrene 1, 2, 4,	8250	0.5
5-Tetrachlorobenzene	8250	0.5
1, 2, 4,-Trichlorobenzene	8250	0.5
Pesticides	608	
Aldrin	608	0.05
alpha-BHC	608	0.05
beta-BHC	608	0.05
delta-BHC	608	0.05

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<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Pesticides (continued)	608	ug/l
gamma-BHC (Lindane)	608	0.05
Carbofuran	531.1	0.6
Chlordane	608	0.05
4, 4'-DDD	608	0.1
4, 4'-DDE	608	0.1
4, 4'-DDT	608	0.1
Benzon	515.1	0.1
Dieldrin	608	0.1
Endosulfan I	608	0.1
Endosulfan II	608	0.1
Endosulfan sulfate	608	0.1
Endrin	608	0.1
Endrin aldehyde	608	0.1
Glyphosate	547	0.6
Heptachlor	608	0.05
Heptachlor epoxide	608	0.05
Methoxychlor	608	0.5
Toxaphene	608	1.0
2,4-D	515.1	0.2
2,4,5-TP-SILVEX	515.1	0.2
Polychlorinated Biphenyls	608	
Aroclor-1018	608	1
Aroclor-1221	608	1
Aroclor-1232	608	1
Aroclor-1242	608	1
Aroclor-1248	608	1
Aroclor-1254	608	1
Aroclor-1260	608	1
Herbicides		
Diazinon		
Chlorpyrifos		
Diuron		
Malathion		
Prometryn	507	
Atrazine	507	
Simazine	507	<2 mg/l
Cyanazine	507	
Molinate	507	<0.1 mg/l
Thiobencarb	507	<1 mg/l

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<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Volatile Organic Compounds	8240A	
Acetonitrile	8240A	10.0
Acrolein	8240A	10.0
Acrylonitrile	8240A	0.5
Benzene	8240A	0.5
Bromoform	8240A	0.5
2-Butanone	8240A	10.0
Carbon Disulfide	8240A	10.0
Carbon Tetrachloride	8240A	0.5
Chlorobenzene	8240A	0.5
Chlorodibromomethane	8240A	0.5
Chloroethane	8240A	0.5
2-Chloroethyl vinyl ether	8240A	1.0
Chloroform	8240A	0.5
Dibromomethane	8240A	0.5
1,2-Dibromo-3-Chloropropane	8240A	<.01
1, 4-Dichloro-2-butene	8240A	10.0
Dichlorobromomethane	8240A	0.5
Dichlorodifluoromethane	8240A	0.5
1, 1-Dichloroethane	8240A	0.5
1, 2-Dichloroethane	8240A	0.5
1, 1-Dichloroethene	8240A	0.5
trans-1, 2-Dichloroethane	8240A	0.5
1, 2-Dichloropropane	8240A	0.5
cis-1, 3-Dichloropropane	840A	0.5
trans-1, 3-Dichloropropane	8240A	0.5
Ethanol	8240A	10.0
Ethylbenzene	8240A	1.0
Ethylene Dibromide	8240A	<.01
Ethylene Oxide	8240A	10.0
Ethyl Metacrylate	8240A	0.5
2-Hexanone	8240A	5.0
Iodomethane	8240A	0.5
Methyl Bromide	8240A	5.0
Methyl Chloride	8240A	5.0
Methylene Chloride	8240A	1.0
4-Methyl-2-pentanone	8240A	5.0
Styrene	8240A	0.5
1, 1, 2,2-Tetrachloroethane	8240A	0.5
Tetrachloroethane	8240A	0.5
Toluene	8240A	1.0
Trichlorofluoromethane	8240A	1.0
1, 2,3-Trichloropropane	8240A	0.5
1, 1, 1-Trichloroethane	8240A	1.0
<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>

Volatile Organics(continued)	8240A	
1, 1,2-Trichloroethane	8240A	1.0
Trichloroethene	8240A	0.5
1,1,2-Trichloro-		
1,2,2 trifluoroethane	8240A	<.5
Vinyl acetate	8240A	5.0
Vinyl chloride	8240A	0.5
Xylene (Total)	8240A	0.5

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**ATTACHMENT C-4**

**CRITICAL SOURCE/ BMP MONITORING**

**Selection of Initial Critical Sources to be Studied:** The selection of initial critical sources will be made using the following steps:

**Step 1:** The Principal Permittee first will develop an initial list of candidate critical sources, including industrial and commercial sources that are regulated under the state's General Permit and those which are not.

**Step 2:** The Principal Permittee next will develop a list of criteria for prioritizing the candidate critical sources developed pursuant to Step 1, including the following: number and/or total area associated with each critical source; runoff pollutants associated with each source; the impact of nonstormwater discharges associated with each source; whether or not the source is regulated under the General Permit; and, ease of implementation of monitoring and BMPs.

**Step 3:** The Principal Permittee next will prioritize the candidate critical sources based on the selection criteria develop under Step 2.

**Step 4:** The Principal Permittee next will conduct a literature review and contact other State municipal stormwater programs to identify what critical sources have been (or are planned in the next five years) to be studied elsewhere. Where studies have been conducted or are planned to be conducted elsewhere, such studies will be reviewed to assess whether the hydrologic conditions in the study area are representative of those in Los Angeles County, the quality of the study and any conclusions from already-conducted studies. This evaluation would be coordinated with the State Stormwater Quality Task Force.

**Step 5:** The Principal Permittee next will take the list developed up to Step 3 and refine and finalize it based upon the review conducted pursuant to Step 4.

**Selection of Additional Critical Sources/BMPs:** The selection of additional critical sources or BMPs for monitoring following the third rainy season of the permit will follow the steps noted above, except that BMPs also shall be evaluated in addition to critical sources.

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ATTACHMENT C-5

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RECEIVING WATERS STUDY

A receiving waters study that will be a joint effort of the University of Southern California, the University of California at Santa Barbara and the Southern California Coastal Water Research Project (SCCWRP). In addition, the study will be done in cooperation with an ongoing toxicity study by investigators at UCLA. Co-funding, either direct or in terms of vessel support, also will be provided by the federal government through the Sea Grant program, by the City of Los Angeles and through SCCWRP. It must be noted that while the Principal Permittee is committed to funding a receiving waters study, the scope of that study will be affected by the availability of non-Principal Permittee funding sources, as is discussed below. The Principal Permittee's commitment is limited to the provision of funds.

- A. Outline of Study: The receiving waters study includes a plume study to determine the dispersion of stormwater runoff and associated sediment, a study of the benthic environment near two principal storm drains, Malibu and Ballona Creeks and an assessment of the toxicity of storm drain waters and affected sediments near Malibu and Ballona Creeks. The plume study will be carried out by the USC Sea Grant program. The benthic and toxicity studies will be carried out by SCCWRP. All of these studies will be carried out over two storm seasons, with the third year used for analysis of the data obtained in the previous years. If it is the consensus of the project scientists that a third year of research is appropriate for the benthic and toxicity studies, such study shall be carried out. Each element of these studies is outlined below.
  - 1. Plume Study: The plume study will be conducted over two storm seasons and will examine the following issues, among others:
    - Mapping the spatial and temporal structure of the runoff plumes from Ballona and Malibu Creeks as they flow into Santa Monica Bay following strong winter storms.
    - Examining the interaction between the runoff plume and ocean processes as they affect the advection, dispersion, and mixing of the plume.
    - Evaluating the impact of storm runoff plumes on beneficial uses of the coastal ocean.
    - Characterizing the optical properties of the suspended particulate material ("SPM") and dissolved organic material ("DOM") associated with runoff sources.
    - Examining the effects of DOM and SPM on the water column optics and the distribution of nutrient concentrations, as the same may affect phytoplankton productivity.
    - Helping to establish appropriate locations for benthic study stations.
  - 2. Benthic Study: The benthic study will measure the following parameters:
    - Water quality (dissolved oxygen, salinity, density, temperature, light

transmissivity and pH).

- Sediment grain size, sediment organic concentrations and sediment contaminant concentrations.
- The structure of the benthic invertebrate community.

The benthic study will employ the same methods used in studies of dry weather impacts in river discharge areas carried out by SCCWRP in 1994 and 1995 in the entire Southern California Bight.

3. Toxicity Study: The toxicity study will involve the following proposed annual elements:

Water Column Toxicity

- 30 sea urchin fertilization bioassays taken during two storm and one dry weather event off each of Ballona and Malibu Creeks (including reference sites).
- 3 Phase I TIE tests on up to 3 samples showing toxicity in the sea urchin fertilization bioassays

Sediment Toxicity

- Amphipod survival bioassays of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 1.
- Amphipod survival bioassays of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 2.
- Sea urchin growth bioassays will be conducted for chronic toxicity in sediment samples from 6 stations, plus 1 reference site, with the locations to be determined by project scientists based on existing data and best scientific judgment. Biological effects only (survival, growth, sediment avoidance) will be measured for all sites in Year 2.
- Chemical analysis of sea urchin growth test tissue samples (gonad) will be conducted for organics and metals. Duplicate samples from 4 stations (including one reference) will be analyzed in Year 2.
- Phase I TIE tests using sea urchin fertilization of interstitial water from up to 4 stations identified to be toxic in amphipod survival bioassays (4 samples total) will be conducted in Year 2.
- Additional interstitial water testing intended to coordinate with the UCLA study noted below may also be carried out.

B. Project Flexibility: The exact parameters of Year 2 (and Year 3, if necessary) testing

will be determined by a review of the project scientists of the results of Year 1 and Year 2 testing. Thus, certain of the steps outlined above may be modified following the reviews.

- C. **Coordination with UCLA Toxicity Study:** UCLA researchers are involved in an ongoing Santa Monica Bay Restoration Project study of the toxicity of stormwater runoff in Ballona and Malibu Creeks. The receiving waters study will be coordinated, to the extent possible, with the UCLA study to maximize the utility of the information obtained by both studies.
- D. **Los Angeles and San Gabriel River Study:** In addition, the Principal Permittee will take a total of three (two storm weather and one dry weather) water samples taken at each of the Los Angeles and San Gabriel River mass emission stations during each of the two years that those stations will be monitored. The samples will be analyzed using the sea urchin fertilization bioassay, with the bioassay costs not to exceed \$3,600.

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ATTACHMENT D

GLOSSARY OF TERMS

40 CFR: Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

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Annual Report: A report submitted yearly to the Regional Board by the anniversary of the date of the issuance of the NPDES storm water permit, that includes: (1) the status of implementing the components of the storm water management program that are established as permit conditions; (2) proposed changes to the storm water management programs that are established as permit conditions; (3) revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application; (4) a summary of data that is accumulated throughout the reporting year; (5) annual expenditures and budget, to the extent such information is available separately; (6) a summary describing the number and nature of enforcement actions, inspections and/or site visitations, and public education programs; and (7) identification of water quality improvements or degradation.

Authorized Discharge: Any discharge that is authorized pursuant to an NPDES permit or meets the exemptions set forth in this NPDES storm water permit.

Basin Plan: The Water Quality Control Plan, Los Angeles Region(4), Santa Clara River and Los Angeles River Basins, adopted by the Regional Board on June 13, 1994 or as subsequently amended.

Beneficial Uses: Existing or potential uses of receiving waters in the permit area as designated by the Regional Board in the Basin Plan. Examples of beneficial uses may include municipal and domestic supply; agricultural supply; industrial process supply; industrial service supply; ground water recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; aquaculture; warm freshwater habitat; cold freshwater habitat; inland saline water habitat; estuarine habitat; wetland habitat; marine habitat; wildlife habitat; preservation of biological habitats; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting.

BAT/BCT Criteria: Treatment-based standards for reducing the discharge of pollutants, as defined in 40 CFR subchapter N, for specific categories of industrial facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards. Effluent limitations have been defined in 40 CFR for the reduction of toxic pollutants using Best Available Technology Economically Achievable (BAT), and for the reduction of conventional pollutants using Best Conventional Pollutant Control Technology (BCT).

BMP: See Best Management Practice

Best Management Practice (BMP): Activities, practices, facilities, and procedures that when implemented prevent or reduce the pollution of waters of the state. Examples of BMPs include treatment facilities, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bioaccumulates: The build up of a substance in the tissues of an organism to a higher concentration than in the surrounding environment, generally as a result of the organism's ingestion and internal storage of the substance over time.

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**Biostimulatory:** An agent, action, or condition that arouses, elicits or accelerates physiological or organic activity. For example, the introduction of excessive nutrients to an aquatic system has a biostimulatory effect which manifests itself as excessive growth of algae in the aquatic systems. As the algae decomposes, dissolved oxygen in the water column is depleted, potentially leading to excessively low dissolved oxygen levels which can lead to suffocation of aquatic life, i.e., fish kills.

**CFR:** See Code of Federal Regulations.

**CRWQCB:** This means the California Regional Water Quality Control Board, Los Angeles Region. See also Regional Board.

**CSWMP:** See Countywide Storm Water Management Plan

**California Storm Water Best Management Practice Handbooks:** The technical manuals prepared under direction of the Storm Water Quality Task Force, representing California members of the American Public Works Association (APWA). Comprising three volumes—Municipal, Industrial, and Construction—they provide guidance for selecting BMPs to reduce pollutants in storm water discharges. These manuals are available from Blue Print Service, 1700 Jefferson Street, Oakland, CA 94612, (510) 444-6771 or Fax (510) 444-1262.

**Clean Water Act (CWA):** The Federal Water Pollution Control Act enacted in 1972 by Public Law 92-500 and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless said discharge is in accordance with an NPDES permit. The 1987 amendments include guidelines for regulating municipal, industrial, and construction storm water discharges under the NPDES program.

**Code of Federal Regulations:** A codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

**Construction Activity:** Clearing, grading, or excavation that results in soil disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to immediately protect public health and safety.

**Control:** When used in the context of legal authority, "Control" means to legally, contractually, or by other similar means, minimize or eliminate an activity or activities or the result(s) of the activity or activities.

**Countywide Storm Water Management Plan (CSWMP):** A single comprehensive plan for implementation of the requirements of this Order that are applicable to all Permittees and all Watershed Management Areas. The CSWMP is a storm water management implementation plan for the entire drainage areas within the jurisdiction of the Permittees under this Order. The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance and participation from the Permittees, according to the schedule prescribed in the permit. The CSWMP shall be used as a tool to develop a watershed specific Watershed Management Area Plan (WMAP).

**Development:** The placement or erection of any solid material or structure on land, in or under water, or grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land including, but not limited to, subdivisions pursuant to the Subdivision Map Act Government Code §66410 et seq.), any other division of land, including lot splits; construction, reconstruction, demolition or alteration of the size of any structure.

**Discharge:** Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance.

**Disturbed Area:** In the context of construction activities, "disturbed area" means that area altered as a result of clearing, grading, or excavation of earth.

**Do-it-yourselfers:** this term shall mean any person or persons who repair or maintain their own vehicle(s) and/or home(s).

**Effectively Prohibit:** This is a term used in the context of legal authority and essentially means that a Permittee, individually or jointly, must have or acquire the adequate legal authority to prohibit an action or actions.

**Effectiveness:** A measure or indicator of how well a program, plan, or best management practice achieves its intended purpose. *Measures or indicators of effectiveness include, but are not limited to, detailed accounting of program accomplishments, funds expended, staff hours utilized, amount of pollutants reduced, and results of quantitative monitoring.*

**Erosion:** The wearing away of land surface primarily by wind or water. *Erosion occurs naturally as a result of weather or runoff but can be intensified by clearing, grading, or excavation of the land surface.*

**Executive Advisory Committee (EAC):** A committee composed of representatives of the County of Los Angeles, the City of Los Angeles, and representatives from the six Watershed Management Areas.

**Regional Board Executive Officer:** The Regional Board Executive Officer of the California Regional Water Quality Control Board, Los Angeles Region, or an authorized representative.

**GCASP:** See General Construction Activity Storm Water Discharge Permit.

**GIASP:** See General Industrial Activity Storm Water Discharge Permit.

**General Construction Activity Storm Water Discharge Permit (GCASP).** This is a NPDES permit adopted by the State Water Resources Control Board which authorizes the discharge of storm water under certain conditions.

**General Industrial Activity Storm Water Discharge Permit (GIASP).** This is a NPDES permit adopted by the State Water Resources Control Board which authorizes the discharge of storm water under certain conditions.

**Good Housekeeping Practices:** A common practice related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. *Examples include purchasing only the quantity of materials to be used at a given time, use of alternative and less harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.*

**Hazardous Material:** Any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code. *This includes any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.*

**Hazardous Substance:** Any substance designated pursuant to 40 CFR 302. This also includes

unlisted hazardous substances which is a solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), is a hazardous substance under section 101(14) of the CWA if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

Examples of hazardous substances include any substance or chemical product for which one or more of the following applies:

- A material safety data sheet (MSDS) is required
- The substance is listed as radioactive by the Nuclear Regulatory Commission
- The substance is listed as hazardous by the U.S. Department of Transportation
- The material is listed in Labor Code §6382(b).

IPM: See Integrated Pest Management

Illicit Connection: Any man-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

Illicit Discharge: Any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all non-storm water discharges except discharges pursuant to an NPDES permit and discharges that are exempted or conditionally exempted in accordance with Section II of this Order.

Illicit Disposal: Any disposal, either intentionally or unintentionally, of material(s) or waste(s) that can pollute storm water or urban runoff.

Impact: Any actual or potential impelling or compelling negative effect caused either directly or indirectly by the discharge of pollutants to the municipal storm drain system.

Impervious Surface: Man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

Industrial Activity: The term "industrial activity" is defined in 40 CFR 122.26(b)(14) and refers to 11 categories of activities required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with "industrial activity" as required by 40 CFR 122.26(c).

Industrial/Commercial Facility: Any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facility includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

Integrated Pest Management (IPM): A philosophy of pest management that considers the whole ecosystem when determining the pest control strategies. This philosophy emphasizes use of a hierarchy of controls, with a preference for mechanical controls (e.g., mowing) and biological controls

(e.g., beneficial insects, pheromones) before chemical controls (e.g., pesticides).

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**Jurisdiction:** The term "jurisdiction", as used in connection with a Permittee, means the geographic area within the Permittee's boundaries that are subject to the Permittee's regulatory control. The term is not intended to include facilities which the Permittee is preempted or otherwise precluded from regulating, such as federal or state facilities, or school districts, and similar governmental (non-municipally owned or operated) entities.

**Legal Authority:** The ability of a Permittee to impose and enforce statutes, ordinances, and regulations to require control of pollutant sources and regulate the discharge of pollutants to the storm drain system, and to enter into interagency agreements, contracts, and memorandums of understanding. These powers are granted to the Permittees by the Constitution of the State of California and the General Laws of the State (for General Law Cities/Counties) or individual constitutions (for Charter Cities/Counties). These powers are promulgated by the Permittee through their municipal codes, ordinances, and statutes duly adopted by their governing body.

**MS4:** See Municipal Separate Storm Sewer System

**Maximum Extent Practicable (MEP):** The maximum extent possible taking into account equitable consideration and competing facts, including, but not limited to: the gravity of the problem, public health risk, societal concern, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance, implementability, cost and technical feasibility. BMPs identified through this process have to be implemented, unless it can be demonstrated that: (1) other effective BMPs will achieve greater or substantially the same pollution control benefits; or (2) the BMP would not be technically feasible; or (3) the cost of implementation would greatly outweigh the pollution control benefits. The entity(s) responsible for developing and implementing each plan shall have the burden of showing that it has met the "maximum extent practicable" standard in proposing or rejecting BMPs for implementing a storm water management program to reduce pollutants to the maximum extent practicable.

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**Municipal Separate Storm Sewer System (MS4):** See Storm Drain System.

*402P(3)(b)(iii)*

**NPDES:** See National Pollutant Discharge Elimination System

**National Pollutant Discharge Elimination System:** A permit issued by the USEPA, SWRCB, or CRWQCB pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

**Non-Storm Water Discharge:** Any discharge to a municipal storm drain system that is not composed entirely of storm water.

**Notice of Intent to Meet and Confer (NIMC):** The NIMC is a letter sent to a Permittee or Permittees by the Regional Board Executive Officer as an invitation to discuss the implementation of requirements under this Order and is made when it is suspected that a Permittee or Permittees has/have an insufficient program based upon submittals made under this Order. The NIMC is a part of the Administrative Review section of this Order and provides an opportunity for the Permittee(s) to meet with Regional Board staff to clarify any potential misunderstandings prior to, or in lieu of the Regional Board taking enforcement action for "non-compliance".

**Nuisance:** Anything which meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with

the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) occurs during, or as a result of, the treatment or disposal of wastes.

**Permittee(s):** Any agency named in the NPDES storm water permit as being responsible for permit conditions within its jurisdiction. *Permittees to the NPDES storm water permit presently include the County of Los Angeles and the cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Inwood, La Canada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier.*

**Pervious:** Natural or man-made surfaces that allow the entry of water into the underlying soil, resulting in less runoff from the surface when compared to impervious surfaces. *Examples of pervious surfaces include vegetated areas, most undeveloped areas, uncompacted earth surfaces, and lattice type modular pavements.*

**Phase I Facilities:** This term refers to categories of facilities which are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with "industrial activity" as required by 40 CFR 122.26(c). The term "industrial activity" is defined in 40 CFR 122.26(b)(14) and in general refers to 11 categories of activities. These categories include:

- I. FACILITIES SUBJECT TO STORM WATER EFFLUENT LIMITATIONS GUIDELINES, NEW SOURCE PERFORMANCE STANDARDS, OR TOXIC POLLUTANT EFFLUENT STANDARDS (40 CFR SUBCHAPTER N). Currently, categories of facilities subject to storm water effluent limitations guideline are Cement Manufacturing (40 CFR Part 411), Feedlots (40 CFR Part 412), Fertilizer Manufacturing (40 CFR Part 418), Petroleum Refining (40 CFR Part 419), Phosphate Manufacturing (40 CFR Part 422), Steam Electric (40 CFR Part 423), Coal Mining (40 CFR Part 434), Mineral Mining and Processing (40 CFR Part 436), Ore Mining and Dressing (40 CFR Part 440), and Asphalt Emulsion (40 CFR Part 442). The fact sheet accompanying this general permit contains additional information pertaining to facilities subject to new source performance standards or toxic pollutant effluent standards.
- II. MANUFACTURING FACILITIES: Standard Industrial Classifications (SICs) 24 (except 2411 and 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, and 373.
- III. OIL AND GAS/MINING FACILITIES: SICs 10 through 14 including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1) because of performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for area of non-coal mining operations which

have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by products, or waste products located on the site of such operations. Inactive mining operations are mined sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material, or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

- iv. **HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES:** Includes those operating under interim status or a general permit under Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA).
- v. **LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS:** Sites that receive or have received industrial waste from any of the facilities covered by this general permit, sites subject to regulation under Subtitle D of RCRA, and sites that have accepted waste from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more).
- vi. **RECYCLING FACILITIES:** SICs 5015 and 5093. These codes include metal scrapyards, battery reclaimers, salvage yards, motor vehicle dismantlers and wreckers, and recycling facilities that are engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste material such as bottles, wastepaper, textile wastes, oil waste, etc.
- vii. **STEAM ELECTRIC POWER GENERATING FACILITIES:** Includes any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.
- viii. **TRANSPORTATION FACILITIES:** SICs 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity.
- ix. **SEWAGE OR WASTEWATER TREATMENT WORKS:** Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.
- xi. **MANUFACTURING FACILITIES WHERE MATERIALS ARE EXPOSED TO STORM WATER:** SICs 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225.

Note: Category x, Construction activity, is covered by a separate general permit.

**Pollutant:** Those "pollutants" defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. §1362(6)), or incorporated into California Water Code §13373. *Examples of pollutants include, but are not limited to the following:*

- *Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);*
- *Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;*
- *Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);*
- *Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;*
- *Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);*
- *Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus;*

*The term "Pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.*

*The term "Pollutant" also shall not include any substance identified in this definition, if through compliance with the best management practices available, the discharge of such substance has been eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the elimination of the discharge to the maximum extent practicable through compliance with the best management practices available.*

**Pollutant Loading:** The quantity of a pollutant found in runoff expressed in mass per unit of time. *Pollutant loadings are commonly expressed in units of tons/year or pounds/year.*

**Pollutants of Concern:** Pollutants that exhibit one or more of the following characteristics:

- *Current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water,*
- *Elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or*
- *The detectable inputs of the pollutant are at a level high enough to be considered potentially toxic to humans and/or flora and fauna.*

*Pollutants of concern may be different for each receiving water.*

*For example, Pollutants of concern for the Santa Monica Bay Watershed Management Area include, DDT, PCBs, PAHs, Chlordane, TBT, cadmium, chromium, copper, lead, nickel, silver, zinc, pathogens, TSS (sediment), nutrients, trash and debris, chlorine, oxygen demanding substances, and oil and grease.*



CT/WJ

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WRITER'S DIRECT NUMBER

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May 22, 1996

VIA TELECOPY AND FIRST-CLASS MAIL

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Re: Draft NPDES Permit -- Further Comments of County of Los Angeles

Dear Catherine:

This letter contains further comments of the County of Los Angeles on the draft tentative Waste Discharge Requirements for Municipal Storm Water Discharges Within the County of Los Angeles. This letter supplements our comments delivered to you and to Carlos Urrunaga on Friday, May 17, 1996.

As a general comment, if the Glossary is intended to be included as part of the Order, the County believes strongly that all of the italicized material in the Glossary should be deleted and placed within the support document. The italicized material is not strictly definitional, but represents the opinion of the Board on various elements of a stormwater program or includes examples. As such, it is more properly in the support document as opposed to being part of a legally binding permit. If, on the other hand, the Glossary is intended to be an advisory document attached to the Order, but not binding on the Permittees, the Order should so state.

We also have the following specific comments:

Page 15 -- Section C3(d) should be amended as follows: "Participate in the development of a WMAP after the CSWMP is completed, if such development is deemed by the WMC to be appropriate for the watershed;"

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LOS ANGELES

Ms. Catherine Tyrrell  
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Page 2

- Page 17 -- With respect to Section E on Legal Authority, the County still is reviewing this language. It will provide further comment, if any, at a future time.
- Page 26 -- We request deletion of Sections D3 and D4. The reporting of such releases is the responsibility of the person making the release. The requirement for Permittees to make such reports to the OES or the NRC is merely additive and imposes additional burdens on the Permittees.
- Page D-1 -- The term "Authorized Discharge" should be eliminated from the Glossary, as the term is not found in the Order.
- Page D-1 -- The term "Bioaccumulate" should be eliminated from the Glossary, as the term is not found in the Order.
- Page D-2 -- The term "Biostimulatory" should be eliminated from the Glossary, as the term is not found in the Order.
- Page D-9 -- The term "Reportable Quantity" should be eliminated from the Glossary, as the term is not found in the Order (pursuant to the requested changes of the County).
- Page D-9 -- The term "Residential Swimming Pool Water" should be eliminated from the Glossary, as the term is not found in the Order.
- Page D-10 -- The term "Storm Water Runoff Mitigation Plan" should be eliminated from the Glossary, as the term is not found in the Order.
- Page D-11 -- The term "Waste Minimization" should be eliminated from the Glossary, as the term is not found in the Order.
- Page D-11 -- The term "Watershed Management Committee (WMC)" should be deleted from the Glossary, because the Order already sets forth the duties of such committees.

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LOS ANGELES

Ms. Catherine Tyrrell  
May 22, 1996  
Page 3

Please call Gary Hildebrand if you have any questions regarding any of the requested changes. Thank you for your attention to these matters.

Very truly yours,

  
David W. Burbenn

cc: Mr. Carlos Urrunaga  
Judith A. Fries, Esq.  
Donald L. Wolfe, P.E.  
Gary W. Hildebrand, P.E.

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TRANSMITTAL

DATE: May 17, 1996  
TO: Catherine Tyrrell  
Regional Water Quality Control Board  
FROM: Barb Garrett *B Garrett*

We appreciate the opportunity to informally comment on the draft permit prior to its release for public review next week. Our comments are informal ( i.e. have not been reviewed by the appropriate City representatives) and restricted to significant issues which were identified during this very short review period. General comments are provided below, with specific recommended language changes attached. Formal City comments and concerns, and suggested permit language clarifications will be submitted during the public review period.

**Watershed Special/Pilot Projects**

Permit Section VI.C. (Watershed Special/Pilot Projects) should be deleted. As commented previously, the RWQCB and the EPA should be primarily responsible for determining commercial/industrial facility impacts, development of BMPs, and assessment of BMP effectiveness. Furthermore, this requirement has not been previously discussed by the Permittees and the obligations placed on the Permittees are unclear. Implications to the City are substantial, since we would have the "lead responsibility," requiring additional staff and financial resources.

The City supports the improvement of understanding and knowledge regarding stormwater issues. We have participated in and provided substantial financial resources to a number stormwater related studies and activities [Santa Monica Bay Restoration Project (\$750,000), Santa Monica Bay Stormwater Pollutant Reduction Study (\$300,000), Ballona Creek Treatment Facility (\$400,000), Pico-Kenter Low Flow Outfall & Diversion (\$60,000), California Best Management Practices Manual (\$20,000), SCCWRP (\$17,000), NPDES Permit Guidance Manual (\$25,000), Epidemiological Study (\$200,000), City of Santa Monica Catch Basin Cleaning Study (\$25,000)]. In addition, the City has committed to study municipal sidewalk and street washing activities. We support the concept that all municipalities should participate in such efforts, but any permit language developed to achieve this goal should recognize, and not penalize, the previous efforts of the City of Los Angeles.

**Industrial/Commercial Educational Site Visit Program**

The City requests that a 12 month program implementation lead time be provided in the industrial/commercial educational site visit program. Materials necessary for site visit implementation (i.e. checklists and BMP development) are required to be developed under the Permit

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within 9 months of adoption of the Order. In addition, the City will require additional staff for program implementation, and anticipates making arrangements with the County for some services. These activities are anticipated to require approximately one year to accomplish.

Although the permit has a site visit frequency of 1/24 months, with the required program initiation lead time, the City will effectively have to visit all facilities within one year in order to be in compliance with the mandated frequency requirement. After the second year of the permit, we would then revert to a 1/24 month schedule. Resource wise, both personnel and financial, it is problematic to require site visits annually for the first site visit cycle of the program, and 1/24 months thereafter. Therefore, a 12 month period to initiate the program is necessary. Please see the attached recommended language for Permit Section V.B.3.

#### **Sidewalk and Street Washing**

The City has agreed to study municipal sidewalk and street washing activities. We request that the scope and purpose of the study be clarified in the permit (see attached language for (Section II.C.3.). In addition, the existing permit language presumes that the study will result in the need to control these municipal activities, this is inappropriate and premature. Regional Board action and recommendations should be based on the results of the study.

The City has also commented upon the language submitted by Heal the Bay on this issue. Once again we would like to clarify that we have committed to reviewing municipal sidewalk and street washing only. In addition, once a determination is made by the Executive Officer, the City will require a year to initiate BMP implementation, if necessary. Financial resources may need to be allocated, and special equipment may need to be purchased. Such activities require substantial lead time.

#### **Regional Board Approval of BMP Documents**

The City requests that all model documents prepared by the Principal Permittee which contain BMPs, be submitted to the Regional Board for approval. BMPs will effectively become requirements for both municipalities and commercial/industrial facilities. Such requirements must undergo full public disclosure and review, with the "regulated community" being provided the opportunity to comment to the Regional Board. Permit Sections III.A.b.; IV.B.; V.B.2.a.iii. Need to be modified to reflect this change.

#### **Clarifying Language**

The City requests that clarifying language be included in a number of significant areas. Most notably, the phrase "to the maximum extent practicable" needs to be included in a number of sections.

Thank you once again for the opportunity to informally review this draft of the permit. We look forward to the release of the Draft Tentative Permit next week.

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CITY OF LOS ANGELES INFORMAL STAFF  
COMMENTS - 5/17/96

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

ORDER NO. 96-XXX  
(NPDES NO. CA0061654)

WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter referred to as the Regional Board), finds:

Existing Permit and Report of Waste Discharge

1. The County of Los Angeles and 85 incorporated cities within the County of Los Angeles (see Attachment A), hereinafter referred to as Permittees, discharge or contribute to discharges of storm water and urban runoff from municipal separate storm sewer systems (MS4s), also called storm drain systems, and water courses within the County of Los Angeles into receiving waters of the Los Angeles Basin under countywide waste discharge requirements contained in Order No. 90-079 adopted by this Regional Board on June 18, 1990. That Order also serves as a National Pollutant Discharge Elimination System (NPDES) permit (CA0061654).
2. On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as an application for re-issuance of waste discharge requirements and a NPDES permit.

Nature of Discharges and Sources of Pollutants

3. The discharges consist of surface runoff generated from various land uses in all the hydrologic drainage basins that discharge into water bodies in Los Angeles County. The quality and quantity of these discharges vary considerably and are affected by the hydrology, geology, and land use characteristics of the watersheds; seasonal weather patterns; and frequency and duration of storm events. Nationwide studies in urban areas have shown that urban runoff typically contains significant quantities of pollutants. The pollutants of concern are several heavy metals, sediment from erosion due to anthropogenic activities, petroleum hydrocarbons from sources such as used motor oil, microbial pathogens of domestic sewage origin from illicit discharges, certain pesticides associated with land application, and other pollutants which may cause aquatic toxicity and adverse

<sup>1</sup> Consist of non-storm water and storm water (urban runoff), hereinafter referred to as storm water.

- human health impacts in the receiving waters.
4. Studies conducted by the USEPA, the states, flood control districts, and other entities indicate the following constitute potential sources of storm water pollution:
    - a. Industrial sites where appropriate pollution control and best management practices (BMPs) are not implemented,
    - b. Construction sites where erosion and sediment controls and BMPs are not implemented, and
    - c. Non-storm water discharges which are not properly managed.
  5. Periodic Water Quality Assessments<sup>2</sup> conducted by the Regional Board identified impairment of a number of water bodies in Los Angeles County. The beneficial uses of these water bodies are either impaired or threatened to be impaired. Pollutants found causing impairment include: heavy metals, coliform, enteric viruses, pesticides, nutrients, PAHs, DDT, PCBs, PCE, TCE, sediments, trash, debris, algae, scum, and odor.
  5. Investigations conducted by the Santa Monica Bay Restoration Project (SMBRP)<sup>3</sup> showed pathogens were detected in summer runoff at four storm drain locations. Possible sources of pathogen contamination include illicit sewer connections to the storm drains, leaking sewer lines, malfunctioning septic systems, inadequate waste disposal by recreational vehicles, campers or transients. Additional potential sources of human pathogens in nearshore waters include sewage overflows into storm drains, small boats waste discharges, and bathers themselves. Although these studies were done at the Santa Monica Bay, the results (except for septic tanks) could be extrapolated to other water bodies in Los Angeles.

#### Coverage and Exemptions to this Order

6. The requirements in this Order cover all areas within the boundaries of the cities as well as unincorporated areas in Los Angeles County except the Cities of Lancaster and Palmdale<sup>4</sup>. The Permittees serve a population of about 11.4 million<sup>5</sup> in an area of approximately 3,100 square miles.
7. Federal, state or regional entities within the Permittees' boundaries or in jurisdictions outside

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<sup>2</sup> Water Quality Assessment, California Regional Water Quality Control Board, April 18, 1986.

<sup>3</sup> SMBRP (comprised of government, industry, and environmental representatives) was established in 1988 pursuant to Clean Water Act Section 320 which included Santa Monica Bay in the National Estuary Program.

<sup>4</sup> These cities are not under the jurisdiction of the Los Angeles Regional Board but with the Lahontan Regional Board (Region 6).

<sup>5</sup> 1990 Census of Population and Housing, Bureau of the Census, U.S. Department of Commerce



the County of Los Angeles, and not currently named in this Order, operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittees ~~should~~ will not be held responsible for such facilities and/or discharges.

For those entities within the Permittees' boundaries (which include large landowners such as state parks and universities), these entities may choose to become Permittees under this Order, or the Regional Board may consider issuing separate NPDES permits. The California Department of Transportation (Caltrans) discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans, currently a Co-Permittee to Order No. 90-079, submitted an ROWD on July 3, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements to be issued to Caltrans will be consistent with this Order.

- 8. Sources of discharges into receiving waters in the County of Los Angeles but in jurisdictions outside its boundary include the following:
  - a. Approximately 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay.
  - b. About nine (9) square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay.
  - c. Approximately 86 square miles of areas in Orange County drain into Coyote Creek, thence into the San Gabriel Watershed in the County of Los Angeles.

The Regional Board will insure that storm water management programs for the areas in Ventura County and the City of Thousand Oaks that drain into Santa Monica Bay are consistent with the requirements of this Order. The Regional Board will coordinate with the Santa Ana Regional Board so that storm water management programs for the areas in Orange County that drains into Coyote Creek are consistent with the requirements of this Order.

- 9. The City of Santa Clarita and some unincorporated areas of Los Angeles County drain into the Santa Clara River watershed which is regulated under the municipal stormwater NPDES permit for the County of Ventura (Order No. 94-082, CAS063339). The storm water management plan for the Santa Clara River Watershed will be developed considering the requirements of Order No. 94-082.
- 10. Certain pollutants present in storm water and/or urban runoff may be contributed by activities which the Permittees cannot control. Examples of such pollutants and their respective sources are: polycyclic aromatic hydrocarbons (PAHs) which are products of internal combustion engine operation, nitrates from atmospheric deposition, lead from leaded fuels, copper from brake pad wear, zinc from tire wear and naturally-occurring minerals from local geology. However, Permittees can implement measures to minimize

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entry of these pollutants into storm water, to the maximum extent practicable

Bases of the Order and Waste Discharge Requirements

Federal Statutes and Regulations

10. Section 402(p) of the federal Clean Water Act (CWA), as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s to waters of the United States. Section 402(p)(3)(B) requires that permits for MS4s: "(i) may be issued on a system- or jurisdiction-wide basis; (ii) shall include a requirement to effectively prohibit non-storm water discharges into the storm sewers; and (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable ..... and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."
11. On November 16, 1990, pursuant to Section 402(p) of the CWA, the United States Environmental Protection Agency (USEPA) promulgated 40 Code of Federal Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants.
12. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. CZARA covers five nonpoint source areas of pollution: Agriculture, Silviculture, Urban, Marinas, and Hydromodification. This Order includes management measures for pollution from Urban Areas and Marinas, and provides the functional equivalence for compliance with CZARA in these two areas. The CZARA Guidance Document developed by the USEPA and the National Oceanic and Atmospheric Administration recommends management practices for commercial facilities (including gas stations), and all construction activity (new development and redevelopment).

State Statutes, Permits, and Appeals

13. To facilitate compliance with federal regulations, in 1992, the State Water Resources Control Board (State Board) issued two statewide general NPDES permits: one for storm water from industrial sites [NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GIASP)] and the other for storm water from construction sites [NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)]. "Industrial Activities", as defined in 40 CFR § 122.26(b)(14)(i) through (xi), and construction activities on five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent with the State Board.
14. The State Board adopted a dual annual fee structure for industrial facilities and construction sites covered by the two general permits described in Finding 14. Industrial facilities and



construction sites located in jurisdictions with a MS4 permit are subject to a lower annual fee (\$250) than those located in jurisdictions without a MS4 permit (\$500). The intent of the dual fee structure was to allow Permittees to recover the annual fee differential or portion thereof if necessary to support the MS4 program and also provide some oversight over these facilities.

15. The State of California is a delegated state under the NPDES program, and as such, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, may impose more stringent requirements necessary to implement water quality control plans for the protection of beneficial uses of receiving waters, and/or to prevent nuisance.
16. California Water Code (CWC) Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.

**State and Regional Board Water Quality Control Plans and Policies**

17. The State Board adopted a revised Water Quality Control Plan for Ocean Waters of California (Ocean Plan) on March 20, 1990. The Ocean Plan contains water quality objectives for the Coastal Waters of California.
18. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, noncontact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

19. This Regional Board has implemented a Watershed Protection Approach in addressing water quality management in the region. The objective of the Watershed Protection Approach is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationship between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest

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<sup>6</sup> CWC Section 13241 prescribes the factors that the Regional board shall consider in establishing water quality objectives.

environmental improvements with the resources available.

20. To implement the Watershed Management Approach, as well as facilitate compliance with this Order, the County of Los Angeles is divided into six Watershed Management Areas (WMAs) as follows:
- a. Malibu Creek and Rural Santa Monica Bay Watershed Management Area
  - b. Ballona Creek and Urban Santa Monica Bay Watershed Management Area
  - c. Los Angeles River Watershed Management Area
  - d. San Gabriel River Watershed Management Area
  - e. Dominguez Channel/Los Angeles Harbor Watershed Management Area
  - f. Santa Clara River Watershed Management Area

Attachment A shows the list of cities under each Watershed Management Area.

Other Bases

21. SMBRP developed a Bay Restoration Plan<sup>7</sup> to serve as a blueprint for Santa Monica Bay's recovery. The Plan contains actions that calls for the Regional Board to then integrate into the storm water permit and provides guidance to the Regional Board for the development of a strong, environmentally sound storm water program..
22. The Regional Board is the enforcing authority for both the two statewide general permits, described in Finding 14, which regulates discharges from industrial facilities and construction sites, and all NPDES storm water and non-storm water permits issued by the Regional Board. However, frequently, industrial and construction sites discharge directly into storm drains and/or flood control facilities owned and operated by the Permittees or located in the jurisdiction of the Permittees. These industrial and construction sites are also regulated under local laws and regulations. Therefore, a coordinated effort between the Permittees and the Regional Board is critical to avoid duplicative regulatory activities and promote program efficiency.
23. The Report of Waste Discharge (ROWD) submitted by the Permittees includes:
- a. Summary of BMPs implemented,
  - b. Storm water management plans for the six Watershed Management Areas, c. Countywide evaluation of existing storm water quality data, and,
  - d. Monitoring Program.
- The Report of Waste Discharge served as partial bases for the development of the Storm Water Management Program (SWMP) requirements of this Order.
24. Besides the above referenced state and federal laws and regulations, water quality control

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<sup>7</sup> The plan was endorsed by the Regional Board and approved by Governor Pete Wilson in 1994, and approved by the USEPA in 1995.

plans, policies, and considerations, the requirements in this Order are also based on results of studies and reports on the following:

- a. An epidemiological study<sup>8</sup> conducted during the summer of 1995 for the Santa Monica Bay Restoration Project demonstrated that there is an increased risk of acute illnesses caused by swimming near flowing storm drain outlets in Santa Monica Bay.
- b. A USEPA review of activities conducted by the automotive service sector<sup>9</sup> indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water. A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings. Implementation of BMPs at these facilities will reduce the release of pollutants into storm water.
- c. The 1992 USEPA sponsored study on storm water discharges from gasoline stations in California demonstrated that a mix of BMPs is most effective in reducing pollutants in storm water.
- d. Studies demonstrate that parking lots are significant sources of pollutants in storm water<sup>10</sup>.
- e. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County and the experience of other California MS4s indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system. Implementation of BMPs at these facilities will reduce the release of pollutants into storm water.

Objectives and Requirements of this Order

- 25. The intent of this Order is the implementation of the foregoing statutes, regulations, and water quality control plans to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes narrative receivingwater limitations that require storm water discharges neither cause violations of water quality objectives,

<sup>8</sup> *An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay, May 1996*

<sup>9</sup> Includes auto body shops, gas stations, auto repair, used car dealers, specialized repair, car washes, car rental, and truck rental. Source: Storm Water Discharges Potentially Addressed by Phase II...Report to Congress, 1995, Document No. EPA 833-K-94-002

<sup>10</sup> *Urban Storm Water Toxic Pollution, Assessment, Sources*, Pitt et al., V. 67, pp. 260 - 275 *Results of Retail Gas Outlet & Commercial Parking Lot Storm Water Runoff Study*, Western States Petroleum Association and American Institute, 1994 ( Geometric Consultants)

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cause a condition of nuisance, nor cause water quality impairment in receiving waters. No numerical limits are prescribed in this Order.

To meet the receiving water limitations, this Order requires the implementation of <sup>technically and economically</sup> "Best Management Practices" <sup>feasible</sup> to reduce pollutants in storm water to the maximum extent practicable<sup>11</sup> with a monitoring program to assess compliance with the objectives and requirements of this Order.

26. This Order designates the County of Los Angeles as the Principal Permittee. The Principal Permittee will coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for insuring compliance of any individual permittee.

27. Each Permittee is responsible under this Order for the implementation of the appropriate storm water program pursuant to the requirements of this Order, and not for the implementation of the provisions of this Order applicable to the Principal Permittee or other Permittees. Each Permittee need only comply with the requirements of this Order applicable to discharges originating from its boundaries, <sup>and within its legal jurisdiction.</sup>

28. In the Report of Waste Discharge, the Permittees proposed the formation of countywide Executive Advisory Committee (EAC), and a Watershed Management Committee (WMC) for each of the Watershed Management Areas. The EAC and the six WMCs are now functional.

The EAC is comprised of the representative from the County of Los Angeles <sup>, City of Los Angeles</sup> as Chair, and two representatives from the six Watershed Management Areas. Similar to the Principal Permittee, the EAC are not responsible for insuring compliance of any individual permittee with the requirements of this Order.

The EAC and the WMCs will provide the leadership framework to facilitate development of storm water management programs within the six watersheds and to promote consistency in the implementation of these programs among Permittees.

This Order contemplates that the Principal Permittee will consult with the Permittees through the EAC and the WMC's on the development and implementation of countywide and watershed-specific plans and programs, and in the preparation of reports required under this Order.

29. In November 1992, the USEPA issued a guidance document for submittal of Part II application for MS4s which provides the required components of municipal storm water programs. The guidelines recommend program activities in the following areas: a. Program Management, b. Illicit Discharges, c. Industrial/Commercial Sources, d. New Development and Redevelopment, e. Public Agency Activities, f. Public Information and Participation, g. Program Evaluation, and h. Monitoring.

<sup>11</sup> See Glossary of Terms

The Storm Water Management Program (SWMP) required in this Order consists of the components recommended in the USEPA guidelines and was developed with the cooperation of representatives from the regulated community and environmental groups. The SWMP includes requirements with compliance dates to provide specificity and certainty of expectations. It also includes provisions that promote customized initiatives, both one countywide and watershed basis, in developing and implementing cost-effective measures to minimize discharge of pollutants to the receiving water. The various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water and urban runoff to the maximum extent practicable.

30. The main focus of the SWMP required in this Order is pollution prevention through education, public outreach, planning, and implementation of BMPs. Successful implementation of the provisions of the SWMP will require cooperation and coordination of all public agencies in each Permittees' organizations, among Permittees, and the regulated community. To minimize cost, the Permittees are encouraged to utilize their existing organizational framework to implement the various activities required in this Order.
31. This Order, pursuant to 40 CFR Part 122.26(d)(2)(i), requires the Permittees to demonstrate that they possess the legal authority to implement and enforce the storm water programs within their respective jurisdiction. This legal authority may be in the form of ordinance, permits, contracts or similar means. If the Permittees decide that the legal authority would be through ordinance, the permittees are encouraged to develop through the EAC a model ordinance to minimize cost and promote countywide consistency.
32. Board Order 90-079 required the development and implementation of BMPs to minimize pollutants in storm water. In 1993, the Regional Board approved 13 baseline BMPs to facilitate the implementation of countywide minimum requirements, to encourage countywide consistency, and provide a minimum measure of progress. These BMPs were selected from Permittees' MS4 programs. Twelve of these 13 BMPs have been made a part of this Order which are: a. Catch basin labeling; b. Public illicit discharges reporting; c. Construction storm water ordinance; d. Public education and outreach; e. Catch basin cleanout; f. Roadside trash receptacles; g. Street sweeping; h. Proper disposal of litter, lawn clippings, pet feces; i. Removal of dirt, rubbish and debris at homes and businesses; j. Oil, glass, and plastics recycling; k. Proper disposal of household hazardous wastes; and l. Proper water use and conservation. The 13<sup>th</sup> BMP (inspections of vehicle repair shops, vehicle body shops, vehicle parts and accessories, gasoline stations, and restaurants) has been changed to site visits for educational purposes.
33. Each Permittee owns/operates facilities and/or enters into contracts with outside parties to ~~carry out activities~~ that may impact storm water quality.<sup>12</sup> As part of the Storm Water

<sup>12</sup> These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, storm drain system maintenance activities and the application of herbicides and pesticides.

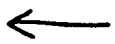
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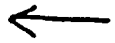
Management Program, each Permittee is required to implement BMPs to reduce pollutant discharges from these activities/facilities.

controls

Non-storm water discharges from these facilities and/or activities also affect water quality. This Order prohibits non-storm water discharges from public facilities unless the discharges are exempt or covered under the terms of this Order, or are permitted by the Regional Board under a separate individual or General NPDES permit.



- 34. This Order provides Permittees the flexibility to petition the Regional Board Executive Officer to substitute a BMP included under the requirements of this Order with an alternative BMP, if they can provide scientific information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP in meeting the objectives of this order.



Enforcement Actions under the Existing Order (90-079)

- 35. Pursuant to CWA Section 505, NRDC filed citizens suits with the Federal District Court, Central District of California, against Caltrans, the Cities of Beverly Hills, Culver City, El Segundo and Hermosa Beach, and the County of Los Angeles for noncompliance with the requirements of Order No. 90-079. The court ruled in NRDC vs Caltrans (C.D. Cal. 1994) that the Director of Caltrans has not substantially complied with Order No. 90-079. In the ruling, the Court stated that in order to reduce pollutants to the maximum extent practicable a Permittee must evaluate and implement all applicable BMPs, except where, (i) other effective BMPs will achieve greater or substantially similar pollution control benefits; (ii) the BMP is not technically feasible; or (iii) the cost of BMP implementation greatly outweighs the pollution control benefits.

In the lawsuits against the other defendants, negotiated settlements were reached and entered in Court which require the defendants to implement storm water pollution control measures or conduct storm water monitoring.

- 36. On December 6, 1993, and September 26, 1994, the Regional Board issued cease and desist orders to Caltrans (Order No. 93-081) and the City of Azusa (Order No. 94-102), respectively, for failure to fully comply with the requirements contained in Board Order No. 90-079. Both Caltrans and the City of Azusa were required to undertake tasks to correct their noncompliance. The City of Azusa has satisfactorily completed the required tasks, while Caltrans compliance with the cease and desist order is still pending.

Provisions

- 37. The Regional Board will provide the Principal Permittee with an updated list of NPDES permits on a quarterly basis through the Regional Board's electronic bulletin board which may be accessed at (213) 266-7663, or other available methods, for use by each Permittee to identify permitted sources of active non-storm water discharges into the MS4.
- 38. The Permittees will work with other agencies, to the extent necessary, and report to the Regional Board on recommendations to resolve any conflicts identified between the

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provisions of this permit and the requirements of other regulatory agencies, if they deem it necessary.

- 39 This action to adopt and issue waste discharge requirements and a NPDES permit is exempt from the provisions of the California Environmental Quality Act, Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code.

Public Process

- 40. The Regional Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules, including Annual Reports, Work Plans, Performance Standards, and proposed Storm Water Management Plan revisions, submitted in response to requirements of this Order. The Regional Board will consider comments and may modify the reports, plans, or schedules or may modify this Order in accordance with the NPDES permit regulations, and applicable substantive and procedural requirements and provisions of the Water Code and the California Code of Regulations.
- 41. This Order may be modified or alternatively revoked or reissued, prior to its expiration date, in accordance with the procedural requirements of the federal NPDES program, California Water Code and Title 23 of the California Code of Regulations for the issuance of waste discharge requirements, and upon prior notice and hearing.
- 42. The Regional Board solicited comments on early drafts of this Order from Permittees, interested agencies, and interested persons. In addition, Regional Board staff met with representatives from Permittees, business associations, environmental groups, and other interested persons to discuss permit requirements and resolve critical issues. Regional Board staff also solicited feedback from the Santa Monica Bay Oversight Committee on early drafts of the Order, and attended Permittee watershed meetings, made presentations to government officials, and public workshops to hear concerns.

The Regional Board has notified each Permittee, interested agencies, and interested persons of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharges and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

The Board, in a public hearing, heard and considered all comments pertaining to the tentative waste discharge requirements. This order shall serve as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to Section 402 of the federal Clean Water Act, or amendments thereto, and shall take effect at the end of 15 days from the date of its adoption, provided the Regional Administrator of the U.S. Environmental Protection Agency, Region IX, has no objections.

IT IS HEREBY ORDERED that the County of Los Angeles and the Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian

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Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act, as amended, and regulations and guidelines adopted thereunder, shall comply with the following for the areas within their boundaries and subject to their regulatory jurisdiction, in the County of Los Angeles.

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**DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS**

**I. DISCHARGE PROHIBITION**

Each Permittee shall, within its jurisdiction, effectively prohibit non-storm water discharges into the municipal separate storm sewer system (MS4) and watercourses, except where such discharges are:

- A. In compliance with a separate NPDES permit; or
- B. Identified and in compliance with Provision II.D (Illicit Connections/Discharges: Non-storm Water Discharges), of this Order; or
- C. Discharges originating from federal, state or other facilities which the Permittee is preempted from regulating.

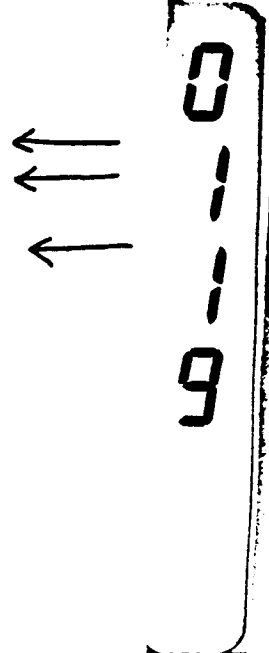
Compliance with this Order through timely development and implementation of programs described herein shall constitute compliance with this prohibition.

**II. RECEIVING WATER LIMITATIONS**

The water quality objectives and water quality standards contained in the Basin Plan (*Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994*), and amendments thereto, shall serve as Receiving Water Limitations for discharges covered under this Order. The discharge of storm water, or non-storm water, from a municipal separate storm sewer system (MS4) for which the dischargers are responsible shall not cause nuisance, continuing or recurring impairment of beneficial uses, or exceedances of water quality objectives in the receiving waters. The Permittee will not be in violation of this provision so long as they are in compliance with the Storm Water Management Program Requirements set forth in this Order.

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**STORM WATER MANAGEMENT PROGRAM REQUIREMENTS**

**General Requirement**

Each Permittee shall implement within its jurisdiction the requirements of the storm water management program according to the Countywide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMAP) that will be developed pursuant to this Order.

The CSWMP is the comprehensive implementation plan for all segments of the Storm Water Management Program required in this Order that are applicable to all Permittees and all Watershed Management Areas. Upon approval by the Regional Board Executive Officer, the Permittees will implement the CSWMP. <sup>^</sup> as specified in this Order <sup>^</sup> or the



The WMAP is the comprehensive implementation plan for a specific watershed based on the requirements of this Order, the CSWMP, and any other applicable actions that address pollutants of concern and other water quality issues unique to that watershed toward the objective of reducing pollutants to the maximum extent practicable. Upon approval by the Regional Board Executive Officer, the WMAP will supersede the CSWMP.

**I. Program Management**

**A. Responsibilities of Principal Permittee**

The County of Los Angeles is hereby designated as the Principal Permittee, and as such shall:

1. Coordinate permit activities among permittees and act as liaison between Permittees and the Regional Board on general permit issues;
2. Provide personnel and fiscal resources for the development and update of the Countywide Storm Water Management Plan (CSWMP) and the Watershed Management Area Plans (WMAPs) described in this Order;
3. Convene the Watershed Management Committees (WMCs) constituted pursuant to Provision I.E upon designation of representatives thereof;
4. Provide technical and administrative support for both the EAC, and the WMCs;
5. Provide personnel and fiscal resources for the preparation of Program Annual Reports required in this Order;
6. Implement the Countywide Monitoring Program required in this Order; and,
7. Comply with the <sup>R</sup>responsibilities of the Permittees <sup>- Section B below</sup> applicable to the Principal Permittee's jurisdiction.



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B. Responsibilities of the Permittees

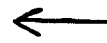
- 1. By the dates specified in this Order, each Permittee shall implement <sup>to the maximum extent practicable</sup> within its jurisdiction the Storm Water Management Program provisions and the Countywide Storm Water Management Plan (CSWMP) and amendments thereof; ←
- 2. Each Permittee shall coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of this Order in an efficient and cost-effective manner.
- 3. Each Permittee shall participate in the development and, if necessary, the update of the CSWMP.
- 4. Each Permittee shall provide in a timely manner all information needed by the Principal Permittee for completing the Annual Reports.
- 5. Each Permittee ~~x~~ shall appoint a technically knowledgeable representative(s) to the WMC. ←
- 6. Each Permittee shall participate in the development of the WMAP for its respective watershed management area through its Watershed Management Committee (WMC), and upon approval by the Regional Board Executive Officer shall implement said WMAP ~~x~~ to the maximum extent practicable. ←

C. Watershed Management Committees (WMCs)

- 1. Each Watershed Management Committee shall be comprised of a voting representative from each Permittee in the Watershed Management Area (WMA).
- 2. The WMC's chair and secretary shall be chosen by the WMC. In the absence of volunteer Permittee(s) for the positions, the Principal Permittee shall assume those roles, until the WMC approves qualified persons.
- 3. The WMC shall,
  - a. Facilitate cooperation and exchange among Permittees;
  - b. Establish goals and objectives for the watershed;
  - c. Prioritize pollution control efforts;
  - d. Participate in the development of a WMAP after the CSWMP is completed;

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- e. Assess the effectiveness of, prepare revisions for, and recommend appropriate changes to the CSWMP and the WMAP;
- ~~f. Support the lead municipalities in the development and implementation of watershed special pilot projects;~~
- g. Coordinate and facilitate the submittal of completed reporting forms to the Principal Permittee for report integration, and assist in the preparation of Annual Reports by the Principal Permittee on permit activities within the watershed for submittal to the Regional Board;
- h. Identify, as part of the industrial/commercial Source Identification program, SIC industrial/commercial groups selected as priorities to be included in the database described in the Public Education Section V.B.2.a.8. The criteria for inclusion may consider:
  - i. Extent of exposure of the industrial/commercial activity to storm water;
  - ii. Types and quality of non-storm water discharges;
  - iii. Similarity of industrial/commercial activity to industrial activity regulated under the USEPA Phase 1<sup>13</sup>;
  - iv. Types of chemicals and wastes generated that can contaminate storm water;
  - v. Existence of duplicate regulatory programs with other agencies that emphasize waste management and minimize exposure of the industrial/commercial activity to storm water;
  - vi. Number of facilities in watersheds;
  - vii. Professional understanding of the industrial/commercial sector waste management practices;
  - viii. Experience of local agency industrial inspection programs; and,
  - ix. Any other information that indicates a significant potential for contamination of storm water.



**D. Fiscal Resources**

1. The Principal Permittee in consultation with the Permittees, shall prepare a budget summary format by 3 months from the adoption of this Order for use by each Permittee to report resources available to implement the storm water management program.
2. Each Permittee shall submit to the Principal Permittee a summary of resources dedicated for storm water program implementation, not later than 60 days of budget adoption by the Permittee's elected local governing body.

<sup>13</sup> See definition of Phase 1 facilities in the Glossary of Terms

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A Permittee may provide all necessary data in an alternate format which includes the same information unless directed otherwise by the Regional Board Executive Officer.

E. Legal Authority

1. Each permittee shall demonstrate that it possesses legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction, so as to comply with this Order. This legal authority may be demonstrated by either a single ordinance or a single guidance document containing all the statutes, ordinances, permits, contracts, orders or ~~inter jurisdictional agreements among Permittees~~ which govern a Permittee's storm water management activities, as required by 40 CFR 122.26(d)(2)(i)(D):

a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity, through the following ~~prohibitions and requirements~~:

*or control to the maximum extent practicable*

I. Prohibit the discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned;

*or control to the maximum extent practicable*

II. Prohibit the discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;

*or control*

III. Prohibit to the maximum extent practicable, discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is undertaken;

*or control to the maximum extent practicable*

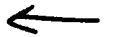
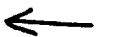
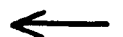
IV. Prohibit discharges to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), and unsealed receptacles containing hazardous materials;

*or control to the maximum extent practicable*

V. Prohibit discharges of swimming pool filter backwash to the MS4;

*or control to the maximum extent practicable*

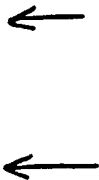
VI. Prohibit washing toxic materials from paved or unpaved areas which results in a discharge to the MS4;



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Control to the maximum extent practicable

- vii. ~~Prohibit~~ washing impervious surfaces in industrial/commercial areas which results in a discharge to the MS4, unless specifically required by State or local health and safety codes or permitted under a separate NPDES permit;  
or control to the maximum extent practicable
- viii. Prohibit the washing out of concrete trucks into storm drains;
- ix. Require regular sweeping or other equally effective measures to remove debris from industrial/commercial motor vehicle parking lots with more than twenty-five parking spaces that are located in areas potentially exposed to storm water;
- x. Require placement of machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, in a manner where leaks, spills and other maintenance related pollutants are not discharged to the MS4;



- b. Prohibit illicit discharges and illicit connections to the MS4 and require removal of illicit connections;
- c. Control the discharge of spills and the dumping or disposal of materials other than storm water to the MS4 through the following prohibitions or requirements ;

- i. Prohibit littering;
- ii. Prohibit the disposal of leaves, dirt or other landscape debris into a storm drain;
- iii. Prohibit the use of any pesticide, fungicide, or herbicide whose sale has been voluntarily discontinued or is prohibited by the USEPA; or
- iv. Require proper disposal of food wastes by the food service and food distribution industry.
- v. Require disposal of hazardous wastes at appropriate disposal sites, and not in trash containers used for municipal trash disposal; and
- vi. Require removal and proper disposal of all fuel and chemical residue, animal waste, garbage, batteries, or other types of potentially harmful materials which are located in areas susceptible to or exposed to storm water;



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necessary by the Permittees (interagency or inter-jurisdictional agreements among Permittees) are encouraged for this purpose.

- d. Control to the extent practicable through ~~interagency or inter-jurisdictional agreements among Permittees~~ the discharge of pollutants from one portion of the MS4 to another, as determined ~~(interagency or inter-jurisdictional agreements among Permittees)~~
- e. Require compliance with conditions in ordinances, permits, contracts or orders; and
- f. Conduct inspection, surveillance and/or monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to the MS4.

2. Each Permittee shall:

- a. Provide to the Principal Permittee for submittal to the Regional Board Executive Officer of the Regional Board by (120 days of the adoption of this Order) copies of ordinances, regulations, and other legal documents establishing legal authority, or in the alternative:
  - i. A statement by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, referencing that legal authority with specificity; and/or
  - ii. If Provision 1.E.2.a.i. is only partially fulfilled, a timely schedule for obtaining adequate legal authority to comply with this Order, enumerating with specificity that legal authority which remains to be obtained.
- b. Exercise full legal authority within its jurisdiction to require compliance with this Order, the CSWMP and/or the WMAPs.

F. BMP Substitution

A Permittee may petition the Regional Board Executive Officer to:

- 1. Substitute for any BMP or requirement identified in this Order, the CSWMP, or the WMAP, if the Permittee can demonstrate through documentation ~~and/or scientific data~~ that the proposed alternative BMP:
  - a. will meet the objective of the original BMP or Order requirement to achieve a similar or greater reduction in storm water pollutants; and
  - b. will be implemented within a similar period of time.
- 2. Eliminate any BMP identified in this Order, the CSWMP, and/or the WMAP, for its jurisdiction if it can demonstrate through documentation ~~and/or scientific data~~, that:

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- i. The BMP is not technically feasible;
- ii. The cost of implementation greatly outweighs the pollution control benefits; or
- iii. Is not applicable in the Permittee's jurisdiction.

The Regional Board Executive Officer will approve or disapprove the petition in accordance with Provision I.G and I.H.

G. Administrative Review

The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees, prior to initiating enforcement action.

1. Storm water program documents, including progress reports, guidelines checklists, BMPs, databases, program summaries, and implementation and compliance schedules, developed by a Permittee under the provisions of this Order shall be submitted to the Regional Board Executive Officer or the Regional Board where required for approval. The Regional Board Executive Officer will notify the Permittee and the Principal Permittee of the results of the review and approval or disapproval within 120 days. Documents that require Regional Board approval will undergo public review and comment before Board consideration at a public meeting.
2. If the Regional Board Executive Officer finds tentatively that a Permittee's storm water program is insufficient to meet the provisions of this Order, the Regional Board Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific findings in support of the determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.
  - a. The Permittee, upon receipt of a NIMC, shall meet and confer with Regional Board staff to demonstrate that the Permittee's program is sufficient to meet the requirements of this Order, and if not, seek clarification on the steps to be taken to completely meet the provisions of this Order. The meet and confer period will conclude with either a notice of program sufficiency to the Permittee, or the submittal to and acceptance by the Regional Board Executive Officer of a written "Storm water Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Regional Board Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPCA by a specified date. Failure to submit an

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acceptable SPCA by the specified date shall constitute a violation of this Order.

- b. The Regional Board Executive Officer will approve or reject the submitted SPCA or an amended SPCA within 120 days. Rejection of a SPCA by the Regional Board Executive Officer shall state the reasons for the failure to approve the SPCA. A Permittee that receives a rejection of an SPCA shall have sixty (60) days to remedy the specified deficiency and resubmit the SPCA.
- c. The Permittee shall comply with the terms of the SPCA. The Permittee shall submit reports to the Regional Board Executive Officer of progress made under the SPCA. The frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Regional Board Executive Officer. Failure to comply with the terms and conditions of the SPCA shall constitute a violation of this Order and shall be cause for enforcement action by the Regional Board. Permittees are not in violation of this Order until the Administrative Review is deemed complete by the Regional Board Executive Officer.

H. Public Review

- 1. The Principal Permittee shall maintain a current mailing list of interested parties, organized by WMAs, for distribution of documents that require the Regional Board Executive Officer's approval. The Regional Board will provide the Principal Permittee with the initial list of interested parties.
- 2. The Principal Permittee shall distribute for public comment the initial CSWMP, WMAPs and other storm water program requirements that are submitted to the Regional Board Executive Officer for approval. Interested parties wishing to have their comments considered prior to Regional Board Executive Officer, and/or Regional Board action on these documents must submit their comments in writing to the Regional Board Executive Officer not later than 45 days after the Principal Permittee has made the document available to the public.

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II. **Illicit Connections and Illicit Discharges**

A. **Illicit Connections**

1. The Principal Permittee in consultation with the Permittees shall develop a countywide model program for elimination of illicit connections to the MS4 by 4 months after permit adoption. The program shall include, at a minimum:
  - a. Standardized storm drain inspection procedures, and illicit connection identification and elimination procedures;
  - b. Methods to prioritize potential problem areas, including, but not limited to old commercial/industrial areas, and areas with heavy industry listed under subchapter N of 40 CFR Parts 405 - 471;
  - c. Methods to utilize results of field screening activities, and other appropriate information;
  - d. Storm drain inspections schedule for illicit connections;
  - e. Standardized record keeping to document illicit connections; and
  - f. Enforcement procedures to terminate illicit connections.
2. Each Permittee, based on the countywide model program, shall develop and implement as appropriate a program to identify and eliminate illicit connections to the maximum extent practicable, not later than four months after the approval of the model program by the Regional Board Executive Officer.

B. **Illicit Discharges**

The primary responsibility for cleanup and removal of illicit discharges of pollutants to the MS4 shall be with the owner/operator of the discharging facility or site. Nothing in this Order shall be interpreted to limit or in any way prevent action by a Permittee against the party responsible for the illicit discharge.

1. The Principal Permittee in consultation with the Permittees shall develop a countywide model illicit discharges elimination program by 4 months after permit adoption. The program shall include, at a minimum:
  - a. Standardized enforcement procedures, including administrative and judicial, to eliminate illicit discharges;
  - b. Standardized procedures for investigation, containment and cleanup for spills, which include a procedure to ensure that sewage treated with disinfection agents will not be discharged into the storm drain

system to the extent practicable;

- c. Prioritization of problem areas of illicit disposal where inspection, clean up, and enforcement are necessary to prevent the discharge of contaminants;
- d. Standardized surveillance program to detect illicit discharges;
- e. Standardized procedures to educate inspectors, maintenance workers, and other field staff to notice illicit discharges during the course of their daily activities, and report such occurrences;
- f. Standardized record keeping system to document illicit discharges;
- g. Standardized enforcement procedures to eliminate illicit discharges
- h. Industrial/commercial education and outreach materials to inform businesses about the problem of illicit discharges/dumping and proper discharge/disposal practices;

to the maximum extent practicable

2. Each Permittee, based on the countywide model program, shall develop and implement as appropriate a program to identify and eliminate illicit discharges, not later than four months after the approval of the model program by the Regional Board Executive Officer.

C. Non-storm Water Discharges

Non-storm water discharges in compliance with a separate NPDES permit/ Waste Discharge Requirement (WDR) or granted a discharge exemption by the Regional Board-Regional Board Executive Officer or the Regional Board or the State Board are not prohibited under this Order.

1. Exempted Discharges

The following non-storm water discharges need not be prohibited:

- a. Flows from riparian habitats or wetlands;
- b. Diverted stream flows;
- c. Springs;
- d. Rising ground waters;
- e. Uncontaminated groundwater infiltration; and
- f. Discharges or flows from emergency fire fighting activities.

The Regional Board Executive Officer, upon presentation of evidence in accordance with Provision II.C.4 may include other categories of non-storm water discharges under this sub-section.

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2. Conditionally Exempted Discharges

The following non-storm water discharges need not be prohibited. However if they are identified by either a Permittee or the ~~Regional Board~~ Regional Board Executive Officer as being significant sources of pollutants to receiving waters, then appropriate BMPs to minimize the adverse impacts of these sources shall be developed and implemented under the CSWMP or the WMAPs:

- a. Landscape irrigation;
- b. Water line flushing (~~dechlorinated~~);
- c. Potable water sources (if conducted in accordance with the industry-wide standard Pollution Prevention Practices developed by the American Water Works Association, California-Nevada Section, or equivalent document and in compliance with any requirements established by the Permittee);
- d. Foundation drains;
- e. Footing Drains;
- f. Air conditioning condensate;
- g. Irrigation water;
- h. Lawn watering;
- i. Water from crawl space pumps;
- j. Dechlorinated swimming pool discharges (excluding filter back-wash);
- k. Individual residential car washing (including car washing by ~~max profit~~ social, and charitable organizations);
- l. Street washing (until completion of a study and the Regional Board Executive Officer's decision); and
- m. Sidewalk washing (until completion of a study and the Regional Board Executive Officer's decision)

The Regional Board Executive Officer, upon the presentation of evidence in accordance with Provision II.C.4, may include other categories of non-storm water discharges under this sub-section.

3. Designated Discharges

~~Municipal~~ Municipal

a. ~~Street washing~~, and b. ~~Sidewalk washing~~, have been determined by the Regional Board Executive Officer to be potential sources of pollutants of concern.

~~The City of Los Angeles will conduct a study to characterize these non-storm water discharges, and evaluate alternatives that will range from elimination of the discharge to development of appropriate BMPs to minimize the adverse impacts to the maximum extent practicable. The City of Los Angeles will submit its recommendations to the Regional Board by one year from adoption of this Order.~~

After the ~~Regional Board~~ Regional Board Executive Officer makes a determination on ~~non-storm water management alternatives~~, Permittees will ~~municipal street and sidewalk washing impacts~~,

to assess the impacts of such municipal activities and to recommend

if any are identified

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recommended BMPs

have one year from the date of the decision to implement the <sup>non-storm</sup> ~~water management~~ alternative to the maximum extent practicable and where applicable. A BMP implementation schedule shall be included where appropriate.

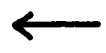


The Regional Board Executive Officer, upon presentation of evidence, may include other categories of non-storm water discharges under this subsection.

4. Procedures for Exemption

The Principal Permittee in consultation with the Permittees may identify and describe additional categories of non-storm water discharges to be considered by the Regional Board Executive Officer for exemption from the Discharge Prohibitions. The criteria for consideration of a request for exemption of a non-storm water discharge type include one or more of the following:

- a. Documentation that the discharges are not significant sources of pollutants to receiving waters or do not cause impairment of beneficial uses of receiving waters;
- b. Special circumstances that have <sup>significant</sup> been defined in which the discharges have been found not to be sources of pollutants to or do not cause impairment of beneficial uses of receiving waters;
- c. Specific BMPs, where determined feasible, that have been identified to reduce pollutants in discharges to the maximum extent practicable and minimize adverse impacts of such sources, with an implementation schedule; or
- d. Established procedures to ensure BMP implementation, including an implementation schedule, performance standards, monitoring and record keeping.



The exemption request for additional non-storm water discharge types may be submitted, beginning with the first Annual Report. The exemption for a non-storm water discharge type becomes effective upon approval by the Regional Board Executive Officer.

D. Public Reporting

- 1. The Principal Permittee in consultation with the Permittees shall develop a countywide standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices by 4 months after adoption of this Order. The program may include, but not be limited to:

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- a. A system to receive in-coming complaints;
  - b. A communication network to link Permittees so that action can be coordinated and complaints can be investigated promptly; and
  - c. A system to notify the complainant of any action taken, if appropriate.
2. Each Permittee shall implement the countywide illicit discharges and illicit disposal reporting program not later than four months after the approval by the Regional Board Executive Officer.
  3. The Principal Permittee in consultation with the Permittees shall develop a countywide program by 4 months after adoption of this Order, for reporting incidents of 'reportable quantity'<sup>14</sup> of hazardous substances entering the MS4. The incidents shall be reported to the State of California Office of Emergency Services (OES) [current number, (800) 852-7550] and the Federal Hazardous Response Center [current number, (800) 424-8802].
  4. Each Permittee shall implement the countywide program for reporting hazardous substances entering the MS4, not later than four months after the approval by the Regional Board Executive Officer.

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<sup>14</sup> See definition of 'reportable quantity' in the Glossary of Terms

III. Development Planning and Construction

A. Development Planning

1. Countywide Guidelines

a. The Principal Permittee in consultation with the Permittees shall develop, as part of the Countywide Storm Water Management Plan (CSWMP), recommended Best Management Practices (BMPs) for use during planning and permitting of all development projects requiring discretionary approval by 18 months after adoption of this Order. The BMPs shall include:

- I. Site planning practices;
- ii. Post-construction best management practices; and
- iii. Redevelopment and infill practices.

The recommendations shall consider the type of development and the potential for storm water pollution when determining the applicability of BMPs. Cost effectiveness, ease of maintenance, and consistency with other environmental mandates may be considered.

For utilization where increased storm water discharge rates will result in an increase in downstream erosion potential, the recommendations shall include BMPs which can be used to maintain peak runoff rates at pre-development levels to the maximum extent feasible.

b. The Principal Permittee in consultation with the Permittees shall develop not later than 6 months after Regional Board Executive Officer approval of the BMPs in III.A.1.a. Standard Urban Storm Water Mitigation Plans and guidelines for their preparation. The Plans shall incorporate the appropriate elements of the recommended BMPs in the Countywide Guidelines. At the minimum, standard plans and guidelines shall be prepared for the following development categories:

- I. a 100+ home subdivision;
- ii. a 10-home subdivision,
- iii. a 100,000+ square-foot commercial development,
- iv. an automotive repair shop, v) a retail gasoline outlet,
- vi. a restaurant, and
- vii. a hillside-located single-family dwelling.

2. Prioritization of Development Projects

requiring discretionary approval

a. Priority Projects are development and redevelopment projects which

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the Building Official (or equivalent municipal authority) determines may have a potential significant effect on storm water quality.

- b. Exempt Projects are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines will not have a potential significant impact on storm water quality.

As part of the CSWMP, the Principal Permittee, in consultation with the Permittees, shall develop a documented system, such as a checklist, for determining "potential significant effect" as well as a list of specifically exempt projects by 18 months after adoption of this Order. Each Permittee shall incorporate a substantially similar system into their procedures not later than 6 months after the approval of the documented system by the Regional Board Executive Officer.

The documented system shall consider location of the project with respect to designated environmentally sensitive areas and the slope and erosion potential of the site and surrounding areas.

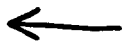
3. **Planning Process**

In order to integrate storm water management considerations into discretionary development projects at the time that they are first proposed to jurisdictions, and to support other provisions of this Order.

- a. The Principal Permittee in consultation with the Permittees shall develop, as part of the Countywide Plan, storm water management guidelines to use in preparing/reviewing CEQA documents, and in linking storm water quality mitigation conditions to local discretionary project approvals by 18 months after adoption of this Order.

preservation

The guidelines shall address the ~~presentation~~ or restoration of areas that provide water quality benefits such as riparian corridors and wetlands and promote protection of the biological integrity of drainage systems and water bodies.



Each Permittee shall review the Guidelines for the purpose of making appropriate modifications in their internal procedures not later than 6 months after the Regional Board Regional Board Executive Officer's approval of the Guidelines.

- b. Each Permittee shall include watershed and storm water management considerations in the process whenever a Permittee engages in a significant rewrite of the Permittee's General Plan elements for:

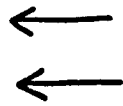
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- i. Conservation; or
- ii. Open space; or
- iii. Land-use; or
- iv. Public utilities; or
- v. Infrastructure.

4. Planning Control Measures

A schedule for program implementation shall be submitted

Each Permittee shall develop a program to <sup>for</sup> implement planning control measures for priority projects (Provision III.A.2.a) consistent with the CSWMP not later than 6 months after approval of the CSWMP by the Regional Board Executive Officer. Each Permittee shall require that the project applicant submit an Urban Storm Water Mitigation Plan, and that the Permittee approve the Plan prior to the issuance of any grading or building permit. The Urban Storm Water Mitigation Plan shall incorporate by detail or reference appropriate post-construction BMPs to:



- a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies;
- b. ~~Increase~~ <sup>Maximize</sup> to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;
- c. ~~Decrease~~ <sup>Minimize</sup> to the maximum extent practicable, the amount of storm water directed to impermeable areas and to the MS4;
- d. ~~Decrease~~ <sup>Minimize</sup> to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs such as retention, infiltration, and good housekeeping;
- e. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and
- f. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.



The Permittee may refer applicants to the *Best Management Practices Handbooks, California Storm Water Quality Task Force, Sacramento, CA, 1992*, and its revisions; the *Countywide Storm Water Management Plan, USEPA Guidance Specifying Management Measures for Sources of*

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*Nonpoint Pollution in Coastal Waters, Issued under the Authority of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990, Document No. EPA 840 B 92-002 (1993), and similar manuals for specific guidance on selecting post-construction BMPs for reducing pollutants in storm water discharges.*

5. **Developer Information Program**

The Principal Permittee shall develop a model program by 18 months after adoption of this Order to inform developers seeking discretionary approvals about:

- a. Development and construction storm water management;
- b. Maximization of pervious areas and storm water infiltration (where geology and topography permit); and
- c. Cost effective storm water pollution control measures.

The program shall provide specific guidance on selecting BMPs to reduce pollutants in storm water discharges from urbanized areas, and include appropriate BMPs, educational materials and handbooks and guidelines described in Provision III.A.4.

Each Permittee shall implement a developer information program consistent with the model program not later than 6 months after approval of the model by the Regional Board Regional Board Executive Officer. Each Permittee's program shall include information about its legal authorities. Permittees are encouraged to engage in joint efforts in implementing the program.

B. **Development Construction**

1. **Countywide Guidelines**

CSWMP

The Principal Permittee in consultation with the Permittees and appropriate stakeholder organizations shall develop by 14 months after adoption of this Order, as part of the Countywide Plan, minimum recommended requirements and Best Management Practices (BMPs) for all development project construction activities. Requirements and BMPs appropriate for various activities shall be developed along with checklists for use in design and inspection. The Countywide Guidelines shall:

- a. Include erosion and sediment control practices;
- b. Address multiple construction activity related pollutants;
- c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;



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- d. Target construction areas and activities with the potential to generate significant pollutant loads;
- e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste and other pollutants from construction activity;
- f. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
- g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site.
- h. Require, to the maximum extent practicable, containment of non-storm water from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

2. Construction Control Measures

a. Each Permittee shall develop a regulatory program for construction activities consistent with the ~~Countywide Guidelines~~ <sup>CSWMP</sup> not later than 6 months after the Regional Board Executive Officer's approval of the minimum recommended requirements and BMPs in Provision III.B.1. The Program shall require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control and storm water pollution prevention plans which include, by detail or reference, all appropriate construction BMPs contained in the ~~Countywide Guidelines~~: CSWMP

Priority Project plans must include a narrative <sup>contained in the CSWMP</sup> discussion of the reasons used for selecting or rejecting ~~the~~ BMPs. <sup>or owner</sup> In lieu of a narrative, the project architect or engineer of record may sign a statement on the plan to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality". The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities.

b. Each Permittee shall implement a procedure by 6 months after adoption of this Order whereby the Permittee shall not issue a grading permit for developments with disturbed areas five acres or greater unless the applicant can show that (i) a Notice of Intent (NOI)

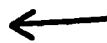
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to comply with the State Construction Activity Storm Water Permit has been filed and (ii) a Storm Water Pollution Prevention Plan (SWPPP) has been prepared.

3. Site Inspection

- a. The Principal Permittee, in consultation with the Permittees, shall develop a model construction activity inspection program, which includes checklists, by 14 months after adoption of this Order. The model program shall include but not be limited to:
  - i. Procedures for construction site inspections;
  - ii. Procedures to require corrective action be undertaken by contractors at noncomplying sites;
  - iii. Procedures for enforcement action against noncomplying construction activity; and
  - iv. Appropriate training for program staff.

based on b. Each Permittee shall implement a construction activities inspection program containing all elements of the model not later than 6 months after the Regional Board Executive Officer's approval of the model program. The program may be integrated with the Permittees regular program of construction inspection for maximum efficiency.



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IV. Public Agency Activities

A. Public Agency Model Program

The Principal Permittee, in consultation with the Permittees, shall evaluate existing public agency activities and develop a model program to reduce the impact of public agency activity on storm water quality by 16 months after adoption of this Order. The countywide model shall be submitted to the Regional Board for approval.

B. Permittee Public Agency Programs

Each Permittee shall develop a Public Agency Program based on the model program developed by the Principal Permittee, and an implementation schedule, not later than four months after the approval of the countywide model by the Regional Board.

C. Program Requirements

Both the model program and the Permittee programs shall at a minimum include, where applicable:

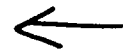
1. Sewage Systems Operations

- a. Procedures to keep sewage spills or leaks from facilities operated by a Permittee from entering the MS4 to the maximum extent practicable;
- b. Procedures to identify, repair, and remediate sanitary sewer blockages, exfiltration, overflow, and wet weather overflows from sanitary sewers operated by a Permittee to the MS4;
- c. Procedures to respond to overflows, follow-up tests, and investigate complaints;
- d. Procedures to insure that the Permittee is able to investigate any suspected connections or cross connections from the sanitary sewer systems to the MS4, using techniques such as field screening, sampling, smoke/dye testing, and TV inspection, as appropriate; and
- e. Procedures to notify public health agencies with discretionary decision authority on beach closures when there is a threat to public health.

2. Public Construction Activities Management

- a. Storm water management requirements for the design and construction of public facilities comparable to requirements for private and timelines specified

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development in III.A and B.

- b. Procedures to seek coverage, as an option, under this Order for construction activity with a disturbed area of five acres or more (Phase 1, 40 CFR 122.26) which are owned and operated by a Permittee if the Permittee develops:
  - i. A process for notifying the Regional Board of public construction activity owned or operated by the Permittee;
  - ii. A checklist of construction activity BMPs using BAT/BCT criteria for public construction activity;
  - iii. A procedure to verify implementation of construction activity BMPs;
  - iv. A requirement to prepare and retain site specific SWPPPs;
  - v. A procedure to report annually on the effectiveness of SWPPPs at public construction activity, and certify compliance with the requirements of this Order.

**3. Vehicle Maintenance/Material Storage Facilities Management**

- a. Model pollution prevention plan for public vehicle maintenance/material storage facilities which have the potential to discharge pollutants into storm water. A public vehicle maintenance/material storage facility is any Permittee-owned or operated facility or portion thereof that:
  - i. Conducts industrial activity, operates equipment, handles materials, and provides services similar to Federal Phase 1 facilities;
  - ii. Performs fleet vehicle maintenance on ten or more vehicles per day including repair, maintenance, washing, and fueling;
  - iii. Performs maintenance and/or repair of heavy industrial machinery/equipment; and
  - iv. Stores chemicals, raw materials or waste materials in quantities that require a hazardous materials business plan or a Spill Prevention, Control and Counter-measures (SPCC) plan.
- b. BMPs to improve site specific pollutant control including but not be limited to:

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- i. Good Housekeeping practices;
- ii. Material storage control;
- iii. Vehicle leaks and spill control; and
- iv. Illicit discharge control;
- v. Training for employees on proper outdoor loading/unloading of materials;
- vi. Vehicle and equipment washing area control;
- vii. Regular maintenance of treatment structures such as sumps, oil/water separators, and equivalent; and
- viii. Proper waste handling disposal.

4. Landscape and Recreational Facilities Management

a. Procedures for application of pesticides, herbicides, and fertilizers that will include:

- I. List of approved pesticides and preferred use;
- II. Product and application information;
- III. Application equipment use and maintenance; and
- IV. Record keeping.

b. Procedures to minimize storm water pollution by pesticides and fertilizers used for landscape maintenance, including the utilization of Integrated Pest Management (IPM) techniques;

c. Procedures to prevent the disposal of landscape waste into the MS4;

d. Procedures to encourage retention and planting of native vegetation to reduce water, fertilizer, and pesticide needs;

e. BMPs to reduce exposure of fertilizers and pesticides to storm water during storage, to include, *one or more of the following:*

- I. Storage indoors or under cover on paved surfaces;
- II. Secondary containment;
- III. Reduction in storage and handling of hazardous materials;
- IV. Regular inspection of storage areas;

f. Guidelines to schedule irrigation and fertilization to minimize:

- I. Chemical application during wet season and to terminate

← to the maximum extent practicable

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chemical application during storm events;

- i. Over watering and nutrients/pesticides entrainment.
- g. Procedures to manage the discharges of municipal swimming pool water into the MS4, including dechlorination practices, proper disposal of clean-out waters, and piping of filter back-wash to the sanitary sewer;
- h. BMPs to minimize trash, debris, and other pollutants from entering Permittee owned recreational water bodies, to include:
  - i. Routine trash collection along, on, and/or in, water bodies, where feasible; and
  - ii. Public outreach to educate the public about impacts of illicit disposal.
- 5. Storm Drain Operation and Management *to the maximum extent practicable*
  - a. BMPs for Inlet Maintenance to be implemented including but not be limited to: ←
    - i. Inspection and cleaning of catch basins between May 1 and September 30 of each year;
    - ii. Additional cleaning of catch basins, as necessary, between October 1 and April 30;
    - iii. Record keeping of catch basins cleaned; and
    - iv. Recording of the quantity of catch basin waste collected. *to the maximum extent practicable*
  - b. BMPs for Storm Drain Maintenance to be implemented including but not limited to: ←
    - i. Proper disposal of material removed;
    - ii. Removal of trash and debris from open channel storm drains at least annually between May 1 and September 30 of each year;
    - iii. Surveillance for debris buildup in open channels during the rainy season.
  - c. Waste Management program to include:

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- I. Procedures to identify problem areas of illicit discharge for regular inspection;
  - II. Procedures to minimize to the maximum extent practicable the discharge of contaminants during MS4 clean up to maintain channel optimum capacity;
  - III. Pilot projects/studies to determine the cost effectiveness of innovative MS4 structural elements to provide pollutant removal from storm water, and
  - IV. A review of current maintenance activities to assure that appropriate storm water BMPs are being utilized.
- d. Program to investigate the feasibility of dry weather flow diversion from the MS4 to municipal waste water treatment plants where appropriate.
6. Streets and Roads Maintenance
- a. Program to sweep curbed streets at a targeted frequency of:
    - I. At least monthly; and
    - II. Where feasible, areas generating significant refuse more frequently.
  - b. Streets and roads maintenance program including:
    - I. BMPs for existing saw-cut management and paving practices to include but not be limited to:
      - aa. Avoidance during wet weather; and
      - bb. Material storage away from drainage areas to prevent storm water pollution, or other equally effective BMPs. ←
    - II. Good housekeeping practices to insure proper management of any wastes that are generated;
    - III. Collection, transport and disposal of maintenance waste at appropriate disposal facilities in accordance with applicable federal, state, and local laws and regulations;
    - IV. Management of concrete materials and wastes including but not be limited to:

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- aa. Washout of concrete trucks off- or on-site in designated areas and not into storm drains, open ditches, streets, or
  - bb. Material storage under cover, away from drainage areas; and  
    ^ or other equally effective BMPs ←
  - cc. Avoidance of excess mixing of concrete or cement on-site.
- v. Employee training to:
- aa. Promote a clear understanding of the potential for maintenance activities to pollute storm water; and
  - bb. Identify and select appropriate BMPs;

7. **Parking Facilities Management**

- a. Parking Facilities Management Plan to include periodic hardscape and catch basin cleaning on Permittee owned parking lots with twenty-five or more parking spaces which may be potentially exposed to storm water, to reduce oil and grease, suspended particulates, metals, and petroleum byproducts.

8. **Public Industrial Activities**

- a. Procedures to seek coverage, as an option, under this Order for Phase I industrial facilities which are owned or operated by a Permittee, if the Permittee develops:
  - I. A process for notifying the Regional Board of public industrial facilities owned or operated by the Permittee;
  - II. A checklist of BMPs using BAT/BCT criteria for public industrial facilities;
  - III. A procedure to verify implementation of industrial facility BMPs;
  - IV. A requirement to prepare and retain site specific SWPPPs; and
  - V. A procedure to report annually on the effectiveness of SWPPPs and the results of the facility monitoring programs at public Phase 1 industrial facilities, and certify compliance with the requirements of this Order.

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9. **Emergency Procedures**

Procedures for addressing emergency repairs of essential public services and infrastructure and responding to natural disasters.

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V. Public Information and Participation

To reach as many Los Angeles County residents as possible, a comprehensive educational outreach approach shall be undertaken under this Order. In recognition of the importance of public education to effective storm water management solutions, this Order calls for immediate permittee public outreach efforts at a specified minimum level as well as a longer term effort to develop an integrated, comprehensive outreach program. As part of the immediate effort, each Permittee is expected to choose an appropriate combination of outreach tools and activities to raise public awareness of storm water issues and improve water quality in its own individual jurisdiction, with efforts at a prescribed minimum level as described below. As part of the longer term effort, each Permittee is expected to work collaboratively to develop a comprehensive outreach/education program countywide and within its watershed management area.

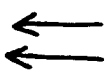
The objectives of the public education program are, (i) to measurably increase the knowledge of the target audiences regarding the MS4, the impacts of storm water pollution on receiving waters, and potential solutions for the target audiences to implement BMPs to reduce the problems caused, and (ii) to measurably change the behavior of target audiences by encouraging those audiences to implement appropriate solutions.

A. Immediate Outreach

1. Each Permittee shall, at a minimum, have available for distribution or reference as appropriate, by 8 months after adoption of this Order, the following:

a. Written Material

- i. Written materials (minimum of three types in addition to those listed below) to convey pertinent information to meet program objectives. Examples of written materials include flyers, brochures, door-hangers, newspaper articles, mail-inserts, and newsletters;
- ii. Documentation that a reasonable effort was made to list pertinent City phone numbers under the government pages of phone directories. This should be updated as necessary and should include telephone numbers for reporting clogged catch basin inlets and/or illicit discharges/dumping, and a general number for storm water management program information. These phone numbers may be city-specific or county-wide.);
- iii. Training materials for educating ~~appropriate~~ Permittee employees regarding compliance with applicable storm water permits;   
 whose activities have a potential impact on stormwater pollution



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- iv. An up-to-date listing of contractor and developer storm water management training programs available in the area. This list should be updated annually or as needed;
- v. An up-to-date checklist and a brochure explaining contractor and developer needs as it relates to Provision III (Development Planning/Construction) of this Order for use at a Permittee's planning/permitting counter. This should be updated annually or as needed; and
- vi. Education materials (a minimum of three types) for targeted business sector audiences for use in site visits as per Provision V.B.2 of this Order.



b. Audio Material

Documentation that a reasonable effort was made by the Principal Permittee or on behalf of the Permittees as a whole to obtain radio broadcast public service announcements to convey information regarding storm water management.

c. Visual Material

A catch basin labeling program, including label installation and maintenance schedules, to educate the public on the ultimate destination of storm drain flows.

2. Each Permittee shall demonstrate by 12 months after adoption of this Order that it has undertaken the following activities:

- a. Distribution of outreach materials to the general public, or targeted audiences such as schools, community groups, contractors and developers at the appropriate public counters and public events; and,
- b. Training of the appropriate Permittee employees (those whose jobs or activities potentially affect storm water quality, or those who respond to questions from the public) regarding the requirements of the storm water management program.

3. The Permittees shall complete an analysis within 30 months after adoption of this Order, of the general success of outreach materials to residents and businesses to assist in identifying and/or developing public education and outreach goals for target audiences for watershed-wide and countywide outreach and education. (City and County of Los Angeles only) Each Permittee shall assist in these efforts by their individual WMC or the EAC to identify public education and outreach goals and target audiences in the

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context of watershed-wide and county-wide outreach and education.

**B. Industrial/Commercial Educational Program**

Each Permittee shall develop an industrial/commercial site visit program. The purpose of such site visits will be solely educational and to provide industrial/commercial facilities with information regarding the Permittee's storm water program and to provide advice when requested, to industrial/commercial facilities in understanding and complying with the Permittee's storm water regulations. An individual Permittee may contract with existing fire department, health department, industrial waste and/or other inspection programs to conduct site visits and need not institute new and separate site visit programs. The program shall contain the following components:

**1. Identification of Sources**

a. The Principal Permittee in consultation with the Permittees shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers by four months after adoption of this Order. This database will serve as a reference resource for the public, business, industry, local government, the Regional Board, and other public agencies on storm water program participation. The initial accuracy of the database will be dependent on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the industrial/commercial oversight program. No legal import is to be attributed to the database developed by the Permittees. The database format shall include at a minimum:

- i. Facility name;
- ii. Site address;
- iii. Watershed;
- iv. Applicable SIC code(s); and
- v. NPDES storm water permit coverage status, if applicable.

b. Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its jurisdiction and submit to the Principal Permittee not later than 4 months after the Principal Permittee providing the database format. The list of facilities shall include, at a minimum:

- i. All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities);
- ii. Motor vehicle repair shops, motor vehicle body shops, motor vehicle parts and accessories facilities, gas stations, and restaurants; and,

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- iii. Additional SIC industrial/commercial groups identified as priorities by each WMC pursuant to this Order.
- c. The Principal Permittee shall compile the information submitted by each Permittee into a database of industrial/commercial facilities based on the standard format by 10 months after adoption of this Order. This database shall include:
  - i. For each four digit SIC Industry Number, primary activities that might impact runoff discharges (from national or commercial database sources); and
  - ii. For each four digit SIC Industry Number, primary materials that might impact runoff discharges (from national or commercial database).

2. Source Control Measures

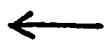
- a. The Principal Permittee in consultation with the Permittees shall develop a checklist of specific storm water BMPs for use by Permittees for each industrial/commercial SIC group requiring educational site visits under Provision V.B.2 by nine months after adoption of this Order. The BMPs shall:
  - i. Address multiple pollutants;
  - ii. Initially focus on pollutant source minimization, education, good housekeeping, and site design alternatives; and
  - iii. Target source areas and activities with the highest potential to generate substantial pollutant loads.

After the BMP lists are developed by the Principal Permittee and approved by the Regional Board, each Permittee shall use the checklists as part of the outreach measures conducted during industrial/commercial site visits.

3. Educational Site Visits

*within twelve months*

- a. ~~Effective from the date of adoption of this Order~~, each Permittee shall implement an industrial/commercial facilities educational site visit program, in accordance with the following schedule:



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SITE VISIT FACILITIES	SITE VISIT FREQUENCY (No. of Contacts / Time period)
Phase I, [i]-[ix] and [xi] with waste discharge or pretreatment permit	1 / 24 months
Phase I, [i]-[ix] and [xi] with no waste discharge or pretreatment permit but with GIASP	1 / 24 months
Phase I, [i]- [ix] with no waste discharge or pretreatment permit, and no GIASP	1 / 24 months
Phase I [xi] with no GIASP	1 / 5 years*
Vehicle repair shops, vehicle body shops, vehicle parts and accessories facilities	1 / 24 months
Gas stations	1 / 24 months
Restaurants	1 / 24 months
Facilities selected by WACs	1 / 36 months

\* See exception in text below

- I. Phase 1 facilities in categories [i] through [ix] and [xi] which have an industrial waste discharge permit or a pretreatment permit, once every twenty-four months;
- II. Phase 1 facilities in categories [i] through [ix] and [xi], which do not have an industrial waste discharge permit or a pretreatment permit but have obtained coverage under the GIASP, once in five years;
- III. Phase 1 facilities in categories [i] through [ix], which do not have an industrial waste discharge permit, a pretreatment permit or GIASP coverage, once every twenty-four months;
- IV. Phase 1 facilities in category [xi] without an industrial waste discharge permit, a pretreatment permit, or GIASP coverage. In lieu of a site visit contact by phone, mail-out of questionnaire and educational materials or other similar method, to inform the facilities of notice of intent (NOI) requirements and encourage good storm water quality control measures (non-responders to be identified in annual report), once in five years;
- V. Vehicle repair shops, vehicle body shops, vehicle parts and accessories (SIC Industry Major Group 75); once every twenty-four months;

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- vi. Gasoline stations (SIC Industry Number 5541); once every twenty-four months;
- vii. Restaurants (SIC Industry Number 5812), once every twenty-four months; and,
- viii. Any additional SIC industrial/commercial groups identified by the WMC for the watershed in which the Permittee is located, once in thirty-six months, with a maximum limit of 3,000 additional site visits per Permittee during the term of this Order.

b. During the educational site visit, the Permittee shall:

- i. Consult with a representative of the facility to explain applicable storm water regulations;
- ii. Distribute and discuss applicable BMP and educational materials, including information regarding the Codes, regulations and ordinances applicable to the category of the facility;
- iii. Identify Phase 1 facilities where a SWPPP is not available on-site or an NOI has not been submitted to the Regional Board or other appropriate agencies and notify the Regional Board within ninety days of site visit; and,
- iv. Follow-up with facilities as deemed necessary and appropriate by the Permittee to provide advice in complying with the Permittee's storm water regulations.

4. **Alternative Programs**

A Permittee may petition the Regional Board Executive Officer to substitute the industrial/commercial source education program with an alternative industrial/commercial educational program that will achieve greater or substantially similar educational goals and which will be implemented within a similar period of time.

C. **Five-Year Storm Water Public Education Strategy**

As a part of the CSWMP and subsequent WMAPs, the Five-Year Storm Water Public Education Strategy shall be developed by the Principal Permittee which elaborates steps for implementing public education programs. The strategy shall: communicate key educational information; develop educational programs for target audiences; utilize various innovative educational tools and incentives for participation; and employ effective outreach to the regions multi-ethnic communities; and conduct opinion surveys to assist in evaluating public awareness both before and after implementation of the public education programs.

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The Permittees shall endeavor to coordinate public outreach efforts among themselves and with environmental groups, and pertinent public and private agencies

1. The Principal Permittee in consultation with Permittees shall develop by 12 months after adoption of this Order, a Five-Year Countywide Storm Water Education Strategy which addresses education/outreach issues countywide as well as by watershed, including a schedule for implementation. The strategy shall include a full range of outreach tools, from sophisticated media to simple brochures. The strategy shall identify the Permittee's responsibilities for implementation, including specific quantifiable objectives for changing knowledge and behavior.

At a minimum, the Five-Year Storm Water Education Strategy shall include actions for:

- a. Identification of land uses and activities that have a higher potential for storm water pollution and will include and/or accomplish the following:
  - i. Pollutants: The reduction of targeted pollutants of concern in a particular watershed; and
  - ii. Activity-specific: Activity-specific outreach programs shall be developed and implemented using written, audio, or visual outreach tools.

The strategy shall include activity-specific outreach programs that inform residents about the problem of illicit discharges and dumping and promote, publicize, and facilitate public reporting of these activities. The program shall also include continuing operation, maintenance, and promotion of the county-wide reporting hotline.

- b. Emphasize the importance of pollution prevention for a variety of audiences, including local residents, school-aged children, businesses and public employees whose job functions and daily lives may impact storm water quality and will include and/or accomplish the following:
  - i. For Residents
    - aa. Educate residents on recycling and household hazardous waste disposal options. The program shall provide information on collection services, including locations and schedule, provide outreach materials on source reduction and proper use, storage, and, disposal methods for household hazardous wastes; and continue to encourage residents to recycle (e.g., oil, antifreeze, glass, plastics, batteries);

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- bb. Encourage residents to participate in specific storm water outreach programs. Residents shall be informed of and provided with the opportunity to share ideas and comments about the programs. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed management area or region and to receive feedback from the communities while measuring success of the program.
- cc. Educate Do-it-yourselfers regarding pollution prevention strategies. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed management area or region.
- dd. Promote public participation through cooperative programs to foster awareness and identification of storm water pollution issues among residents in a watershed. Catch basin labeling and other established sign programs are examples of this type of cooperative effort. Another example for cooperative outreach is an "Adopt-A-" program. Residents can "adopt" highways, storm drains, catch basins, or streams, to monitor, restore and protect them.
- ee. Residents shall be encouraged to mow vegetation surrounding their residence rather than disk.

**ii. For School Children**

School programs shall be developed and implemented wherever possible to include information on MS4s, the difference between sanitary sewers and storm drains, the importance of preventing storm water pollution, and provide illicit discharges/disposal and reporting procedures, source minimization, and general pollution prevention. Acquisition and/or development of ~~curriculum~~ materials, and distribution for teachers is encouraged. **CLASSROOM** ←

**iii. For Businesses**

- aa. An education and outreach program shall be developed and implemented for business operations identified as having greater potential of discharging pollutants into the MS4. The program shall encourage employee training on, and the effectiveness of storm water pollution prevention practices. In addition to written, audio, and visual materials, other possible means of focused outreach may

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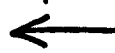
include: conducting workshops, mass mailings, submitting informational articles to trade/industry magazines. Each Permittee shall provide outreach materials through business license renewal counters and/or make efforts to outreach through professional and business associations or industrial/commercial site visits.

bb. Construction

An education program shall be developed and implemented for construction contractors, owners, builders, and do-it-yourselfers on proper BMP implementation and maintenance, and pollution prevention.

Appropriate

iv. <sup>^</sup> Permittee Employees



Permittee employees involved in storm water related activities shall be trained on storm water management and pollution prevention practices and the training must include employees at different levels - from program managers to field personnel. Cooperative efforts among enforcement agencies should be encouraged.

Training programs shall include, but are not limited to, articles in city newsletters, training classes, checklists for field personnel, and interdepartmental forums or committees to the extent the Permittee utilizes any of the foregoing. Materials developed for other audiences may also be used in Permittee employee training programs. Appropriate public agency employees shall be trained in:

- aa. Emergency spill cleanup procedures and hotline phone numbers;
- bb. Environmentally sensitive alternative products;
- cc. Good housekeeping practices; and,
- dd. NPDES Municipal and other permitting requirements.

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VI. Monitoring

A. Objectives

The overall goal of this monitoring program is to develop and support effective watershed storm water quality management programs towards reduction of pollutants to the maximum extent practicable.

The major specific objectives of the monitoring program are as follows:

1. To track water quality status, pollutant trends, pollutant loads, and identify pollutants of concern;
2. To monitor and assess pollutant loads from specific land uses and watershed areas;
3. To identify, monitor, and assess significant waterquality problems related to storm water discharges within the watershed;
4. To identify sources of pollutants in storm water runoff;
5. To identify and eliminate illicit discharges;
6. To evaluate the effectiveness of management programs, including pollutant reductions achieved by best management programs (BMPs); and,
7. To assess the impacts of storm water runoff on receiving waters.

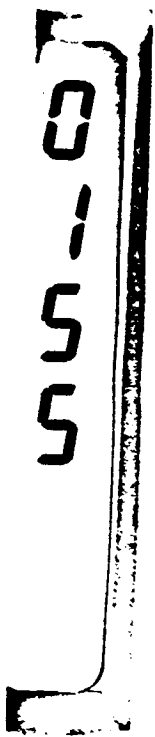
B. Monitoring Program Requirements

The Principal Permittee shall implement the monitoring program as described in Attachment D, Monitoring Program Requirements.

C. Watershed Special/ Pilot Projects

Municipalities in each Watershed Management Area, other than the Principal Permittee, shall participate and conduct one special/ pilot project per watershed over the term of the Order. The objective of the watershed special/ pilot project may include one or more of the following of special significance to the particular watershed: (i) to characterize a source of a pollutant of concern; (ii) to characterize a type of non-storm water discharge; (iii) to evaluate specific BMPs and their effectiveness; (iv) to quantify certain methods of pollutant reduction; (v) to objectively measure effectiveness of implementation of a certain storm water program component; and (vi) any other project that will furthe the objectives of storm water quality management in the watershed.

- a. Responsibility. The lead responsibility in each Watershed Management Area for the development and implementation of the special/ pilot project shall rest with the



medium and large municipalities in the watershed (i.e. those with a population of 100,000 or greater).

- b. Participation: All Permittees in the WMC are encouraged to participate in the development and implementation of the special/ pilot project. Assistance provided by Permittees to the lead municipalities may include, equipment, personnel resources, and other in-kind services.
- c. Project Approval: The lead municipalities on behalf of each WMC shall submit to the Regional Board Executive Officer, no later than 18 months after adoption of this Order for approval, one special/ pilot project proposal for each Watershed Management Area. The Regional Board Executive Officer will approve the project not later than 120 days after submittal for implementation by WMC.

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VII. Program Reporting and Evaluation

A. Program Annual Report

1. The Principal Permittee shall develop a standard program annual reporting format for use by Permittees not later than 6 months after adoption of this Order.
2. The Principal Permittee, in coordination with the Permittees shall submit a Program Annual Report to the Regional Board by April 15 of each year. The first Annual Report is due on April 15, 1997. The Program Annual Report shall comply with 40 CFR §122.42(c) and include, at a minimum:
  - a. A review of the status of program implementation and compliance (or non-compliance) with the schedules contained in this Order as applicable to each Permittee;
  - b. A Summary of Program accomplishments by each Permittee organized by Watershed Management Areas in the areas of (i) Program Management; (ii) Illicit Connections/ Discharges; (iii) Development Planning/Construction; (iv) Public Agency Activities; (v) Public Education/Public Participation;
  - c. A Summary of BMP implementation, BMP effectiveness, Permittee level of effort, and other such measures of achieving storm water program objectives, utilizing uniform information and data collection methodology to support area to area, and year to year comparisons.
  - d. An evaluation of the effectiveness of activities performed under this Order and any recommendations to make improvements;
  - e. Any recommended changes and/or modifications to this Order, CSWMP, and/or WMAP, as applicable;
  - f. A list of additional non-storm water discharge types for potential exemption from Discharge Prohibitions, if desired, and a discussion of how the criteria for exemption have been met for each type;
  - g. A report on progress in obtaining full legal authority and/or legal controls for implementing and carrying out the Order as described in Provision 1.E.2 (Program Management), if not demonstrated by 120 days from adoption of this Order.
  - h. A list of known spill incidents that resulted in a "reportable quantity" discharge to the MS4 or any waters of the United States, including but not be limited to: the date, type, quantity, source of spill and name of receiving water(s) impacted to the extent known, and



remedial/ corrective actions implemented; and

- i. The names, titles, and telephone numbers of personnel responsible for supervising implementation of the program tasks contained in the Order, CSWMP, and/or WMAP, as applicable to each Permittee.

**B. Monitoring Annual Report**

- 1. The Principal Permittee shall submit a separate Monitoring Annual Report by August 15 of each year. The first Monitoring Annual Report is due August 15, 1997. The Monitoring Annual Report, in addition to reporting on the implementation and results of the monitoring program described in Attachment C shall include:
  - a. Any suggested modifications and amendments to the Monitoring Program described in this Order with relevant justifications, for the Regional Board Executive Officer's approval; and
  - b. A summary of plans or progress of the six watershed pilot/special projects implementation as reported by lead Permittees for the six Watershed Management Areas.
- 2. The Principal Permittee shall prepare and submit an Integrated Receiving Water Impacts Final Report, by 54 months after adoption of this Order on the results of the receiving water impacts evaluation, feasible environmental indicators, and make recommendations on integrating storm water receiving water impacts monitoring with a regional receiving water monitoring program.

**C. Program Evaluation Report**

- 1. The Principal Permittee shall submit a report by four years after adoption of this Order, which assesses to the extent practicable the effectiveness of BMPs implemented, and make recommendations for performance standards for Watershed Management Areas. Performance standards indicate the level of implementation necessary to demonstrate that efforts are being made to control the discharge of pollutants in stormwater to the maximum extent practicable.

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**STANDARD PROVISIONS**

- I. The initial storm water management program, as delineated in the CSWMP or WMAPs may need to be modified, revised, or amended from time-to-time to respond to changed conditions and to incorporate more effective approaches to pollutant controls. Minor changes may be made at the direction of the Regional Board Executive Officer. Minor changes requested by the Permittees shall become effective upon written approval of the Regional Board Executive Officer. If proposed changes involved a major revision in the overall scope of the program, such changes must be approved by the Regional Board as amendments to this Order.
- II. This Order may be modified, revoked, or reissued, prior to the expiration date as follows:
  - A. To address changed conditions identified in the required technical reports or other sources deemed significant by the Regional Board;
  - B. To incorporate applicable requirements or statewide water quality control plans adopted by the State Board or amendments to the Basin Plan;
  - C. To comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the Clean Water Act, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable; or
  - D. To consider any other Federal or State Laws or Regulations that become effective after adoption of this Order.
- III. The issuance of this Order is not intended to, and does not, absolve any Permittee of liability for conduct which may have constituted a violation of the previous Board Order 90-079 (CA0061654, CI 6948) adopted by this Regional Board on June 18, 1990.
- IV. Except as otherwise provided in this Order, all reports or submittals made directly to the Regional Board or through the Principal Permittee shall be signed under penalty of perjury by the principal executive officer or the ranking elected official of the Permittee or a duly authorized representative if:
  - A. The authorization is made in writing by a person described in above;
  - B. The authorization specifies either an individual or a position having responsibility for the overall operation of the Permittee's storm water management program, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the Permittee. (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and
  - C. The written authorization is submitted to the Regional Board Executive Officer.

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- V. This Order expires on (five years after the date of reissuance). The Principal Permittee and Permittees must submit complete Reports of Waste Discharge (ROWD) in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements. The ROWD shall include those watershed specific WMAPs.
- VI. Except for enforcement purposes and applicability to the State of California Department of Transportation (Caltrans), Order No. 90-079 (NPDES Permit No. CA0061654) is hereby rescinded.

I, Robert P. Ghirelli, Regional Board Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on (date of reissuance).

**ROBERT P. GHIRELLI, D.Env.**  
Executive Officer

05-17-98

ATTACHMENT B

MAP OF LA COUNTY PERMITTED AREA

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ATTACHMENT C

MONITORING PROGRAM

The following monitoring program is designed to meet the objectives stated under Provision VI of this Order.

1. Land Use Station Monitoring

- a. The Principal Permittee shall reevaluate the location of monitoring stations reflecting specific land uses ("land use stations") consistent with the cost-benefit methodology described in Attachment C-1. To the extent required by the reevaluation process, existing land use stations under Order 90-079 will be moved to monitor land use categories recommended for monitoring under the reevaluation methodology. Existing land use stations under Order 90-079 which do not reflect land use categories recommended for monitoring under the cost-benefit analysis or which are duplicative of other stations will be decommissioned. By September 1, 1996, the Principal Permittee shall submit a report to the Regional Board Executive Officer upon completion of Step 6 of the reevaluation process in Attachment C-1, outlining the steps taken thereunder and recommending land use categories to be monitored.
- b. Upon approval of the report by the Regional Board Executive Officer, the Principal Permittee shall complete Steps 7-8 of the reevaluation process in Attachment C-1.
- c. The Principal Permittee will monitor land use stations at a rate of 100 station events in the 1996-97 storm season. A station event is defined as one sampling event per station. The Principal Permittee shall be required to monitor a maximum of 100 station events, provided that there are a sufficient number of storm events. The Principal Permittee will monitor land use stations at a rate of 200 station events in each of the 1997-98 and 1998-99 storm seasons. The Principal Permittee shall be required to monitor a maximum of 200 station events during these years, provided that there are sufficient storm events. Following the 1998-99 storm season, the Principal Permittee shall not be required to monitor more than 200 station events per storm season at the land use stations. Land use stations shall be operated until the permit term is concluded or until EMCs are derived, at the 25% error rate, for the following detected constituents of concern:

PAHs (total)	Chlordane	Cadmium
Copper	Nickel	Lead
Chromium	Silver	Zinc
Selenium	Mercury	Total Nitrogen
Total Phosphorus	Total Suspended Solids	Malathion
Diazinon	Chlorpyrifos	Total PCBs
Simazine	Total DDT	

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The Regional Board Regional Board Executive Officer may add or delete constituents of concern other than those listed above. However, for constituents added after the commencement of the second rainy season under the Order, the Principal Permittee need not derive an EMC at an error rate of 25% prior to closing a station.

- d. All samples for land use station monitoring may be taken with the same type of automatic sampler used under NPDES Permit No. CA0061654. The samplers shall be set to monitor storms totaling 0.25 inches of rainfall or greater. The constituents to be analyzed are listed in Attachment C-3. The Principal Permittee, for landuse sites, may exclude constituents from the list that require grab sampling.

In addition, the Principal Permittee will, as a pilot study, set one land use sampler to monitor storms totaling to 0.1 inch of rainfall or greater. Based upon an assessment of 1) the operational effectiveness of the sampler; 2) the feasibility and effectiveness of sample retrieval and transport; and 3) the ability to reprogram and maintain this setting at other samplers, a decision will be made as to whether to set some or all of the remaining land use samplers to monitor storms totalling 0.1 inches of rainfall or greater.

- e. If a constituent is not found at the method detection limit (MDL) for its respective test methodology listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern. The Principal Permittee will also conduct annual confirmation sampling for non-detected constituents at each station for as long as the station remains open.

2. Mass Emission Station Monitoring

- a. The Principal Permittee will monitor a total of four mass emission stations. During the 1995-96 and 1996-97 storm seasons, monitoring will be conducted only at the Ballona Creek and Malibu Creek monitoring stations established under Order 90-079. During the 1997-98 storm season, monitoring will begin at the San Gabriel River and Los Angeles River (downstream of Wardlow Road) stations. The Principal Permittee will monitor the Ballona Creek and Malibu Creek monitoring stations during the 1995-1996 storm season for up to ten station events per year. This monitoring will include dry weather sampling. Thereafter, the monitoring will be reduced to a maximum of five storm events per station per storm season including dry weather monitoring. Mass emission station monitoring frequency will be reevaluated after the 1998-1999 storm season. The frequency for mass emissions monitoring for the 1999-2000 storm season may not exceed five storm events per site.

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only at all stations

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- b. Samples for mass emission station monitoring shall be taken with the same type of automatic sampler used under Order 90-079, as well as

through grab sampling. The samplers shall be set to monitor storms totaling 0.25 inches of rainfall or greater. The constituents to be analyzed for samples taken at mass emission stations are listed in Attachment C-3. The Principal Permittee may elect not to sample Volatile Organic Compounds from the list of constituents for mass emission stations.

- c. If a constituent is not found at the method detection limit for its respective test methodology listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern.
  - d. With the exception of the stations noted in (2)(a) above, monitoring at other mass emission stations installed under NPDES Permit No. CA0061654 will be discontinued and the stations decommissioned.
3. **Critical Source/Best Management Practice Monitoring**

The Principal Permittee shall conduct a program for monitoring of critical sources and best management practices ("BMPs") to characterize sources of storm water pollutants, and assess effectiveness of BMPs. The program shall be consistent with the following:

- a. **Selection of Critical Sources:** The Principal Permittee will select critical sources for monitoring based on the methodology described in Attachment C-4. A total of five (5) critical sources will be monitored over six rainy seasons commencing with the 1996-97 rainy season, subject to the provisions of (3)(d) below.
- b. By September 1, 1996, the Principal Permittee shall submit a report to the Regional Board Executive Officer on the critical source selection process and recommending critical sources for evaluation. Upon approval of the report by the Regional Board Executive Officer, the Principal Permittee shall proceed to conduct the activities set forth in (3)(c-f).
- c. **Characterization of Critical Sources:** Commencing with the 1996-97 rainy season, the Principal Permittee shall commence the characterization of critical sources. A total of six (6) examples of each critical source will be characterized through analysis of flow runoff. Fewer examples may be selected due to distance considerations and/or the unavailability of sufficient source locations willing to participate in the program. A total of at least five (5) storms will be used to characterize the critical source runoff. Samples will be analyzed for those pollutants anticipated to be found in the critical source storm water/ non-storm water discharges and such analytes will be

partitioned, as appropriate, to determine the dissolved and undissolved portions.

d. Evaluation of BMPs: In the year after a critical source has been characterized, a BMP or BMPs appropriate to the critical source will be selected and installed at up to half of the critical source examples (the "test sites"). Flow from the remaining source examples (the "control sites") will continue to be analyzed. A total of ten (10) targeted storm events will be monitored to assess the effectiveness of the BMPs; if there are insufficient storm events during the year, the evaluation may be continued during the next storm season. The Principal Permittee's monitoring of critical sources and evaluation of BMPs will be concluded by the end of the sixth full rainy season after the adoption of this Order, provided that sufficient number of storms have occurred.

e. Additional Evaluation: After the third full rainy season following the adoption of the Order, the Principal Permittee will reevaluate, using the same process described in Attachment C-4, the progress made by other public entities in the State to evaluate critical sources and BMPs. If, following that evaluation, the Principal Permittee determines that there either are additional critical sources or BMPs associated with identified significant critical sources which have not been monitored and/or evaluated, and subject to the approval of the Regional Board Executive Officer, the Principal Permittee will monitor up to an additional three (3) critical sources or evaluate up to an additional three (3) BMP sets or some combination totalling three critical sources or BMPs (the "Additional Monitoring"). The extent of Additional Monitoring will be dependant on the Principal Permittee's ability to complete the monitoring/evaluation described in(3)(c-d) above; if more time is needed to complete such monitoring, the extent of the Additional Monitoring shall be accordingly reduced.

4. Loads Assessment Model

Following the third full rainy season after the adoption of the Order, the Principal Permittee will take then-existing monitoring data from the land use and mass emission stations (including data collected from stations monitored under Order No. 90-079 for use in a model to assess loads of pollutants entering into the ocean receiving waters off the County. The model to be used for this assessment will be the USEPA Simplified Method. The Principal Permittee will submit to the Regional Board Regional Board Executive Officer for approval a workplan for performance of the loads assessment model by no later than 18 months after adoption of this Order. The Loads Assessment model will be run for each of the six WMAs in the County.

5. Receiving Waters Study

The Principal Permittee, in conjunction with such other participants as it may choose, will fund a study of receiving waters impacted by storm water described in Attachment C-5, subject to revisions as set forth below in (5)(d). The purpose of the study will be to study the impacts, if any, of storm water non-



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storm water on the beneficial uses of Santa Monica Bay and to assist the Permittees in developing storm water management programs. The obligation of the Principal Permittee under this Order with respect to the study of receiving waters shall consist of the following:

- a. **Plume Study:** The Principal Permittee will support a plume study to evaluate the dispersion, fate, and transport of storm water pollutants in Balona Creek and Malibu Creek, by a contribution of up to a maximum of \$145,000.
- b. **Benthic Study:** The Principal Permittee will support a study <sup>okg</sup> to assess impacts of storm water on the marine benthic community near the mouths of Balona Creek and Malibu Creek, by a contribution of up to a maximum of \$205,000. If it is the consensus of project scientists that a third year of benthic study is advisable to meet the goals of the receiving waters study, the Principal Permittee will contribute up to a maximum of an additional \$80,000 for the third year of study.
- c. **Toxicity Study:** The Principal Permittee will support a study to evaluate sediment and water column toxicity in Balona Creek and Malibu Creek with a contribution up to a maximum of \$118,500. If it is the consensus of the project scientists that a third year of toxicity studies is advisable to meet the goals of the receiving waters study, the Principal Permittee will contribute up to a maximum of \$80,500 to fund a third year of study.
- d. **River Study:** The Principal Permittee will take a total of three (two storm weather and one dry weather) water samples at each of the Los Angeles and San Gabriel River mass emission stations during the 1997-98 and 1998-99 seasons. The samples will be subjected to sea urchin fertilization bioassays to evaluate water column toxicity, with the Principal Permittee's out-of-pocket expenses for the study not to exceed \$3,600.
- e. **Project Design:** The receiving waters study shall initially contain the elements set forth in Attachment C-5. However, the scientists conducting the receiving waters study may alter the parameters of the second and (if necessary) the third year of the receiving waters study so as to meet the objectives of the study. Such alterations, among other items, may include changing the location of sampling locations, different sampling techniques or other redirection of resources. The Principal Permittee shall provide to the Regional Board Executive Officer notice of any revisions to the second and (if necessary) third years of the receiving waters study for review and approval.
- f. **Study Reports:** The Principal Permittee shall cause the project scientists conducting the study to produce an annual report covering study activities of the previous year, and any interim/ final assessments. Such reports shall be submitted by the Principal Permittee to the Regional Board Executive Officer with the Annual Monitoring Report.

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- h. **Principal Permittee Responsibilities:** The commitment of the Principal Permittee toward performance of a receiving waters study is the provision of funding and various reports, as well as undertaking the work described in (5)(f).

**MONITORING PLAN**

1. The Principal Permittee shall prepare and retain a Monitoring Plan, and revise it accordingly, to include at a minimum, the following:
  - a. Quality control, quality assurance, data collection, storage and analyses, and detection limits;
  - b. All sample collection, handling, storage, and analyses in accordance with 40 CFR 136;
  - c. Location of monitoring stations, constituents, and sampling frequency;
  - d. Targeted monitoring indicators (e. g., ecosystem, biological diversity, in stream toxicity, habitat, chemical, sediment, stream health) chosen for monitoring;
  - e. Statistical methods used to design studies, conduct sampling, and interpret data;
  - f. A description of the role and responsibilities of all the participants in monitoring studies;
  - g. A description of computer software and modeling programs that will be utilized to assess data, interpret information; and
  - h. A general description of how data are intended to be utilized for feedback into the storm water management program.

An up-to-date Monitoring Plan shall be submitted to the Regional Board Executive Officer, when so requested.

ATTACHMENT C-1

LAND USE SITE SELECTION PROCESS OUTLINE

Step 1

The Principal Permittee will take the Southern California Association of Governments (SCAG) categories listed below as an initial list of land use categories. The Principal Permittee will use its best efforts to obtain overlays (or similar information) for use in the land use selection process. However, these overlays or information must be usable County-wide in the SCAG database and the Principal Permittee shall not be required to look for or use overlays or information which cannot be so used. The Principal Permittee also shall not be required to create overlays. Some of these categories may not be important (very small area represented in study area, and/or known very low EMC or runoff mass). The initial number of categories will be reduced at this step.

For each remaining category, the Principal Permittee will identify eight (8) representative locations. The eight (8) locations in each category would be relatively small areas, such as a square block for residential areas, a single school or church, a few blocks of strip commercial, etc. These sites would be selected, where possible, over a wide geographical area of the study area to include a range of topographical characteristics such as distance from ocean, etc.

Step 2

In this step, the Principal Permittee should perform a site survey of ground conditions. For each of the eight (8) locations identified for each category, the Principal Permittee should collect information, to the extent such information is available, including: type of roof connections, type of drainage, age of development, housing density, type of landscaping, condition of pavement, soils, and existing storm water control practices.

These are simple field surveys that can be completed by a team of two people at the rate of about 5-6 (maximum) locations a day, depending on navigation problems, traffic delays, and the proximity of the sites. Several photographs should be made of each site and archived with the field sheets for future reference.

Step 3

*and usable*

In this step, currently available *and usable* aerial photographs taken in the past five years are used to measure the percent impervious area associated with rooftops, streets, driveways, sidewalks, parking areas, storage areas, decks and sheds, swimming pools, alleyways, and other paved areas. Photographic prints for each of the homogeneous neighborhoods examined on the ground in step 2 are needed. The actual measurements require about an hour per site.

Step 4

In this step, the Principal Permittee would compile the information collected in the previous steps and use it to determine which land use categories should be monitored. This refinement step would result in a final list of categories to be examined, based on the actual measured values.

Some of the sites selected for field measurement may actually belong in another category and would be reassigned to that category before the data were evaluated. In addition, development characteristics

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and areas of important elements may indicate greater variability within an initial category than between other categories in the same land use. If there is no other reason to suspect differences that would affect drainage quality or quantity, these areas could be combined to reduce the total number of individual land use categories used in subsequent evaluations.

On the basis of Step 2 and Step 3, the Principal Permittee will measure the percent of directly connected impervious area for each of the eight neighborhoods surveyed. The Principal Permittee will then compare the percent of impervious area using simple non-parametric statistics to see how differences within a single land use category compare with differences between land use categories. Based on this analysis, the Principal Permittee will aggregate or subdivide land use categories as appropriate. Subdivisions of land use categories shall correspond to those in the SCAG database.

Step 6

Next, the Principal Permittee will rank the selected land use categories according to their predominance and pollutant generation. As part of its analysis, the Principal Permittee would perform a marginal cost/benefit analysis as to which land use categories should be monitored.

For each land use category the following will be estimated based on existing data: drainage area, runoff quantity and an EMC value for each of four indicator pollutants (preliminarily, copper, pyrene, total suspended solids and diazinon). The product of runoff quantity and EMC is the estimated total annual pollutant loading associated with each land use category and indicator pollutant. These sums are then ranked, from the largest to the lowest, and an accumulated percentage contribution is then produced for each pollutant. These accumulated percentage values are plotted against the number of land use categories. The graph will be relatively steep initially and then level off as it approaches 100%. A marginal cost-benefit analysis can then be used to select the number of land uses that should be monitored, which will take into account all four of the indicator pollutants.

The list of County-wide land use categories to be evaluated in Step 5 will be reviewed for each of the six watersheds in the Permit area. If there is a land use category in an individual watershed which may be feasibly monitored and is in the top five land uses in terms of total area in the watershed and is otherwise an important contributor of constituents of concern, but which would not be monitored based on the County-wide marginal cost-benefit analysis, up to two such land uses shall be monitored after the first year of the monitoring program, subject to the station event cap.

Step 6

The Principal Permittee will take the top ranked land uses and if the total number of categories exceed ten, select ten monitoring sites for monitoring the first year. All of the remaining top-ranked land uses will need to be monitored in future years, subject to the station event cap. In selecting those sites for initial monitoring, the Principal Permittee should look for homogeneous areas that are self-contained in a drainage area. In addition, monitoring locations will need to be selected along storm drains that are able to accommodate the sampling equipment, have sampling access, no safety problems, etc.

Step 7

Next, the monitoring stations are installed. The monitoring equipment will include automatic water samplers and, if surcharging flow problems are anticipated, flow sensors measuring velocity and depth of flow. The samples collected at the automatic samplers should all be flow-weighted composites, requiring only one sample to be analyzed per event at each monitoring station. Each sampler site will need to be visited periodically to ensure that everything is ready to sample.

**Step 6**

The Principal Permittee should continue down the list of priority land use categories and install additional monitoring stations in subsequent years. At some point, the marginal benefit from monitoring an additional land use category will not be sufficient to justify the cost, as determined from the marginal cost-benefit analysis in step 5, and no additional sites will need to be installed. The land use sampling program will end when sufficient storms have been sampled to obtain the desired error level in the EMC values for the constituents of concern.

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ATTACHMENT C-2

SCAG LAND USE CLASSIFICATIONS

- Single Family Residential
  - High Density
  - Low Density
- Rural Residential
- Retail Stores and Commercial Services
- Other Commercial
- Special Use Facilities
- Military Installations
- Heavy Industrial
- (Mineral) Extraction
- Transportation
- Utility Facilities
- Mixed Transportation
- Mixed Commercial and Industrial
- Under Construction
- Local Parks and Recreation
- Cemeteries
- Specimen Gardens and Arboreta
- Other Open Space and Recreation
- Irrigated Cropland and Improved Pasture Land
- Non-Irrigated Cropland and Improved Pasture Land
- Orchards and Vineyards
- Dairy and Intensive Livestock, and Associated Facilities
- Poultry Operations
- Horse Ranches
- Abandoned Orchards and Vineyards
- Vacant with Limited Improvements
- Mobile Homes and Trailer Parks
- Multi-Family Residential
- Mixed Residential
- General Office Use
- Public Facilities
- Educational Institutions
- Light Industrial
- Wholesaling and Warehousing
- Communication Facilities
- Maintenance Yards
- Mixed Transportation and Utility
- Mixed Urban
- Golf Courses
- Regional Parks and Recreation
- Wildlife Preserves and Sanctuaries
- Beach Parks
- Urban Vacant
- Nurseries
- Other Agriculture
- Vacant Undifferentiated

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ATTACHMENT C-3

LIST OF CONSTITUENTS IN MONITORING PROGRAM AND ASSOCIATED DETECTION LIMITS

<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMIT</u>
<b>Conventional Pollutants</b>		
Oil and Grease	413.2	1 ppm
Total Phenols	420.1	0.1 ppm
Cyanide	335.2	0.01 ppm
pH	150.1	0 - 14
Temperature		None
Dissolved Oxygen		Sensitivity to 5 mg/L
<b>Bacteria</b>		
Total Coliform	9221B	<20mpn/100ml
Fecal Coliform	9221B*	<20mpn/100ml
Fecal Streptococcus	9221B*	<20mpn/100ml
<b>General</b>		
Dissolved Phosphorus	300	0.05ppm
Total Phosphorus	300	0.05ppm
Turbidity	180.1	0.1NTU
Total Suspended Solids	160.2	2ppm
Total Dissolved Solids	160.1	2ppm
Volatile Suspended Solids	160.4	2ppm
Total Organic Carbon	415.1	1ppm
Total Petroleum Hydrocarbon	418.1	1ppm
Biochemical Oxygen Demand	405.1	2ppm
Chemical Oxygen Demand	410.4	20-900ppm
Total Ammonia-Nitrogen	350.2	0.1ppm
Total Kjeldahl Nitrogen	351.2	0.1ppm
Nitrate-Nitrite	4110*	0.1ppm
Alkalinity	310.1	2ppm
Specific Conductance	120.1	1umho/cm
Total Hardness	130.2	2ppm
MBAS	425.1	<0.5 mg/L
Chloride	4110	2ppm
Fluoride	4110	0.1ppm
Sulfate	4110*	2ppm
<b>Metals (Total and Soluble)</b>		
Aluminum	202.1	100mg/L
Antimony	204.2	10ppb

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LIST OF CONSTITUENTS	EPA METHOD	DETECTION LIMIT
Arsenic	206.2	10ppb
Barium	206.2	100ppb
Beryllium	210.2	5ppb
<b>Metals (continued)</b>		
Boron	212.3	250ppb
Cadmium	213.2	10ppb
Calcium	215.2	200ppb
Chromium	218.2	10ppb
Copper	218.2	10ppb
Hex. Chromium	7196	<10mg/L
Iron	230.2	100ppb
Lead	239.2	10ppb
Magnesium	242.1	200ppb
Manganese	243.2	30ppb
Mercury	246.1	1ppb
Nickel	249.2	10ppb
Potassium	258.1	1ppm
Selenium	270.2	5ppb
Silver	272.2	10ppb
Sodium	273.1	5ppb
Thallium	279.2	10ppb
Zinc	280.2	50ppb

**Semi-volatile Organic Compounds**

LIST OF CONSTITUENTS	EPA METHOD	DETECTION LIMIT
Acids	8260	0.01
Benzoic Acid	8260	△
Benzyl Alcohol	8260	△
2-Chlorophenol	8260	△
2, 4-Dichlorophenol	8260	△
2, 6-Dichlorophenol	8260	△
4-Dimethylphenol	8260	△
4, 6-Dinitro-2-methylphenol	8260	△
2,4-Dinitrophenol	8260	△
2-Methylphenol	8260	△
4-Methylphenol	8260	△
2-Nitrophenol	8260	△
4-Nitrophenol	8260	△
4-Chloro-3-methylphenol	8260	△
Pentachlorophenol	8260	△

LIST OF CONSTITUENTS	EPA METHOD	DETECTION LIMIT
Acids (continued)	8260	<1
Phenol	8260	<1



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2,3,4,6-Tetrachlorophenol-	8250	111
2,4,5-Trichlorophenol	8250	
2,4,6-Trichlorophenol	8250	
<b>Base/Neutral</b>	<b>8250</b>	
Acenaphthene	8250	
Acenaphthylene	8250	
Acetophenone-	8250	
Aniline	8250	
Anthracene	8250	
4-Aminobiphenyl	8250	
Benzidine	8250	
Benzo(a)anthracene	8250	
4-Chloroaniline	8250	
1-Chloronaphthalene	8250	
p-Dimethylaminoazobenzene	8250	
7,12-Dimethylbenz(a)-anthracene	8250	
o,o-Dimethylphenethylamine	8250	
Benzo(a)pyrene	8250	
Benzo(b)fluoranthene	8250	
Benzo(k)fluoranthene	8250	
Chlordane	8250	
Bis(2-chloroethoxy)methane	8250	
Bis(2-chlorisopropyl)ether	8250	
Bis(2-chloroethyl)ether	8250	
Bis(2-ethylhexyl)phthalate	8250	
4-Bromophenyl phenyl ether	8250	
Butyl benzyl phthalate	8250	
2-Chloronaphthalene	8250	
4-Chlorophenyl phenyl ether	8250	
Chrysene	8250	
Dibenz(a,j)acridine	8250	
Dibenz(a,h)anthracene	8250	
1, 3-Dichlorobenzene	8250	
1, 4-Dichlorobenzene	8250	
1, 2-Dichlorobenzene	8250	
3, 3-Dichlorobenzidine	8250	
Diethylphthalate	8250	
Dimethylphthalate	8250	
Di-n-butylphthalate	8250	
2,4-Dinitrotoluene	8250	

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<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Base/Neutral (continued)	8250	(ug/l)
2, 6-Dinitrotoluene	8250	0.5
Diphenylamine	8250	0.5
1, 2-Diphenylhydrazine	8250	0.5
Di-n-octylphthalate	8250	0.5
Ethyl methanesulfonate	8250	0.5
Fluoranthene	8250	0.5
Fluorene	8250	0.5
Hexachlorobenzene	8250	0.5
Hexachlorobutadiene	8250	0.5
Hexachlorocyclopentadiene	8250	0.5
Hexachloroethane	8250	0.5
Indeno(1, 2, 3-cd)pyrene	8250	0.5
Isophorone	8250	0.5
3-Methylcholanthrene	8250	0.5
Methyl methanesulfonate	8250	0.5
Naphthalene	8250	0.5
1-Naphthylamine	8250	0.5
2-Naphthylamine	8250	0.5
2-Nitroaniline	8250	0.5
3-Nitroaniline	8250	0.5
4-Nitroaniline	8250	0.5
Nitrobenzene	8250	0.5
N-Nitroso-di-n-butylamine	8250	0.5
N-Nitrosodimethylamine	8250	0.5
N-Nitrosodiphenylamine	8250	0.5
N-Nitroso-di-N-propylamine	8250	0.5
N-Nitrosopiperidine	8250	0.5
Pentachlorobenzene	8250	0.5
Phenactin	8250	0.5
Phenanthrene	8250	0.5
2-Picoline	8250	0.5
Pronamide	8250	0.5
Pyrene 1, 2, 4,	8250	0.5
6-Tetrachlorobenzene	8250	0.5
1, 2, 4,-Trichlorobenzene	8250	0.5
Pesticides	608	
Aldrin	608	0.06
alpha-BHC	608	0.06
beta-BHC	608	0.06
delta-BHC	608	0.06

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<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Pesticides (continued)	608	(µg/l)
gamma-BHC (Lindane)	608	0.05
Carbofuran	531.1	48
Chlordane	608	0.05
4, 4'-DDD	608	0.1
4, 4'-DDE	608	0.1
4, 4'-DDT	608	0.1
Benzaton	515.1	0.1
Dieldrin	608	0.1
Endosulfan I	608	0.1
Endosulfan II	608	0.1
Endosulfan sulfate	608	0.1
Endrin	608	0.1
Endrin aldehyde	608	0.1
Glyphosate	547	0.5
Heptachlor	608	0.05
Heptachlor epoxide	608	0.05
Methoxychlor	608	0.5
Toxaphene	608	<1.0
2,4-D	515.1	0.2
2,4,5-TP-SILVEX	515.1	0.2
Polychlorinated Biphenyls	608	
Aroclor-1016	608	1
Aroclor-1221	608	1
Aroclor-1232	608	1
Aroclor-1242	608	1
Aroclor-1248	608	1
Aroclor-1254	608	1
Aroclor-1260	608	1
Herbicides		
Diazinon		
Chlorpyrifos		
Diuron		
Malathion		
Prometryn	507	
Atrazine	507	
Simazine	507	<2 mg/l
Cyanazine	507	
Molinate	507	<0.1 mg/l
Thiobencarb	507	<1 mg/l

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<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Volatile Organic Compounds	8240A	
Acetonitrile	8240A	10.0
Acrolein	8240A	10.0
Acrylonitrile	8240A	0.5
Benzene	8240A	0.5
Bromoform	8240A	0.5
2-Butanone	8240A	10.0
Carbon Disulfide	8240A	10.0
Carbon Tetrachloride	8240A	0.5
Chlorobenzene	8240A	0.5
Chlorodibromomethane	8240A	0.5
Chloroethane	8240A	0.5
2-Chloroethyl vinyl ether	8240A	1.0
Chloroform	8240A	0.5
Dibromomethane	8240A	0.5
1,2-Dibromo-3Chloropropane	8240A	<.01
1, 4-Dichloro-2-butene	8240A	10.0
Dichlorobromomethane	8240A	0.5
Dichlorodifluoromethane	8240A	0.5
1, 1-Dichloroethane	8240A	0.5
1, 2-Dichloroethane	8240A	0.5
1, 1-Dichloroethene	8240A	0.5
trans-1, 2-Dichloroethene	8240A	0.5
1, 2-Dichloropropane	8240A	0.5
cis-1, 3-Dichloropropane	840A	0.5
trans-1, 3-Dichloropropane	8240A	0.5
Ethanol	8240A	10.0
Ethylbenzene	8240A	1.0
Ethylene Dibromide	8240A	<.01
Ethylene Oxide	8240A	10.0
Ethyl Metacrylate	8240A	0.5
2-Hexanone	8240A	5.0
Iodomethane	8240A	0.5
Methyl Bromide	8240A	5.0
Methyl Chloride	8240A	5.0
Methylene Chloride	8240A	1.0
4-Methyl-2-pentanone	8240A	5.0
Styrene	8240A	0.5
1, 1, 2,2-Tetrachloroethane	8240A	0.5
Tetrachloroethane	8240A	0.5
Toluene	8240A	1.0
Trichlorofluoromethane	8240A	1.0
1, 2,3-Trichloropropane	8240A	0.5
1, 1, 1-Trichloroethane	8240A	1.0
<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>

Volatile Organics(continued)	8240A	
1, 1,2-Trichloroethane	8240A	1.0
Trichloroethene	8240A	0.5
1,1,2-Trichloro-		
1,2,2 trifluoroethane	8240A	<.5
Vinyl acetate	8240A	5.0
Vinyl chloride	8240A	0.5
Xylene (Total)	8240A	0.5

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ATTACHMENT C-4

CRITICAL SOURCE/ BMP MONITORING

**Selection of Initial Critical Sources to be Studied:** The selection of initial critical sources will be made using the following steps:

**Step 1:** The Principal Permittee first will develop an initial list of candidate critical sources, including industrial and commercial sources that are regulated under the state's General Permit and those which are not.

**Step 2:** The Principal Permittee next will develop a list of criteria for prioritizing the candidate critical sources developed pursuant to Step 1, including the following: number and/or total area associated with each critical source; runoff pollutants associated with each source; the impact of nonstormwater discharges associated with each source; whether or not the source is regulated under the General Permit; and, ease of implementation of monitoring and BMPs.

**Step 3:** The Principal Permittee next will prioritize the candidate critical sources based on the selection criteria develop under Step 2.

**Step 4:** The Principal Permittee next will conduct a literature review and contact other State municipal stormwater programs to identify what critical sources have been (or are planned in the next five years) to be studied elsewhere. Where studies have been conducted or are planned to be conducted elsewhere, such studies will be reviewed to assess whether the hydrologic conditions in the study area are representative of those in Los Angeles County, the quality of the study and any conclusions from already-conducted studies. This evaluation would be coordinated with the State Stormwater Quality Task Force.

**Step 5:** The Principal Permittee next will take the list developed up to Step 3 and refine and finalize it based upon the review conducted pursuant to Step 4.

**Selection of Additional Critical Sources/BMPs:** The selection of additional critical sources or BMPs for monitoring following the third rainy season of the permit will follow the steps noted above, except that BMPs also shall be evaluated in addition to critical sources.

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ATTACHMENT C-5

The

RECEIVING WATERS STUDY

A receiving waters study that will be a joint effort of the University of Southern California, the University of California at Santa Barbara and the Southern California Coastal Water Research Project (SCCWRP). In addition, the study will be done in cooperation with an ongoing toxicity study by investigators at UCLA. Co-funding, either direct or in terms of vessel support, also will be provided by the federal government through the Sea Grant program, by the City of Los Angeles and through SCCWRP. It must be noted that while the Principal Permittee is committed to funding a receiving waters study, the scope of that study will be affected by the availability of non-Principal Permittee funding sources, as is discussed below. The Principal Permittee's commitment is limited to the provision of funds.

A. Outline of Study: The receiving waters study includes a plume study to determine the dispersion of stormwater runoff and associated sediment, a study of the benthic environment near two principal storm drains, Malibu and Ballona Creeks and an assessment of the toxicity of storm drain waters and affected sediments near Malibu and Ballona Creeks. The plume study will be carried out by the USC Sea Grant program. The benthic and toxicity studies will be carried out by SCCWRP. All of these studies will be carried out over two storm seasons, with the third year used for analysis of the data obtained in the previous years. If it is the consensus of the project scientists that a third year of research is appropriate for the benthic and toxicity studies, such study shall be carried out. Each element of these studies is outlined below.

1. Plume Study: The plume study will be conducted over two storm seasons and will examine the following issues, among others:
  - Mapping the spatial and temporal structure of the runoff plumes from Ballona and Malibu Creeks as they flow into Santa Monica Bay following strong winter storms.
  - Examining the interaction between the runoff plume and ocean processes as they affect the advection, dispersion, and mixing of the plume.
  - Evaluating the impact of storm runoff plumes on beneficial uses of the coastal ocean.
  - Characterizing the optical properties of the suspended particulate material ("SPM") and dissolved organic material ("DOM") associated with runoff sources.
  - Examining the effects of DOM and SPM on the water column optics and the distribution of nutrient concentrations, as the same may affect phytoplankton productivity.
  - Helping to establish appropriate locations for benthic study stations.
2. Benthic Study: The benthic study will measure the following parameters:
  - Water quality (dissolved oxygen, salinity, density, temperature, light

transmissivity and pH).

- Sediment grain size, sediment organic concentrations and sediment contaminant concentrations.
- The structure of the benthic invertebrate community.

The benthic study will employ the same methods used in studies of dry weather impacts in river discharge areas carried out by SCCWRP in 1994 and 1995 in the entire Southern California Bight.

3. Toxicity Study: The toxicity study will involve the following proposed annual elements:

Water Column Toxicity

- 30 sea urchin fertilization bioassays taken during two storm and one dry weather event off each of Balboa and Malibu Creeks (including reference sites).
- 3 Phase I TIE tests on up to 3 samples showing toxicity in the sea urchin fertilization bioassays

Sediment Toxicity

- Amphipod survival bioassays of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 1.
- Amphipod survival bioassays of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 2.
- Sea urchin growth bioassays will be conducted for chronic toxicity in sediment samples from 6 stations, plus 1 reference site, with the locations to be determined by project scientists based on existing data and best scientific judgment. Biological effects only (survival, growth, sediment avoidance) will be measured for all sites in Year 2.
- Chemical analysis of sea urchin growth test tissue samples (gonad) will be conducted for organics and metals. Duplicate samples from 4 stations (including one reference) will be analyzed in Year 2.
- Phase I TIE tests using sea urchin fertilization of interstitial water from up to 4 stations identified to be toxic in amphipod survival bioassays (4 samples total) will be conducted in Year 2.
- Additional interstitial water testing intended to coordinate with the UCLA study noted below may also be carried out.

B. Project Flexibility: The exact parameters of Year 2 (and Year 3, if necessary) testing



will be determined by a review of the project scientists of the results of Year 1 and Year 2 testing. Thus, certain of the steps outlined above may be modified following the reviews.

- C. Coordination with UCLA Toxicity Study: UCLA researchers are involved in an ongoing Santa Monica Bay Restoration Project study of the toxicity of stormwater runoff in Balona and Malibu Creeks. The receiving waters study will be coordinated, to the extent possible, with the UCLA study to maximize the utility of the information obtained by both studies.
- D. Los Angeles and San Gabriel River Study: In addition, the Principal Permittee will take a total of three (two storm weather and one dry weather) water samples taken at each of the Los Angeles and San Gabriel River mass emission stations during each of the two years that those stations will be monitored. The samples will be analyzed using the sea urchin fertilization bioassay, with the bioassay costs not to exceed \$3,600.

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ATTACHMENT D  
GLOSSARY OF TERMS

40 CFR: Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

Annual Report: A report submitted yearly to the Regional Board by the anniversary of the date of the issuance of the NPDES storm water permit, that includes: (1) the status of implementing the components of the storm water management program that are established as permit conditions; (2) proposed changes to the storm water management programs that are established as permit conditions; (3) revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application; (4) a summary of data that is accumulated throughout the reporting year; (5) annual expenditures and budget, to the extent such information is available separately; (6) a summary describing the number and nature of enforcement actions, inspections and/or site visitations, and public education programs; and (7) identification of water quality improvements or degradation.

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Authorized Discharge: Any discharge that is authorized pursuant to an NPDES permit or meets the exemptions set forth in this NPDES storm water permit.

Basin Plan: The Water Quality Control Plan, Los Angeles Region(4), Santa Clara River and Los Angeles River Basins, adopted by the Regional Board on June 13, 1994 or as subsequently amended.

Beneficial Uses: Existing or potential uses of receiving waters in the permit area as designated by the Regional Board in the Basin Plan. Examples of beneficial uses may include municipal and domestic supply; agricultural supply; industrial process supply; industrial service supply; ground water recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; aquaculture; warm freshwater habitat; cold freshwater habitat; inland saline water habitat; estuarine habitat; wetland habitat; marine habitat; wildlife habitat; preservation of biological habitats; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting.

BAT/BCT Criteria: Treatment-based standards for reducing the discharge of pollutants, as defined in 40 CFR subchapter N, for specific categories of industrial facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards. Effluent limitations have been defined in 40 CFR for the reduction of toxic pollutants using Best Available Technology Economically Achievable (BAT), and for the reduction of conventional pollutants using Best Conventional Pollutant Control Technology (BCT).

BMP: See Best Management Practice

Best Management Practice (BMP): Activities, practices, facilities, and procedures that when implemented prevent or reduce the pollution of waters of the state. Examples of BMPs include treatment facilities, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bioaccumulate: The build up of a substance in the tissues of an organism to a higher concentration than in the surrounding environment, generally as a result of the organism's ingestion and internal storage of the substance over time.

**Biostimulatory:** An agent, action, or condition that arouses, elicits or accelerates physiological or organic activity. For example, the introduction of excessive nutrients to an aquatic system has a biostimulatory effect which manifests itself as excessive growth of algae in the aquatic systems. As the algae decomposes, dissolved oxygen in the water column is depleted, potentially leading to excessively low dissolved oxygen levels which can lead to suffocation of aquatic life, i.e., fish kills.

**CFR:** See Code of Federal Regulations.

**CRWQCB:** This means the California Regional Water Quality Control Board, Los Angeles Region. See also Regional Board.

**CSWMP:** See Countywide Storm Water Management Plan

**California Storm Water Best Management Practice Handbooks:** The technical manuals prepared under direction of the Storm Water Quality Task Force, representing California members of the American Public Works Association (APWA). Comprising three volumes—Municipal, Industrial, and Construction—they provide guidance for selecting BMPs to reduce pollutants in storm water discharges. These manuals are available from Blue Print Service, 1700 Jefferson Street, Oakland, CA 94612, (510) 444-6771 or Fax (510) 444-1262.

**Clean Water Act (CWA):** The Federal Water Pollution Control Act enacted in 1972 by Public Law 92-500 and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless said discharge is in accordance with an NPDES permit. The 1987 amendments include guidelines for regulating municipal, industrial, and construction storm water discharges under the NPDES program.

**Code of Federal Regulations:** A codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

**Construction Activity:** Clearing, grading, or excavation that results in soil disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to immediately protect public health and safety.

**Control:** When used in the context of legal authority, "Control" means to legally, contractually, or by other similar means, minimize or eliminate an activity or activities or the result(s) of the activity or activities.

**Countywide Storm Water Management Plan (CSWMP):** A single comprehensive plan for implementation of the requirements of this Order that are applicable to all Permittees and all Watershed Management Areas. The CSWMP is a storm water management implementation plan for the entire drainage areas within the jurisdiction of the Permittees under this Order. The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance and participation from the Permittees, according to the schedule prescribed in the permit. The CSWMP shall be used as a tool to develop a watershed specific Watershed Management Area Plan (WMAP).

**Development:** The placement or erection of any solid material or structure on land, in or under water, or grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land including, but not limited to, subdivisions pursuant to the Subdivision Map Act Government Code §66410 et seq.), any other division of land, including lot splits; construction, reconstruction, demolition or alteration of the size of any structure.

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**Discharge:** Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance.

**Disturbed Area:** In the context of construction activities, "disturbed area" means that area altered as a result of cleaning, grading, or excavation of earth.

**Do-it-yourselfers:** this term shall mean any person or persons who repair or maintain their own vehicle(s) and/or home(s).

**Effectively Prohibit:** This is a term used in the context of legal authority and essentially means that a Permittee, individually or jointly, must have or acquire the adequate legal authority to prohibit an action or actions.

**Effectiveness:** A measure or indicator of how well a program, plan, or best management practice achieves its intended purpose. *Measures or indicators of effectiveness include, but are not limited to, detailed accounting of program accomplishments, funds expended, staff hours utilized, amount of pollutants reduced, and results of quantitative monitoring.*

**Erosion:** The wearing away of land surface primarily by wind or water. *Erosion occurs naturally as a result of weather or runoff but can be intensified by cleaning, grading, or excavation of the land surface.*

**Executive Advisory Committee (EAC):** A committee composed of representatives of the County of Los Angeles, the City of Los Angeles, and representatives from the six Watershed Management Areas.

**Regional Board Executive Officer:** The Regional Board Executive Officer of the California Regional Water Quality Control Board, Los Angeles Region, or an authorized representative.

**GCASP:** See General Construction Activity Storm Water Discharge Permit.

**GIASP:** See General Industrial Activity Storm Water Discharge Permit.

**General Construction Activity Storm Water Discharge Permit (GCASP).** This is a NPDES permit adopted by the State Water Resources Control Board which authorizes the discharge of storm water under certain conditions.

**General Industrial Activity Storm Water Discharge Permit (GIASP).** This is a NPDES permit adopted by the State Water Resources Control Board which authorizes the discharge of storm water under certain conditions.

**Good Housekeeping Practice:** A common practice related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. *Examples include purchasing only the quantity of materials to be used at a given time, use of alternative and less harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.*

**Hazardous Material:** Any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code. *This includes any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.*

**Hazardous Substance:** Any substance designated pursuant to 40 CFR 302. This also includes

unlisted hazardous substances which is a solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), is a hazardous substance under section 101(14) of the CWA if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

*Examples of hazardous substances include any substance or chemical product for which one or more of the following applies:*

- A material safety data sheet (MSDS) is required
- The substance is listed as radioactive by the Nuclear Regulatory Commission
- The substance is listed as hazardous by the U.S. Department of Transportation
- The material is listed in Labor Code §6382(b).

**IPM:** See Integrated Pest Management

**Illicit Connection:** Any man-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

**Illicit Discharge:** Any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all non-storm water discharges except discharges pursuant to an NPDES permit and discharges that are exempted or conditionally exempted in accordance with Section II of this Order.

**Illicit Disposal:** Any disposal, either intentionally or unintentionally, of material(s) or waste(s) that can pollute storm water or urban runoff.

**Impact:** Any actual or potential impelling or compelling negative effect caused either directly or indirectly by the discharge of pollutants to the municipal storm drain system.

**Impervious Surface:** Man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial Activity:** The term "industrial activity" is defined in 40 CFR 122.26(b)(14) and refers to 11 categories of activities required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with "industrial activity" as required by 40 CFR 122.26(c).

**Industrial/Commercial Facility:** Any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facility includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

**Integrated Pest Management (IPM):** A philosophy of pest management that considers the whole ecosystem when determining the pest control strategies. This philosophy emphasizes use of a hierarchy of controls, with a preference for mechanical controls (e.g., mowing) and biological controls

(e.g., beneficial insects, pheromones) before chemical controls (e.g., pesticides). *the Permittee*

**Jurisdiction:** The term "jurisdiction", as used in connection with a Permittee, means the geographic area within the Permittee's boundaries that are subject to the Permittee's regulatory control. The term is not intended to include facilities which the Permittee is preempted or otherwise precluded from regulating, such as federal or state facilities, or school districts, and similar governmental (non-municipally owned or operated) entities.

**Legal Authority:** The ability of a Permittee to impose and enforce statutes, ordinances, and regulations to require control of pollutant sources and regulate the discharge of pollutants to the storm drain system, and to enter into interagency agreements, contracts, and memorandums of understanding. *These powers are granted to the Permittees by the Constitution of the State of California and the General Laws of the State (for General Law Cities/Countries) or individual constitutions (for Charter Cities/Countries). These powers are promulgated by the Permittee through their municipal codes, ordinances, and statutes duly adopted by their governing body.*

**MS4:** See Municipal Separate Storm Sewer System

**Maximum Extent Practicable (MEP):** The maximum extent possible taking into account equitable consideration and competing facts, including, but not limited to: the gravity of the problem, public health risk, societal concern, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance, implementability, cost and technical feasibility. BMPs identified through this process have to be implemented, unless it can be demonstrated that: (1) other effective BMPs will achieve greater or substantially the same pollution control benefits; or (2) the BMP would not be technically feasible; or (3) the cost of implementation would greatly outweigh the pollution control benefits. The entity(s) responsible for developing and implementing each plan shall have the burden of showing that it has met the "maximum extent practicable" standard in proposing or rejecting BMPs for implementing a storm water management program to reduce pollutants to the maximum extent practicable.

*Application location of MS4 implementation*  
*9020 (3) (b) (iii)*

*Re-work*  
**Municipal Separate Storm Sewer System (MS4):** See Storm Drain System.

**NPDES:** See National Pollutant Discharge Elimination System

**National Pollutant Discharge Elimination System:** A permit issued by the USEPA, SWRCB, or CRWQCB pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

**Non-Storm Water Discharge:** Any discharge to a municipal storm drain system that is not composed entirely of storm water.

**Notice of Intent to Meet and Confer (NIMC):** The NIMC is a letter sent to a Permittee or Permittees by the Regional Board Executive Officer as an invitation to discuss the implementation of requirements under this Order and is made when it is suspected that a Permittee or Permittees has/have an insufficient program based upon submittals made under this Order. The NIMC is a part of the Administrative Review section of this Order and provides an opportunity for the Permittee(s) to meet with Regional Board staff to clarify any potential misunderstandings prior to, or in lieu of the Regional Board taking enforcement action for "non-compliance".

**Nuisance:** Anything which meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with

the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) occurs during, or as a result of, the treatment or disposal of wastes.

Permittee(s): Any agency named in the NPDES storm water permit as being responsible for permit conditions within its jurisdiction. Permittees to the NPDES storm water permit presently include the County of Los Angeles and the cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Canada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier.

Pervious: Natural or man-made surfaces that allow the entry of water into the underlying soil, resulting in less runoff from the surface when compared to impervious surfaces. Examples of pervious surfaces include vegetated areas, most undeveloped areas, uncompacted earth surfaces, and lattice type modular pavements.

Phase I Facilities: This term refers to categories of facilities which are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with "industrial activity" as required by 40 CFR 122.26(c). The term "industrial activity" is defined in 40 CFR 122.26(b)(14) and in general refers to 11 categories of activities. These categories include:

- I. FACILITIES SUBJECT TO STORM WATER EFFLUENT LIMITATIONS GUIDELINES, NEW SOURCE PERFORMANCE STANDARDS, OR TOXIC POLLUTANT EFFLUENT STANDARDS (40 CFR SUBCHAPTER N). Currently, categories of facilities subject to storm water effluent limitations guideline are Cement Manufacturing (40 CFR Part 411), Feedlots (40 CFR Part 412), Fertilizer Manufacturing (40 CFR Part 418), Petroleum Refining (40 CFR Part 419), Phosphate Manufacturing (40 CFR Part 422), Steam Electric (40 CFR Part 423), Coal Mining (40 CFR Part 434), Mineral Mining and Processing (40 CFR Part 436), One Mining and Dressing (40 CFR Part 440), and Asphalt Emulsion (40 CFR Part 442). The fact sheet accompanying this general permit contains additional information pertaining to facilities subject to new source performance standards or toxic pollutant effluent standards.
- II. MANUFACTURING FACILITIES: Standard Industrial Classifications (SICs) 24 (except 2411 and 2434), 26 (except 265 and 267), 28 (except 283 and 285) 29, 311, 32 (except 323), 33, 3441, and 373.
- III. OIL AND GAS/MINING FACILITIES: SICs 10 through 14 including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1) because of performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for area of non-coal mining operations which

have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by products, or waste products located on the site of such operations. Inactive mining operations are mined sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material, or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

- iv. **HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES:** Includes those operating under interim status or a general permit under Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA).
- v. **LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS:** Sites that receive or have received industrial waste from any of the facilities covered by this general permit, sites subject to regulation under Subtitle D of RCRA, and sites that have accepted waste from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more).
- vi. **RECYCLING FACILITIES:** SICs 5015 and 5093. These codes include metal scrapyards, battery reclaimers, salvage yards, motor vehicle dismantlers and wreckers, and recycling facilities that are engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste material such as bottles, wastepaper, textile wastes, oil wastes, etc.
- vii. **STEAM ELECTRIC POWER GENERATING FACILITIES:** Includes any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.
- viii. **TRANSPORTATION FACILITIES:** SICs 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity.
- ix. **SEWAGE OR WASTEWATER TREATMENT WORKS:** Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.
- x. **MANUFACTURING FACILITIES WHERE MATERIALS ARE EXPOSED TO STORM WATER:** SICs 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225.

Note: Category x, Construction activity, is covered by a separate general permit.



**Pollutant:** Those "pollutants" defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. §1362(6)), or incorporated into California Water Code §13373. *Examples of pollutants include, but are not limited to the following:*

- *Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);*
- *Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;*
- *Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);*
- *Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;*
- *Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);*
- *Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus;*

*The term "Pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.*

*The term "Pollutant" also shall not include any substance identified in this definition, if through compliance with the best management practices available, the discharge of such substance has been eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the elimination of the discharge to the maximum extent practicable through compliance with the best management practices available.*

**Pollutant Loading:** *The quantity of a pollutant found in runoff expressed in mass per unit of time. Pollutant loadings are commonly expressed in units of tons/year or pounds/year.*

**Pollutants of Concern:** *Pollutants that exhibit one or more of the following characteristics:*

- *Current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water,*
- *Elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or*
- *The detectable inputs of the pollutant are at a level high enough to be considered potentially toxic to humans and/or flora and fauna.*

*Pollutants of concern may be different for each receiving water.*

*For example, Pollutants of concern for the Santa Monica Bay Watershed Management Area include, DDT, PCBs, PAHs, Chlordane, TBT, cadmium, chromium, copper, lead, nickel, silver, zinc, pathogens, TSS (sediment), nutrients, trash and debris, chlorine, oxygen demanding substances, and oil and grease.*

**Pollution Prevention:** Includes any planning, schedules of activities, prohibitions of practices, implementation maintenance procedures, and other management practices, to prevent or reduce pollutants in storm water / urban runoff discharges.

**Principal Permittee:** The agency named in the NPDES storm water permit to serve as permit coordinator, responsible for general administration of the permit, and coordinating cooperation by other Permittees, including but not limited to the implementation of local self-monitoring programs and BMPs, and preparation and submittal of reports required by the permit. *The Principal Permittee under this Order is the County of Los Angeles.*

**Public Agency Vehicle Maintenance/Material Storage Facility:** Any Permittee-owned and/or operated facility that is: used for vehicle or equipment maintenance, repair, washing, or fueling; and/or is required to prepare a hazardous materials business plan.

**Regional Board:** The members of California Regional Water Quality Control Board State agency with primary responsibility for the coordination and control of water quality. *This means the California Regional Water Quality Control Board, Los Angeles Region. The Los Angeles Region, is comprised of all basins draining into the Pacific Ocean between the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainage to the divide between Sheep Creek and San Gabriel River drainage.*

**Reportable Quantity:** means that quantity of a hazardous substance, as set forth in 40 CFR 302, which requires notification pursuant to 40 CFR 302 in event of that quantity release.

**Receiving Waters:** All surface water bodies within the permit area that are identified in the Basin Plan.

**Residential Swimming Pool Water:** This means clean and swimmable swimming pool water from a residence. For proper discharge, this pool water shall have no measurable chlorine and not contain any detergents, wastes, or additional chemicals not typically found in swimming pool water. The term "residential swimming pool water" does not include swimming pool filter backwash.

**SIC:** See Standard Industrial Classification.

**SPCA:** See Storm Water Program Compliance Amendment

**SWRCB:** State Water Resources Control Board

**Secondary Containment:** Structures, usually dikes or berms, surrounding tanks or other storage containers to catch spilled or leaked materials to prevent their discharge to the MS4.

**Sediment:** Organic or inorganic material that is carried by or suspended in water and settles to form deposits in the storm drain system or receiving waters.

**Source Minimization:** Planning or operational practices that reduce the amount of materials stored at a site.

**Standard Industrial Classification (SIC):** The statistical classification standard, organized by industry, underlying all establishment-based federal economic statistics. The SIC of a particular industry is determined using the latest Standard Industrial Classification Manual as prepared by the Executive

Office of the President, Office of Management and Budget.

**Storm Drain System:** Streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by any Permittee and used for the purpose of collecting, storing, transporting, or disposing of storm water.

**Storm Water:** Water which originates from atmospheric moisture (rainfall or snowmelt) and that falls onto land, water, or other surfaces.

**Storm Water Management Program:** This is the sum of all requirements of this Order. This is not be confused with the CSWMP.

**Storm Water Pollution Prevention Plan (SWPPP):** A plan required by and for which contents are specified in the State of California General Permit for Storm Water Discharges Associated with Industrial Activities, and the General Permit for Storm Water Discharges Associated with Construction Activities. *The purpose of the plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges.*

**Storm Water Program Compliance Amendment (SPCA):** The SPCA is a report prepared by a Permittee if directed to by the Regional Board Executive Officer for insufficient submittals made under this Order. The SPCA is a part of the Administrative Review section of this Order and will include additions and enhancements to the jurisdiction's storm water program with enforceable implementation deadlines.

**Storm Water Runoff:** That part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the storm drain system or receiving waters. *Examples of this phenomenon include: the water that flows from a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). When all other factors are equal, runoff increases as the perviousness of a surface decreases.*

**Storm Water Runoff Mitigation Plan:** A plan, to be submitted prior to the submittal of an application for the first planning or building approval for a new development project, that sets forth storm water pollution controls to be incorporated into development projects. The plan shall:

- be designed to reduce the runoff volume from the site and the pollutant load contributed by the site through incorporation of design elements and practices that address each of the following goals:
- maximize, to the extent practicable, the percentage of permeable surfaces in order to allow more percolation,
- minimize, to the extent practicable, the amount of runoff directed to impermeable areas to the storm drain system,
- maximize, to the extent practicable, storm water filtration and storage for reuse through the use of sediment traps, cisterns or other means,
- minimize, to the extent practicable, parking lot pollution through the use of porous materials to allow percolation of storm water, through the installation of appropriate treatment controls, or through other

means.

**Toxic Pollutant:** Those "pollutants", or combinations of pollutants, defined in Section 502(13) or 307(a)(1) of the federal Clean Water Act (33 U.S.C. §1362(13)).

**USEPA:** United States Environmental Protection Agency

**Waste Minimization:** Operational practices that reduce the amount of waste materials generated. Practices may include recycling and reuse.

**Watershed Management Area (WMA):** Any one of the six general watershed areas covered by this NPDES storm water permit consisting of the: Malibu Creek and other rural areas discharging to Santa Monica Bay, Santa Clara River, Dominguez Channel/Los Angeles Harbor, San Gabriel River, Los Angeles River, and Ballona Creek and other urban areas discharging to the Santa Monica Bay watersheds.

**Watershed Management Area Plan (WMAP):** A plan for implementation of permit requirements that is based on the Countywide Storm Water Management Plan (CSWMP) but further addresses specific issues, pollutants of concern, and BMPs that are unique to the specific Watershed Management Area.

**Watershed Management Committee (WMC):** A committee composed of representatives from each Permittee in a Watershed Management Area. Duties include establishing goals and objectives for the Watershed; prioritizing pollution control efforts; developing a specific Watershed Management Plan; coordinating and facilitating annual reports for the watershed; and facilitating compliance by Permittees in the watershed.

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# CITY OF VERNON CITY ATTORNEY'S OFFICE

2440 S. Hacienda Blvd., Suite No. 223  
Hacienda Heights, CA 91745-4770  
Telephone (818) 336-3408  
Facsimile (818) 330-8818

## FACSIMILE COVER SHEET

State Water Resources Control Board

TO: <u>Jorge A. Leon,</u> <u>Sr. Staff Counsel</u>	FAX #:	<u>(916) 653-0428</u>
TO: _____	FAX #:	_____
TO: <u>LARWQCB</u> <u>Assis.</u> <u>Catherine Tyrrell, Exec. O.</u>	FAX #:	<u>(213) 266-7600</u>
TO: _____	FAX #:	_____

FROM: David B. Brearley/ J. David Fitzsimons

RE: Proposed RWQCB - LA Order

**COMMENTS:** The attached recommendations (proposed order, pp. 13, 17-19) go to the heart of whether the RWQCB will adopt waste discharge requirements pursuant to state statute or will seek to shift that responsibility to the cities in a manner not consistent with state law. The statutory goal is uniformity, not 83 separate sets of requirements.  
Nonsubstantive suggestions will be faxed to the RWQCB separately.

If you do not receive 5 pages in their entirety (including this cover sheet), please call Judy/Nancy/Gaby at (818) 336-3408.

DATE: May 17, 1996 TIME: 1:55 p.m.

This facsimile transmission may contain CONFIDENTIAL INFORMATION, which also may be LEGALLY PRIVILEGED and which is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile may be strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the postal service. Thank you.

VERIFIED: \_\_\_\_\_

### DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS

#### I. DISCHARGE PROHIBITION

Each Permittee shall, within its jurisdiction, <sup>*enforce prohibition of*</sup> ~~effectively prohibit~~ non-storm water discharges into the municipal separate storm sewer system (MS4) and watercourses, except where such discharges are:

- A. In compliance with a separate NPDES permit; or
- B. Identified and in compliance with Provision II.D (Illicit

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Connections/Discharges Non-storm Water Discharges), of this Order; or

- C Discharges originating from federal, state or other facilities which the Permittee is preempted from regulating.

Compliance with this Order through timely development and implementation of programs described herein shall constitute compliance with this prohibition.

**II. RECEIVING WATER LIMITATIONS**

The water quality objectives and water quality standards contained in the Basin Plan (*Water Quality Control Plan, Los Angeles Region; Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994*), and amendments thereto, shall serve as Receiving Water Limitations for discharges covered under this Order. The discharge of storm water, or non-storm water, from a municipal separate storm sewer system (MS4) for which the dischargers are responsible shall not cause nuisance, continuing or recurring impairment of beneficial uses, or exceedances of water quality objectives in the receiving waters. The Permittees will not be in violation of this provision so long as they are in compliance with the Storm Water Management Program Requirements set forth in this Order.

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resources dedicated for storm water program implementation <sup>as required</sup>  
~~under 40 CFR §122.26(d)(2)(vi) and §122.42(c)~~ not later than 60 days <sup>after</sup>  
budget adoption by the Permittee's elected local governing body. A  
Permittee may provide all necessary data in an alternate format which  
includes the same information unless directed otherwise by the Regional  
Board Executive Officer.

E. Legal Authority

1. Each Permittee shall demonstrate that it possesses legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction, so as to comply with this Order. This legal authority may be demonstrated by either a single ordinance or a single guidance document containing all the statutes, ordinances, permits, contracts, orders or inter-jurisdictional agreements among Permittees which govern a Permittee's storm water management activities, as required by 40 CFR 122.26(d)(2)(i)(D):

a. ~~Control~~ the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity through the following prohibitions and requirements:

- i. ~~Prohibit the discharge of~~ <sup>No</sup> untreated wash waters <sup>shall be discharged</sup> to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned;
- ii. ~~Prohibit the discharge of~~ <sup>No</sup> untreated wastewater <sup>shall be discharged</sup> to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
- iii. ~~Prohibit to the maximum extent practicable,~~ <sup>no</sup> discharges <sup>shall be made</sup> to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is undertaken;
- iv. ~~Prohibit~~ <sup>No</sup> discharges <sup>shall be made</sup> to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), and unsealed receptacles containing hazardous materials;
- v. ~~Prohibit~~ <sup>No</sup> discharges <sup>shall be discharged</sup> of swimming pool filter backwash to the MS4;

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- vi. ~~Prohibit washing~~ <sup>No</sup> toxic materials <sup>shall be washed</sup> from paved or unpaved areas which results in a discharge to the MS4;
  - vii. ~~Prohibit washing~~ <sup>No</sup> impervious surfaces <sup>shall be washed</sup> in industrial/commercial areas which results in a discharge to the MS4, unless specifically required by State or local health and safety codes or permitted under a separate NPDES permit;
  - viii. ~~Prohibit the washing out of~~ <sup>No</sup> concrete trucks <sup>shall be washed out</sup> into storm drains;
  - ix. ~~Require Regular~~ <sup>shall be undertaken</sup> sweeping or other equally effective measures <sup>to</sup> remove debris from industrial/commercial motor vehicle parking lots with more than twenty-five parking spaces that are located in areas potentially exposed to storm water;
  - x. ~~Require placement of~~ <sup>shall be placed</sup> Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, in a manner where leaks, spills and other maintenance related pollutants are not discharged to the MS4;
- b. ~~Prohibit~~ <sup>are prohibited</sup> Illicit discharges and Illicit connections to the MS4 and <sup>shall be removed;</sup> require removal of illicit connections;
- c. ~~Control~~ <sup>shall be controlled</sup> The discharge of spills and the dumping or disposal of materials other than storm water to the MS4 through the following prohibitions or requirements:
- i. ~~Prohibit~~ <sup>is prohibited;</sup> littering;
  - ii. ~~Prohibit~~ <sup>is prohibited;</sup> The disposal of leaves, dirt or other landscape debris into a storm drain;
  - iii. ~~Prohibit~~ <sup>is prohibited;</sup> The use of any pesticide, fungicide, or herbicide whose sale has been voluntarily discontinued or is prohibited by the USEPA;
  - iv. ~~Require proper disposal of~~ <sup>shall be properly disposed</sup> Food wastes by the food service and food distribution industry.
  - v. ~~Require disposal of~~ <sup>shall be properly disposed</sup> Hazardous wastes, at appropriate disposal sites, and not in trash containers used for municipal trash disposal; and

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- vi ~~Require removal and proper disposal of all fuel and chemical residue, animal waste, garbage, batteries, or other types of potentially harmful materials which are located in areas susceptible to or exposed to storm water, shall be properly removed and disposed.~~
- d. ~~Control~~ To the extent practicable through interagency or inter-jurisdictional agreements among Permittees the discharge of pollutants from one portion of the MS4 to another; *shall be controlled;*
- e. ~~Require~~ Compliance with conditions in <sup>statutes,</sup> ordinances, permits, contracts or orders; and *is required*
- f. ~~Conduct~~ Inspection, surveillance and/or monitoring procedures *shall be conducted* as necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to the MS4.

2. Each Permittee shall:

- a. Provide to the Principal Permittee for submittal <sup>not later than</sup> to the Regional Board Executive Officer of the Regional Board <sup>after</sup> by 120 days of the adoption of this Order <sup>ordinances</sup> copies of ordinances, regulations, and other legal documents establishing legal authority, or in the alternative:
  - i. A statement by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, referencing that legal authority with specificity; and/or
  - ii. If Provision 1.E.2.a.i. is only partially fulfilled, a timely schedule for obtaining adequate legal authority to comply with this Order, enumerating with specificity that legal authority which remains to be obtained .
- b. Exercise full legal authority within its jurisdiction to require compliance with this Order, the CSWMP and/or the WMAPs.

F. BMP Substitution

A Permittee may petition the Regional Board Executive Officer to:

- 1. Substitute for any BMP or requirement identified in this Order, the CSWMP, or the WMAP, if the Permittee can demonstrate through documentation and/or scientific data that the proposed alternative BMP:
  - a. will meet the objective of the original BMP or Order requirement to achieve a similar or greater reduction in storm water pollutants; and

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# CITY OF VERNON CITY ATTORNEY'S OFFICE

2440 S. Hacienda Blvd., Suite No. 223  
Hacienda Heights, CA 91748-4770  
Telephone (818) 336-3408  
Facsimile (818) 330-5818

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## FACSIMILE COVER SHEET

TO: CATHERINE TYRELL, Assistant Executive Officer

Company: LA RWQCB

Fax No.: (213) 266-7600 or (213) 266-7664

FROM: David B. Brearley/ J. David Fitzsimons

RE: Proposed RWQCB - LA Order

COMMENTS: Suggestions for the proposed order (pp. 22-33, 40-43, 46-47, 51-53) are enclosed for your consideration.

If you do not receive 22 pages in their entirety (including this cover sheet), please call Judy/Nancy/Gaby at (818) 336-3408.

DATE: May 17, 1996

TIME: 2:30 p.m.

This facsimile transmission may contain CONFIDENTIAL INFORMATION, which also may be LEGALLY PRIVILEGED and which is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile may be strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the postal service. Thank you.

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II. Illicit Connections and Illicit Discharges

A. Illicit Connections

1. The Principal Permittee in consultation with the Permittees shall develop a countywide model program for elimination of illicit connections to the MS4 *not later than* by 4 months after permit adoption. The program shall include, at a minimum:

- a. Standardized storm drain inspection procedures, and illicit connection identification and elimination procedures;
- b. Methods to prioritize potential problem areas, including, but not limited to old commercial/industrial areas, and areas with heavy industry listed under subchapter N of 40 CFR Parts 405 - 471;
- c. Methods to utilize results of field screening activities, and other appropriate information;
- d. Storm drain inspections schedule for illicit connections;
- e. Standardized record keeping to document illicit connections; and
- f. Enforcement procedures to terminate illicit connections.

2. Each Permittee, based on the countywide model program, shall develop and implement as appropriate a program to identify and eliminate illicit connections to the maximum extent practicable, not later than four months after the approval of the model program by the Regional Board Executive Officer.

B. Illicit Discharges

The primary responsibility for cleanup and removal of illicit discharges of pollutants to the MS4 shall be with the owner/operator of the discharging facility or site. Nothing in this Order shall be interpreted to limit or in any way prevent action by a Permittee against the party responsible for the illicit discharge.

1. The Principal Permittee in consultation with the Permittees shall develop a countywide model illicit discharges elimination program by 4 months after permit adoption. The program shall include, at a minimum: *not later than*

- a. Standardized enforcement procedures, including administrative and judicial, to eliminate illicit discharges;
- b. Standardized procedures for investigation, containment and cleanup for spills, which include a procedure to ensure that sewage treated

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with disinfection agents will not be discharged into the storm drain system to the extent practicable;

- c. Prioritization of problem areas of illicit disposal where inspection, clean up, and enforcement are necessary to prevent the discharge of contaminants;
- d. Standardized surveillance program to detect illicit discharges;
- e. Standardized procedures to educate inspectors, maintenance workers, and other field staff to notice illicit discharges during the course of their daily activities, and report such occurrences;
- f. Standardized record keeping system to document illicit discharges;
- g. Standardized enforcement procedures to eliminate illicit discharges;
- h. Industrial/commercial education and outreach materials to inform businesses about the problem of illicit discharges/dumping and proper discharge/disposal practices;

2. Each Permittee, based on the countywide model program, shall develop and implement as appropriate a program to identify and eliminate illicit discharges not later than four months after the approval of the model program by the Regional Board Executive Officer.

C. Non-storm Water Discharges

Non-storm water discharges in compliance with a separate NPDES permit/ Waste Discharge Requirement (WDR) or granted a discharge exemption by the Regional Board Regional Board Executive Officer or the Regional Board or the State Board are not prohibited under this Order.

1. Exempted Discharges

The following non-storm water discharges <sup>are</sup> ~~are~~ not ~~be~~ prohibited:

- a. Flows from riparian habitats or wetlands;
- b. Diverted stream flows;
- c. Springs;
- d. Rising ground waters;
- e. Uncontaminated groundwater infiltration; and
- f. Discharges or flows from emergency fire fighting activities.

The Regional Board Executive Officer, upon presentation of evidence in accordance with Provision II.C.4 may include other categories of non-storm water

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discharges under this sub-section.

2. Conditionally Exempted Discharges

The following non-storm water discharges <sup>are</sup> need not be prohibited. However, if they are identified by either a Permittee or the Regional Board Executive Officer as being significant sources of pollutants to receiving waters, then appropriate BMPs to minimize the adverse impacts of these sources shall be developed and implemented under the CSWMP or the WMAPs:

- a. Landscape irrigation;
- b. Water line flushing (dechlorinated);
- c. Potable water sources (if conducted in accordance with the industry-wide standard Pollution Prevention Practices developed by the American Water Works Association, California-Nevada Section, or equivalent document, and in compliance with any requirements established by the Permittee);
- d. Foundation drains;
- e. Footing Drains;
- f. Air conditioning condensate;
- g. Irrigation water;
- h. Lawn watering;
- i. Water from crawl space pumps;
- j. Dechlorinated swimming pool discharges (excluding filter back-wash);
- k. Individual residential car washing;
- l. Street washing (until completion of a study and the Regional Board Executive Officer's decision); and
- m. Sidewalk washing (until completion of a study and the Regional Board Executive Officer's decision)

The Regional Board Executive Officer, upon the presentation of evidence in accordance with Provision II.C.4, may include other categories of non-storm water discharges under this sub-section.

3. Designated Discharges

- a. Street washing, and b. Sidewalk washing, have been determined by the Regional Board Executive Officer to be potential sources of pollutants of concern.

The City of Los Angeles will conduct a study to characterize these non-storm water discharges, and evaluate alternatives that will range from elimination of the discharge to development of appropriate BMPs to minimize the adverse impacts to the maximum extent practicable. The City of Los Angeles will submit its recommendations to the Regional Board <sup>not later than</sup> one year from adoption of this Order.

After the Regional Board ~~Regional Board~~ Executive Officer makes a

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determination on non-storm water management alternatives, Permittees will have one year from the date of the decision to implement the non-storm water management alternative to the maximum extent practicable and where applicable. A BMP implementation schedule shall be included where appropriate.

The Regional Board Executive Officer, upon presentation of evidence, may include other categories of non-storm water discharges under this subsection.

4. Procedures for Exemption

The Principal Permittee in consultation with the Permittees may identify and describe additional categories of non-storm water discharges to be considered by the Regional Board Executive Officer for exemption from the Discharge Prohibitions. The criteria for consideration of a request for exemption of a non-storm water discharge type include one or more of the following:

- a. Documentation that the discharges are not significant sources of pollutants to receiving waters or do not cause impairment of beneficial uses of receiving waters;
- b. Special circumstances that have been defined in which the discharges have been found not to be sources of pollutants to or do not cause impairment of beneficial uses of receiving waters;
- c. Specific BMPs, where determined feasible, that have been identified to reduce pollutants in discharges to the maximum extent practicable and minimize adverse impacts of such sources, with an implementation schedule; or
- d. Established procedures to ensure BMP implementation, including an implementation schedule, performance standards, monitoring and record keeping.

The exemption request for additional non-storm water discharge types may be submitted, beginning with the first Annual Report. The exemption for a non-storm water discharge type becomes effective upon approval by the Regional Board Executive Officer.

D. Public Reporting

- 1. The Principal Permittee in consultation with the Permittees shall develop a countywide standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices by 4 months after adoption of this Order. The program may include, but not be limited to:

*not later than*

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- a. A system to receive in-coming complaints;
  - b. A communication network to link Permittees so that action can be coordinated and complaints can be investigated promptly; and
  - c. A system to notify the complainant of any action taken, if appropriate.
2. Each Permittee shall implement the countywide illicit discharges and illicit disposal reporting program not later than four months after the approval by the Regional Board Executive Officer.
3. The Principal Permittee in consultation with the Permittees shall develop a countywide program <sup>not later than</sup> by 4 months after adoption of this Order for reporting incidents of 'reportable quantity'<sup>14</sup> of hazardous substances entering the MS4. The incidents shall be reported to the State of California Office of Emergency Services (OES) [current number, (800) 852-7550] and the Federal Hazardous Response Center [current number, (800) 424-8802].
4. Each Permittee shall implement the countywide program for reporting hazardous substances entering the MS4, not later than four months after the approval by the Regional Board Regional Board Executive Officer.

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<sup>14</sup> See definition of 'reportable quantity' in the Glossary of Terms

III. Development Planning and Construction

A. Development Planning

1. Countywide Guidelines

a. The Principal Permittee in consultation with the Permittees shall develop, as part of the Countywide Storm Water Management Plan (CSWMP), recommended Best Management Practices (BMPs) for use during planning and permitting of all development projects requiring discretionary approval by 18 months after adoption of this Order. The BMPs shall include: *not later than*

- i. Site planning practices;
- ii. Post-construction best management practices; and
- iii. Redevelopment and infill practices.

The recommendations shall consider the type of development and the potential for storm water pollution when determining the applicability of BMPs. Cost effectiveness, ease of maintenance, and consistency with other environmental mandates may be considered.

For utilization where increased storm water discharge rates will result in an increase in downstream erosion potential, the recommendations shall include BMPs which can be used to maintain peak runoff rates at pre-development levels to the maximum extent feasible.

b. The Principal Permittee in consultation with the Permittees shall develop not later than 6 months after Regional Board Executive Officer approval of the BMPs in III.A.1.a. Standard Urban Storm Water Mitigation Plans and guidelines for their preparation. The Plans shall incorporate the appropriate elements of the recommended BMPs in the Countywide Guidelines. At the minimum, standard plans and guidelines shall be prepared for the following development categories:

- i. a 100+ home subdivision;
- ii. a 10-home subdivision,
- iii. a 100,000+ square-foot commercial development,
- iv. ~~an automotive repair shop~~ (v) a retail gasoline outlet,
- vi. a restaurant, and
- vii. a hillside-located single-family dwelling.

2. Prioritization of Development Projects



- a. Priority Projects are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines may have a potential significant effect on storm water quality.
- b. Exempt Projects are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines will not have a potential significant impact on storm water quality.

As part of the CSWMP, <sup>not later than</sup> the Principal Permittee, in consultation with the Permittees, shall develop a documented system, such as a checklist, for determining "potential significant effect" as well as a list of specifically exempt projects by 18 months after adoption of this Order. Each Permittee shall incorporate a substantially similar system into their procedures not later than 6 months after the approval of the documented system by the Regional Board Executive Officer. <sub>its</sub>

The documented system shall consider location of the project with respect to designated environmentally sensitive areas and the slope and erosion potential of the site and surrounding areas.

3. Planning Process

In order to integrate storm water management considerations into discretionary development projects at the time that they are first proposed to jurisdictions, and to support other provisions of this Order:

- a. The Principal Permittee in consultation with the Permittees shall develop, as part of the Countywide Plan, storm water management guidelines to use in preparing/reviewing CEQA documents, and in linking storm water quality mitigation conditions to local discretionary project approvals by 18 months after adoption of this Order. <sub>not later than</sub>

The guidelines shall address the <sup>preservation</sup> ~~presentation~~ or restoration of areas that provide water quality benefits such as riparian corridors and wetlands and promote protection of the biological integrity of drainage systems <sub>shall</sub> and water bodies.

Each Permittee shall review the Guidelines for the purpose of making appropriate modifications in their internal procedures not later than 6 months after the Regional Board Regional Board Executive Officer's approval of the Guidelines.

- b. Each Permittee shall include watershed and storm water management considerations in the process whenever a Permittee engages in a significant rewrite of the Permittee's General Plan

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elements for:

- I. Conservation; or
- ii. Open space; or
- iii. Land-use; or
- iv. Public utilities; or
- v. Infrastructure.

4. Planning Control Measures

Each Permittee shall develop a program to implement planning control measures for priority projects (Provision III.A.2.a) consistent with the CSWMP not later than 6 months after approval of the CSWMP by the Regional Board Executive Officer. Each Permittee shall require that the project applicant submit an Urban Storm Water Mitigation Plan, and that the Permittee approve the Plan prior to the issuance of any grading or building permit. The Urban Storm Water Mitigation Plan shall incorporate by detail or reference appropriate post-construction BMPs to:

- a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the CWA, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on ~~the biological integrity of natural drainage systems and water bodies;~~
- b. Increase, to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;
- c. Decrease, to the maximum extent practicable, the amount of storm water directed to impermeable areas and to the MS4;
- d. Decrease, to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs such as retention, infiltration, and good housekeeping;
- e. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and
- f. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.

The Permittee may refer applicants to the *Best Management Practices*

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Handbooks, California Storm Water Quality Task Force, Sacramento, CA, 1992, and its revisions; the Countywide Storm Water Management Plan, USEPA Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, Issued under the Authority of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990, Document No. EPA 840 B 92-002 (1993), and similar manuals for specific guidance on selecting post-construction BMPs for reducing pollutants in storm water discharges.

5. Developer Information Program

The Principal Permittee shall develop a model program <sup>not later than</sup> by 18 months after adoption of this Order to inform developers seeking discretionary approvals about:

- a. Development and construction storm water management;
- b. Maximization of pervious areas and storm water infiltration (where geology and topography permit); and
- c. Cost effective storm water pollution control measures.

The program shall provide specific guidance on selecting BMPs to reduce pollutants in storm water discharges from urbanized areas, and include appropriate BMPs, educational materials and handbooks and guidelines described in Provision III.A.4.

Each Permittee shall implement a developer information program consistent with the model program not later than 6 months after approval of the model by the Regional Board Regional Board Executive Officer. Each Permittee's program shall include information about its legal authorities. Permittees are encouraged to engage in joint efforts in implementing the program.

B. Development Construction

1. Countywide Guidelines

The Principal Permittee in consultation with the Permittees and appropriate stakeholder organizations shall develop <sup>not later than</sup> by 14 months after adoption of this Order, as part of the Countywide Plan, minimum recommended requirements and Best Management Practices (BMPs) for all development project construction activities. Requirements and BMPs appropriate for various activities shall be developed along with checklists for use in design and inspection. The Countywide Guidelines shall:

- a. Include erosion and sediment control practices;
- b. Address multiple construction activity related pollutants;

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- c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;
- d. Target construction areas and activities with the potential to generate significant pollutant loads;
- e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste and other pollutants from construction activity;
- f. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
- g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site.
- h. Require, to the maximum extent practicable, containment of non-storm water from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

2. Construction Control Measures

a. Each Permittee shall develop a regulatory program <sup>to implement</sup> ~~activities consistent with the Countywide Guidelines~~ for construction not later than 6 months after the Regional Board Executive Officer's approval of the minimum recommended requirements and BMPs in Provision III.B.1. The Program shall require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control and storm water pollution prevention plans which include, by detail or reference, all appropriate construction BMPs contained in the Countywide Guidelines.

Priority Project plans must include a narrative discussion of the reasons used for selecting or rejecting the BMPs. In lieu of a narrative, the project architect or engineer of record may sign a statement on the plan to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality". The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities.

b. Each Permittee shall implement a procedure <sup>not later than</sup> ~~by 6 months after~~

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adoption of this Order whereby the Permittee shall not issue a grading permit for developments with disturbed areas five acres or greater unless the applicant can show that (i) a Notice of Intent (NOI) to comply with the State Construction Activity Storm Water Permit has been filed and (ii) a Storm Water Pollution Prevention Plan (SWPPP) has been prepared.

3. Site Inspection

a. The Principal Permittee, *not later than* in consultation with the Permittees, shall develop a model construction activity inspection program, which includes checklists, *by 14 months after adoption of this Order*. The model program shall include but not be limited to:

- I. Procedures for construction site inspections;
- II. Procedures to require corrective action be undertaken by contractors at noncomplying sites;
- III. Procedures for enforcement action against noncomplying construction activity; and
- IV. Appropriate training for program staff.

b. Each Permittee shall implement a construction activities inspection program containing all elements of the model not later than 6 months after the Regional Board Executive Officer's approval of the model program. The program may be integrated with the Permittees regular program of construction inspection for maximum efficiency.

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**IV. Public Agency Activities**

**A. Public Agency Model Program**

The Principal Permittee, in consultation with the Permittees, shall evaluate existing public agency activities and develop a model program to reduce the impact of public agency activity on storm water quality by 16 months after adoption of this Order.  
*(not later than)*

**B. Permittee Public Agency Programs**

Each Permittee shall develop a Public Agency Program based on the model program developed by the Principal Permittee, and an implementation schedule, not later than four months after the approval of the countywide model by the Regional Board.

**C. Program Requirements**

~~Both the model program and the Permittee programs shall at a minimum include, where applicable:~~

**1. Sewage Systems Operations**

- a. Procedures to keep sewage spills or leaks from facilities operated by a Permittee from entering the MS4 to the maximum extent practicable;
- b. Procedures to identify, repair, and remediate sanitary sewer blockages, exfiltration, overflow, and wet weather overflows from sanitary sewers operated by a Permittee to the MS4;
- c. Procedures to respond to overflows, follow-up tests, and investigate complaints;
- d. Procedures to insure that the Permittee is able to investigate any suspected connections or cross connections from the sanitary sewer systems to the MS4, using techniques such as field screening, sampling, smoke/dye testing, and TV inspection, as appropriate; and
- e. Procedures to notify public health agencies with discretionary decision authority on beach closures when there is a threat to public health.

**2. Public Construction Activities Management**

- a. Storm water management requirements for the design and

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V. Public Information and Participation

To reach as many Los Angeles County residents as possible, a comprehensive educational outreach approach shall be undertaken under this Order. In recognition of the importance of public education to effective storm water management solutions, this Order calls for immediate permittee public outreach efforts at a specified minimum level as well as a longer term effort to develop an integrated, comprehensive outreach program. As part of the immediate effort, each Permittee is expected to choose an appropriate combination of outreach tools and activities to raise public awareness of storm water issues and improve water quality in its own individual jurisdiction, with efforts at a prescribed minimum level as described below. As part of the longer term effort, each Permittee is expected to work collaboratively to develop a comprehensive outreach/education program countywide and within its watershed management area.

The objectives of the public education program are, (i) to measurably increase the knowledge of the target audiences regarding the MS4, the impacts of storm water pollution on receiving waters, and potential solutions for the target audiences to implement BMPs to reduce the problems caused, and (ii) to measurably change the behavior of target audiences by encouraging those audiences to implement appropriate solutions.

A. Immediate Outreach

1. Each Permittee shall, at a minimum, have available for distribution or reference as appropriate, by 8 months after adoption of this Order, the following:

*not later than*

a. Written Material

- i. Written materials (minimum of three types in addition to those listed below) to convey pertinent information to meet program objectives. Examples of written materials include flyers, brochures, door-hangers, newspaper articles, mail-inserts, and newsletters;
- ii. Documentation that a reasonable effort was made to list pertinent City phone numbers under the government pages of phone directories. This should be updated as necessary and should include telephone numbers for reporting clogged catch basin inlets and/or illicit discharges/dumping, and a general number for storm water management program information. These phone numbers may be city-specific or county-wide.);
- iii. Training materials for educating appropriate Permittee employees regarding compliance with applicable storm water permits;

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- iv. An up-to-date listing of contractor and developer storm water management training programs available in the area. This list should be updated annually or as needed;
  - v. An up-to-date checklist and a brochure explaining contractor and developer needs as it relates to Provision III (Development Planning/Construction) of this Order for use at a Permittee's planning/permitting counter. This should be updated annually or as needed; and
  - vi. Education materials (a minimum of three types) for targeted business sector audiences for use in site visits as per Provision V.B.2 of this Order.
- b. **Audio Material**
- Documentation that a reasonable effort was made by the Principal Permittee or on behalf of the Permittees as a whole to obtain radio broadcast public service announcements to convey information regarding storm water management.
- c. **Visual Material**
- A catch basin labeling program, including label installation and maintenance schedules, to educate the public on the ultimate destination of storm drain flows.
2. Each Permittee shall demonstrate <sup>not later than</sup> by 12 months after adoption of this Order, that it has undertaken the following activities:
- a. Distribution of outreach materials to the general public, or targeted audiences such as schools, community groups, contractors and developers at the appropriate public counters and public events; and,
  - b. Training of the appropriate Permittee employees (those whose jobs or activities potentially affect storm water quality, or those who respond to questions from the public) regarding the requirements of the storm water management program.
3. The Permittees shall complete an analysis within 30 months after adoption of this Order, of the general success of outreach materials to residents and businesses to assist in identifying and/or developing public education and outreach goals for target audiences for watershed-wide and countywide outreach and education <sup>(City and County of Los Angeles only)</sup>. Each Permittee shall assist in these efforts by their individual WMC or the EAC to identify public education and outreach goals and target audiences in the



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context of watershed-wide and county-wide outreach and education.

B. Industrial/Commercial Educational Program

Each Permittee shall develop an industrial/commercial site visit program. The purpose of such site visits will be solely educational and to provide industrial/commercial facilities with information regarding the Permittee's storm water program and to provide advice when requested, to industrial/commercial facilities in understanding and complying with the Permittee's storm water regulations. An individual Permittee may contract with existing fire department, health department, industrial waste and/or other inspection programs to conduct site visits and need not institute new and separate site visit programs. The program shall contain the following components:

1. Identification of Sources

a. The Principal Permittee in consultation with the Permittees shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers *not later than* by four months after adoption of this Order. This database will serve as a reference resource for the public, business, industry, local government, the Regional Board, and other public agencies on storm water program participation. The initial accuracy of the database will be dependent on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the industrial/commercial oversight program. No legal import is to be attributed to the database developed by the Permittees. The database format shall include at a minimum:

- i. Facility name;
- ii. Site address;
- iii. Watershed;
- iv. Applicable SIC code(s); and
- v. NPDES storm water permit coverage status, if applicable.

b. Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its jurisdiction and submit to the Principal Permittee not later than 4 months after the Principal Permittee providing the database format. The list of facilities shall include, at a minimum:

- i. All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities);
- ii. Motor vehicle repair shops, motor vehicle body shops,

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motor vehicle parts and accessories facilities, gas stations, and restaurants; and,

iii. A minimum of three additional SIC industrial/commercial groups identified as priorities by each WMC pursuant to this Order.

c. The Principal Permittee shall compile the information submitted by each Permittee into a database of industrial/commercial facilities based on the standard format ~~by 10 months after adoption of this Order.~~ This database shall include: *not later than*

i. For each four digit SIC Industry Number, primary activities that might impact runoff discharges (from national or commercial database sources); and

ii. For each four digit SIC Industry Number, primary materials that might impact runoff discharges (from national or commercial database).

2. Source Control Measures

a. The Principal Permittee in consultation with the Permittees shall develop a checklist of specific storm water BMPs for use by Permittees for each industrial/commercial SIC group requiring educational site visits under Provision V.B.2 ~~by nine months after adoption of this Order.~~ The BMPs shall: *not later than*

i. Address multiple pollutants;

ii. Initially focus on pollutant source minimization, education, good housekeeping, and site design alternatives; and

iii. Target source areas and activities with the highest potential to generate substantial pollutant loads.

After the BMP lists are developed by the Principal Permittee and approved by the Regional Board Executive Officer, each Permittee shall use the checklists as part of the outreach measures conducted during industrial/commercial site visits.

3. Educational Site Visits

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similar period of time.

C. Five-Year Storm Water Public Education Strategy

As a part of the CSWMP and subsequent WMAPs, the Five-Year Storm Water Public Education Strategy shall be developed by the Principal Permittee which elaborates steps for implementing public education programs. The strategy shall: communicate key educational information; develop educational programs for target audiences; utilize various innovative educational tools and incentives for participation; and employ effective outreach to the regions multi-ethnic communities; and conduct opinion surveys to assist in evaluating public awareness both before and after implementation of the public education programs.

The Permittees shall endeavor to coordinate public outreach efforts among themselves and with environmental groups, and pertinent public and private agencies

1. The Principal Permittee in consultation with Permittees shall develop <sup>within the</sup> months after adoption of this Order, a Five-Year Countywide Storm Water Education Strategy which addresses education/outreach issues countywide as well as by watershed, including a schedule for implementation. The strategy shall include a full range of outreach tools, from sophisticated media to simple brochures. The strategy shall identify the Permittee's responsibilities for implementation, including specific quantifiable objectives for changing knowledge and behavior.

At a minimum, the Five-Year Storm Water Education Strategy shall include actions for:

- a. Identification of land uses and activities that have a higher potential for storm water pollution and will include and/or accomplish the following:
  - i. Pollutants: The reduction of targeted pollutants of concern in a particular watershed; and
  - ii. Activity-specific: Activity-specific outreach programs shall be developed and implemented using written, audio, or visual outreach tools.

The strategy shall include activity-specific outreach programs that inform residents about the problem of illicit discharges and dumping and promote, publicize, and facilitate public reporting of these activities. The program shall also include continuing operation, maintenance, and promotion of the county-wide reporting hotline.

- b. Emphasize the importance of pollution prevention for a variety of audiences, including local residents, school-aged children, businesses and public employees whose job functions and daily lives may impact

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storm water quality and will include and/or accomplish the following:

**i. For Residents**

- aa. Educate residents on recycling and household hazardous waste disposal options. The program shall provide information on collection services, including locations and schedule, provide outreach materials on source reduction and proper use, storage, and disposal methods for household hazardous wastes; and continue to encourage residents to recycle (e.g., oil, antifreeze, glass, plastics, batteries);
- bb. Encourage residents to participate in specific storm water outreach programs. Residents shall be informed of and provided with the opportunity to share ideas and comments about the programs. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed management area or region and to receive feedback from the communities while measuring success of the program.
- cc. Educate ~~Do-it-yourselfers~~ regarding pollution prevention strategies. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed management area or region.
- dd. Promote public participation through cooperative programs to foster awareness and identification of storm water pollution issues among residents in a watershed. Catch basin labeling and other established sign programs are examples of this type of cooperative effort. Another example for cooperative outreach is an "Adopt-A-" program. Residents can "adopt" highways, storm drains, catch basins, or streams, to monitor, restore and protect them.
- ee. Residents shall be encouraged to mow vegetation surrounding their residence rather than disk.

**ii. For School Children**

School programs shall be developed and implemented wherever possible to include information on MS4s, the difference between sanitary sewers and storm drains, the importance of preventing

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the medium and large municipalities in the watershed (i.e. those with a population of 100,000 or greater).

- b. Participation: All Permittees in the WMC are encouraged to participate in the development and implementation of the special/ pilot project. Assistance provided by Permittees to the lead municipalities may include equipment, personnel resources, and other in-kind services.
- c. Project Approval: The lead municipalities on behalf of each WMC shall submit to the Regional Board Executive Officer of the Regional Board, no later than 18 months after adoption of this Order for approval, one special/ pilot project proposal for each Watershed Management Area.

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**VII. Program Reporting and Evaluation**

**A. Program Annual Report**

1. The Principal Permittee shall develop a standard program annual reporting format for use by Permittees not later than 6 months after adoption of this Order.
2. The Principal Permittee, in coordination with the Permittees, shall submit a Program Annual Report to the Regional Board by April 15 of each year. The first Annual Report is due on April 15, 1997. The Program Annual Report shall comply with 40 CFR §122.42(c) and include, at a minimum:
  - a. A review of the status of program implementation and compliance (or non-compliance) with the schedules contained in this Order as applicable to each Permittee;
  - b. A Summary of Program accomplishments by each Permittee organized by Watershed Management Areas in the areas of (i) Program Management; (ii) Illicit Connections/ Discharges; (iii) Development Planning/Construction; (iv) Public Agency Activities; (v) Public Education/Public Participation;
  - c. A Summary of BMP implementation, BMP effectiveness, Permittee level of effort, and other such measures of achieving storm water program objectives, utilizing uniform information and data collection methodology to support area to area, and year to year comparisons.
  - d. An evaluation of the effectiveness of activities performed under this Order and any recommendations to make improvements;
  - e. Any recommended changes and/or modifications to this Order, CSWMP, and/or WMAP, as applicable;
  - f. A list of additional non-storm water discharge types for potential exemption from Discharge Prohibitions, if desired, and a discussion of how the criteria for exemption have been met for each type;
  - g. A report on progress in obtaining full legal authority and/or legal controls for implementing and carrying out the Order as described in Provision 1.E.2 (Program Management), if not demonstrated by 120 days from adoption of this Order.
  - h. A list of known spill incidents that resulted in a "reportable quantity" discharge to the MS4 or any waters of the United States, including but not be limited to: the date, type, quantity, source of spill and

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The Principal Permittee shall submit a report by four years after adoption of this Order which assesses to the extent practicable the effectiveness of BMPs implemented, and make recommendations for performance standards for Watershed Management Areas. Performance standards indicate the level of implementation necessary to demonstrate that efforts are being made to control the discharge of pollutants in storm water to the maximum extent practicable.

*not later than*  
Program Evaluation Report

The Principal Permittee shall prepare and submit an integrated Receiving Water Impacts Final Report, by 24 months after adoption of this Order on the results of the receiving water impacts evaluation, feasible environmental indicators, and make recommendations on integrating storm water monitoring with a regional receiving water monitoring program.

A summary of plans or progress of the six watersheds pilot/special projects implementation as reported by lead Permittees for the six Watershed Management Areas.

Any suggested modifications and amendments to the Monitoring Program described in this Order with relevant justifications, for the Regional Board Regional Board Executive Officer's approval; and

The Principal Permittee shall submit a separate Monitoring Annual Report by August 15 of each year. The first Monitoring Annual Report is due August 15, 1997. The Monitoring Annual Report, in addition to reporting on the implementation and results of the monitoring program described in Attachment C shall include:

1. The names, titles, and telephone numbers of personnel responsible for supervising implementation of the program tasks contained in the Order, CSWMP, and/or WMAP, as applicable to each Permittee.
2. name of receiving water(s) impacted to the extent known, and remedial/corrective actions implemented; and

*not later than*  
Monitoring Annual Report

DAVID B BREARLEY

03/17/98 10:03 FAX 818 530 3818

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**RICHARDS, WATSON & GERSHON  
INITIAL COMMENTS TO MAY 15, 1996 DRAFT  
WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES  
(NPDES NO. CAS061654)**

May 17, 1996

**FINDINGS**

1. Finding No. 10, p.3-

Delete the following sentence: " However, Permittees can implement measures to minimize entry of these pollutants into storm water."

2. Finding No. 35, p.10-

Delete this finding altogether.

3. Finding No. 36, p.10-

Delete this finding altogether.

**DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS**

4. Section I, p.13-

Please modify this section to read, as follows:

"Each Permittee shall effectively prohibit non-storm water discharges originating from within its boundaries, into that portion of the municipal separate storm sewer system (MS4) which it owns or operates and into watercourses, except where such discharges are:..."

5. Section II, p.13-

Please modify this section to read, as follows:

"Receiving Water Limitations, based upon the beneficial uses, water quality objectives, and water quality standards, are contained in the Basin Plan (*Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los*



*Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994), and amendments thereto, and on ambient water quality. The discharge of storm water, or non-storm water, from a municipal separate storm sewer system (MS4) for which a Permittee/discharger is responsible shall not cause continuing or recurring nuisance or impairment of beneficial uses or exceedances of water quality objectives in the receiving waters. A Permittee will not be in violation of this Order, and in particular, any applicable Receiving Water Limitations, nor will the Permittee be required to comply with any numerical limits set forth in the Basin Plan or in any other state or federal rule, regulation or guideline, so long as it is otherwise in compliance with the Storm Water Management Program Requirements set forth in this Order."*

**STORM WATER MANAGEMENT PROGRAM REQUIREMENTS**

6. **Section I.B.1. p.15 (Responsibilities of the Permittees)-**

Please modify this section to read, as follows:

"Each Permittee shall implement within its geographic jurisdiction the following to the maximum extent practicable:...."

7. **Section I.B.2. p.15 (Responsibilities of the Permittees)-**

Please modify this section to read, as follows:

"Each Permittee shall coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of this Order applicable to such Permittee in an efficient and cost-effective manner."

8. **Section I.E. p.17 (Legal Authority)-**

In order to minimize and mitigate the possibility of constitutional conflicts arising from situation where a state agency dictates the terms of municipal ordinances for both charter and general law cities, we believe that, at the very least, this section should be modified to precisely track the provisions of 40 CFR 122.26(d)(2)(i)(D), as follows:

"Each Permittee shall demonstrate that it possesses legal authority necessary to control discharges to and from those portions of the MS4 which it operates or over it which has direct regulatory control, so as to comply with this Order. This

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legal authority may be demonstrated by either a single ordinance or a single guidance document containing all the statutes, ordinances, permits, contracts, orders or inter-jurisdictional agreements among Permittees which govern a Permittee's storm water management activities, and as required by 40 CFR 122.26(d)(2)(i)(D)."

Subsections E.1.a through 1.f. could then be deleted.

9. Section I.E.1. p.19 (BMP Substitution)-

Add a new Subsection F.1.c., as follows:

"Or, the fiscal burden of the proposed BMP identified in this Order, the CSWMP, or the WMAP is substantially greater than the proposed alternative, but does not achieve a substantially greater improvement in storm water quality."

10. Section I.G.1. p.20 (Administrative Review)-

Add the following sentence at the end of this section:

"If the Executive Officer has not responded within 120 days, the submittal shall be deemed approved and if applicable, the Permittee shall implement the submitted program components without modification."

11. Section I.G.2.b. p.21 (Administrative Review)-

Add the following sentence at the end of this section:

"If the Executive Officer has not responded within 120 days, the submitted SPCA shall be deemed approved and if applicable, the Permittee shall implement the submitted SPCA without modification."

12. Section I.G.2.c. p.21 (Administrative Review)-

Please modify the last sentence of this subsection to read, as follows:

" A Permittees will not be considered to be in violation of this Order until it is notified by the Regional Board Executive Officer in writing that the Administrative Review process set forth above has been completed and the specific facts upon which the Executive Officer has based a determination that the Permittee has not fully complied with the SPCA."

**II. ILLICIT CONNECTIONS AND ILLICIT DISCHARGES**

**13. Section II.C.1., p.23 (Exempted Discharges)-**

Please modify the first sentence of this subsection to read, as follows:

"The following non-storm water discharges are not prohibited:  
...."

**14. Section II.C.2., p.24 (Conditionally Exempted Discharges)-**

Please modify the first sentence of this subsection to read, as follows:

"The following identified non-storm water discharges are not prohibited by this Order."

**15. Section II.C.3.a., p.24 (Designated Discharges)-**

Please modify the first sentence of the third paragraph of this subsection to read, as follows:

"The Permittees will be given the opportunity to review and comment upon the City of Los Angeles report. Following such review period, the Regional Board Regional Board Executive Officer will make a determination on non-storm water management alternatives, in accordance with the procedural requirements of the Water Code and Title 23 of the California Code of Regulations for the issuance of waste discharge requirements, and upon prior notice and hearing. Permittees will have one year from the effective date of the decision to implement the non-storm water management alternative to the maximum extent practicable and where applicable."

**IV. PUBLIC AGENCY ACTIVITIES**

**16. Section C.5.c.iii. and iv., p.37 (Storm Drain Operation and Management)-**

Please delete subsections iii. and iv.

**17. Section C.5.d., p.37 (Storm Drain Operation and Management)-**

Please delete this subsection.

**18. Section C.8.a.v., p.38 (Public Industrial Facilities)-**

Please delete this subsection.

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V. PUBLIC INFORMATION AND PARTICIPATION

19. Section A.1.a.iv., p.41 (Immediate Outreach)-

Please modify the second sentence of this section to read, as follows:

"This list should be updated regularly and as needed, but not more often than once a year."

20. Section A.1.a.v., p.41 (Immediate Outreach)-

Please modify the second sentence of this section to read, as follows:

"This list should be updated regularly and as needed, but not more often than once a year; ...."

21. Section A.3., p.41 (Immediate Outreach)-

To the extent this section is included in the tentative Order, please modify the first sentence of this section to read, as follows:

"The City of Los Angeles and the Principal Permittee will jointly complete an analysis, within 30 months after adoption of this Order, of the general success of outreach materials to residents and businesses to assist in identifying and/or developing public education and outreach goals for target audiences for watershed-wide and countywide outreach and education. "

22. Section B.1.b., p.42 (Identification of Sources)-

Please modify the first sentence of this section to read, as follows:

"Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its geographic boundaries and submit to the Principal Permittee not later than 1 year after the Principal Permittee provides the Permittee with the database format."

23. Section B.1.c., p.43 (Identification of Sources)-

Please modify the first sentence of this section to read, as follows:

"The Principal Permittee shall compile the information submitted by each Permittee into a database of

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industrial/commercial facilities based on the standard format by  
18 months after adoption of this Order."

24. Section B.2., p.43 (Identification of Sources)-

This section is ambiguous with respect to the purpose of the proposed checklists. The purpose of the educational site visit program should be purely educational. In order to determine the usefulness of checklists, we would first need to know what purpose they are intended to serve.

25. Section B.3.b.iv., p.43 (Educational Site Visits)-

Please bear in mind that we have been waiting a response from the County of Los Angeles as to whether the County Fire Department or other County Agencies will be able to implement the educational site visit program described in this section as a part of existing programs conducted on behalf of contract cities. If the County is not prepared to do so, we believe that most contract cities would oppose the inclusion of Section B.3 in the permit.

In the event that the County is prepared to implement such a program, subsection B.3.b.iv. appears to cross the line between a truly educational site visit and an administrative inspection, which would require an administrative subpoena or warrant. Accordingly, to avoid constitutional problems, the section should, at the very least, be modified along the following lines:

"Advise the operator of identified Phase 1 facilities that a SWPPP should be available on-site and that a NOI should be submitted to the Regional Board or other appropriate agencies (Provided, however, the Permittee shall not be required request to see the SWPP or a NOI.); ..."

26. Section C.1.b.iv.d., p.49 (Five-Year Storm Water Education Strategy)-

Delete this subsection.

VI. MONITORING

27. Section C., p.50 (Watershed Special/Pilot Projects)-

To our knowledge, this proposal for Watershed pilot projects has not been discussed before. We believe it should be deleted.

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**VII. PROGRAM REPORTING AND EVALUATION**

28. **Section A.2, p.52 (Program Annual Report)-**

Please modify the first two sentences of this section to read, as follows:

"The Principal Permittee, in coordination with the Permittees shall submit a Program Annual Report to the Regional Board on or before each anniversary date of this Order. The first Annual Report is due one year from the effective date of this Order."

29. **Section A.2, p.52 (Program Annual Report)-**

Please modify the subsections to read, as follows:

- a. The implementation status of program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
- b. The status of, or statement of completion of all and milestones described in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
- c. Results of program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
- d. Program accomplishments by each Permittee;
- e. Public education activities;
- f. The names, titles, and telephone numbers of personnel responsible for supervising implementation of the program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
- g. An overall evaluation of the CSWMP, and/or WMAP, as applicable to each Permittee; and
- h. Any recommended changes and/or modifications to the Permit, CSWMP, and/or WMAP, as applicable."

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30. Section B. p.53 (Program Annual Report)-

Please modify this section to read, as follows:

"The Principal Permittee shall submit a separate Monitoring Annual Report by the anniversary of the date of this Order. The first Monitoring Annual Report is due one year from the effective date of this Order."

**STANDARD PROVISIONS**

31. Section II. p.54-

Please modify this section to read, as follows:

"This Order may only be modified, revoked, or reissued, prior to the expiration date, by the Regional Board, in accordance with the procedural requirements of the Water Code and Title 23 of the California Code of Regulations for the issuance of waste discharge requirements, and upon prior notice and hearing, as follows:..."

32. Section III. p.54-

Please modify this section to read, as follows:

"The issuance of this permit is not intended to, and does not, absolve any Permittee of liability for conduct which may have constituted a violation of the previous Board Order 90-079 (CA0061654, CI 6948) adopted by this Regional Board on June 18, 1990, nor is it intended to impose any liability on any Permittee or person for any conduct prior to the adoption of this Order."

33. Section IV. p.54-

Delete the phrase "under the penalty of perjury."

34. Section V. p.54-

Please modify this section to read, as follows:

"Except for enforcement purposes and applicability to the State of California Department of Transportation (Caltrans), Order No. 90-079 (NPDES Permit No. CA0061654) is hereby

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superseded and replaced by this Order from the date of the adoption of this Order."

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**RICHARDS, WATSON & GERSHON**  
ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION

May 17, 1996

CLAREN R. WATSON	GARY E. GANS
ROBERT S. BEVORLY	JOHN J. HARRIS
HARRY L. GERSHON	KEVIN S. FINNE
DOUGLAS W. BARBUS	ROBIN D. HARRIS
MARIE L. LAMMER	MICHAEL S. STRADA
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WILLIAM S. BLOLL	ALISON S. SANDER
QUINN M. BARROW	BENJAMIN BARBOUR
CAROL W. LYNER	TERENCE R. BOGA
JERREY A. RAIS	DOUGLAS A. CARLEN
GREGORY M. GUSERT	DANIEL L. FINN
THOMAS M. JARSO	LEA M. BOND
MICHAEL BEAL SANDERS	WYNNE THORN
AMANDA P. RUBBING	JENNIFER L. HERR
ROBERT C. COCCON	DANIE ARON
DAVID WEINER	ROSLANNE M. BEAL
STEVEN H. SAUFMANN	

RICHARD RICHARDS  
(1919-1998)  
THIRTY EIGHTH FLOOR  
333 SOUTH HOPE STREET  
LOS ANGELES CALIFORNIA 90071-1488  
(213) 695-6464  
FACSIMILE (213) 695-6575  
OF COURTESY  
WILLIAM K. HERRMAN  
1311719  
OUR FILE NUMBER  
C1380-00980

VIA FACSIMILE AND MAIL

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Re: Draft NPDES Permit

Dear Ms. Tyrrell:

Thank you for providing us with a copy this Wednesday afternoon of the revised version of the tentative "Waste Discharge Requirements For Municipal Storm Water Discharges Within The County Of Los Angeles (NPDES NO. CAS061654)." You have asked that we provide further comments to this revised draft by close of business on Friday, May 17. We understand that, given the short time frame, you are not expecting extensive comments at this time on this version of the permit and that we, along with other cities and interested parties, will have a full opportunity to review and comment on tentative waste discharge requirements once released.

Once we have had an opportunity to consult with our clients' staff regarding the tentative waste discharge requirements, we intend to submit further and detailed comments both on the provisions of the permit and the legal issues raised by it on behalf of many of the cities which we represent.

It is in this context that we have prepared the attached preliminary comments, based upon our cursory review of the revised permit.

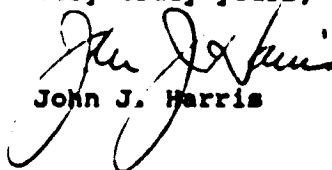
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RICHARDS, WATSON & GERSHON

May 17, 1996  
Page 2

Please do not hesitate to contact me if you have any questions regarding our initial comments.

Very truly yours,

  
John J. Harris

JJH:lj  
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cc: Xavier Swamikannu  
John Wiss  
Sharon Perlstein

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LAW OFFICES  
OLIVER, VOSE, SANDIFER,  
MURPHY & LEE  
A PROFESSIONAL CORPORATION

CHARLES S VOSE  
CONNIE COOK SANDIFER  
DUFF MURPHY  
EDWARD W LEE  
ROGER W SPRINGER  
MARY L McMASTER  
ARTHUR J HAZARABEDIAN  
JUDITH FAYE ROBERTS  
BRADLEY E. WOLMENSBERG

THE PARK  
281 S FIGUEROA STREET  
SECOND FLOOR  
LOS ANGELES, CALIFORNIA 90012  
(213) 621-7000

FACSIMILE  
(213) 621-2211

May 17, 1996

VIA FACSIMILE AND U.S. MAIL  
(213) 266-7600

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

Attn: Winnie

Re: Draft NPDES Permit

Dear Ms. Tyrrell:

Thank you for allowing us to supply you with comments on the draft permit prior to distribution. Pursuant to your request, I have put all of my comments into suggested revisions and I have limited my comments to slight refinements in language rather than substantive suggested revisions. Failure to raise other objections of course does not mean that we or any of our clients waive any additional objections.

The explanations and suggested language are as follows:

Page 7 sec. 25.

I do not understand the meaning of the third sentence of this paragraph. I think the intent may be as follows:

"This order therefore, includes narrative receiving water limitations that ~~require~~ allow storm water discharges which neither cause . . ."

Page 9 sec. 33.

As we discussed in the meeting on Thursday, the references in this paragraph to "contracting" and "activities" are very problematic. By way of example, under this language, if the

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OLIVER, VOSE, SANDIFER, MURPHY & LEE

Ms. Catherine Tyrrell  
Assistant Executive Officer  
May 17, 1996  
Page 2.

City of Covina were to contract with a copy service in downtown Los Angeles for the printing of its agendas, this paragraph could be read to require Covina to somehow oversee the practices of that copy service even though that would be out of the jurisdiction of Covina. Further, even if the copy service were in Covina this section could be read to impose additional oversight of that particular operation beyond similar operations in the City merely be virtue of the service being under temporary contract with the City. This would impose an additional but undefined layer of regulation over every entity with which the City happens to have a contract with.

Not only would such a situation create many problems to administer, it could possibly conflict with certain public bidding requirements which in certain situations require cities to contract with lowest qualified bidders. For these reasons, I suggest that the language be revised as follows:

Each Permittee owns/operates facilities ~~and/or enters into contracts with outside parties~~ to carry out activities that may impact storm water quality. As part of the Storm Water Management Program, each permittee is required to implement BMPs to reduce pollutant discharges from these activities/facilities.

Page 17 sec 1.

The time frame for compliance with the section is a little confusing. I think it would clarify matter if the following language were added to the beginning of Section 1.

"Pursuant to the time frame set forth in subsection 2 below, Each Permittee. . ."

Page 19 sec. F Header

In order to make the header consistent with the text which follows it I suggest that it be amended as follows:

"BMP and Order Requirement Substitution"

Page 45 sec. 4

In order to clarify that a petition pursuant to this section would be governed under the Section pertaining to BMP and Order Requirement Substitution I suggested adding the following language to this section:

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OLIVER, VOSE, SANDIFER, MURPHY & LEE

Ms. Catherine Tyrrell  
Assistant Executive Officer  
May 17, 1996  
Page 3.

"Pursuant to STORM WATER MANAGEMENT PROGRAM REQUIREMENTS  
Section I F Aa Permittee . . ."

Please call me if you have any questions regarding these  
suggestions.

Very truly yours,

*Mary L. McMaster*  
Mary L. McMaster  
of OLIVER, VOSE, SANDIFER,  
MURPHY & LEE

MLM:crn

cc: Charles Redden, City of Covina  
Carlos Alvarado, City of Bell  
Jim Van Winkle, City of South Pasadena  
Steve Craig, City of Calabasas  
Charles S. Vose, Esq.  
Edward W. Lee, Esq.

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23920 Valencia Blvd.  
Suite 300  
Santa Clarita  
California 91355-2196

Phone  
(805) 259-2489  
Fax  
(805) 259-8125



May 17, 1996

Dr. Robert Ghirelli  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2158

FAX (213) 266-7600  
MAY 21 PM 1:11  
RECEIVED  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

Subject: May 15, 1996 Draft of Revised NPDES Permit (CA0067654)

Dear Dr. Ghirelli:

The City of Santa Clarita appreciates the opportunity to review the May 15, 1996, draft of the Revised NPDES Permit. The California Regional Water Quality Control Board (RWQCB) called a meeting to distribute these latest revisions to the Executive Advisory Committee (EAC) on May 16, 1996, with the intention of making the document available for public review on May 20, 1996. Please be aware that the City of Santa Clarita intends to continue reviewing the latest revised draft of the permit, and will provide additional comments during the official public review period.

We appreciate that the RWQCB has responded to many of the previous comments submitted by the permittees directly and through the EAC. Our initial cursory review of the May 15 version of the draft revised permit indicates that many of our previous comments and concerns have been addressed, and that this version may be acceptable to the City with some additional refinements.

In our previous response, we indicated that we agree with the inclusion of street and sidewalk washing as a conditionally exempted discharge (Page 24, Items 2. l. and m.). However, due to the pending study and Regional Board Executive Officer's decision, we respectfully request these proposed exemptions be deleted at this time.

Again, we feel that additional revisions and clarification will be needed to make the revised permit an effective document for implementation. We look forward to working with you and your staff to reach the objectives of the RWQCB. Should you have any questions or need additional information, please contact me at (805) 255-4343.

Sincerely,

*Don Williams*

Don Williams  
Stormwater Utility Program Coordinator

DMW:MJC:kl  
mailto:ghirelli@rwqcb.org

cc: Anthony J. Nisich, P.E., City Engineer

LOGGED IN BY  
TECHNICAL SUPPORT  
Name: DEUSEN  
Date: 5.22-96

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City RWQCB	City H.L.B.	
313 266 7664	310 581 4195	310 581 4195

### Heal the Bay Memorandum

**To:** Carlos Urrunaga  
**From:** Jaque Forrest  
**Date:** May 16, 1996  
**Subject:** Suggested Wording for Designated Discharges

The suggested wording provided below does not directly "prohibit" the activity while the City of LA conducts its study, nor does it require each Permittee to perform a determination. It does however provide specific deadlines for the identification and implementation of the alternative BMP, whether it is an actual activity or the elimination of the discharge. It also means that something will happen within 1 1/2 years instead of between 2 and 3 years.

Delete l. and m. from page 24 and state 3. as follows:

The following non-storm water discharges have been determined by the Executive Officer to be pollutant sources of concern:

- municipal
- a. A street washing

- municipal
- b. A sidewalk washing

to assess the impacts of such municipal activities and to recommend

The City of Los Angeles has volunteered to conduct a study to characterize these non-storm water discharges and evaluate alternatives that will range from elimination of the discharge to development of appropriate BMPs to minimize adverse impacts to the maximum extent practicable. The City of Los Angeles will submit its recommendations to the Regional Board by one year from adoption of this Order. *if any are identified*

*not later than* The Regional Board Executive Officer *BMPs, if any,* will within three months of the submittal from the City of Los Angeles determine which non-storm water management alternatives the 1 year Permittees will be required to implement. The Permittees will have 3 months from the date of the decision to implement the non-storm water management alternative to the maximum extent practicable and where applicable. *to implement the recommended BMPs*

The Regional Board Executive Officer, upon presentation of evidence, may include other categories of non-storm water discharges under this sub-section.

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96 JUL 28 PM 1:34

QUALITY CONTROL BOARD  
LOS ANGELES REGION

June 25, 1996

Mr. Carlos Urrunaga, Engineer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Center Plaza Drive  
Monterey Park, CA 91754-2156

Re: Los Angeles County Municipal Storm  
Water Permit (CAS14001)

Dear Mr. Urrunaga:

The Castaic Lake Water Agency would like to offer the following comments on the proposed Los Angeles County Municipal Storm Water Permit (CAS14001). Our agency would like to go on record as supporting the adoption of this permit. In particular we support the exemption for stream diversions, uncontaminated groundwater, and the discharge of potable water. As these waters are of equal or superior quality to the receiving waters, it is appropriate to give them this exemption.

If you or your staff have any questions, please contact me at (805) 297-1600. Thank you for your attention.

Sincerely,

Robert C. Sagehorn  
General Manager

RCS:ljf

- DIRECTORS**
- ES "JERRY" GLADBACH
  - WILLIAM J. MANETTA, JR.
  - JAMES I. GATES
  - DONALD R. FROELICH
  - DEAN D. EFSTATIDOU
  - WILLIAM C. COOPER
  - RICHARD M. GREEN
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  - RICHARD W. BALCERZAK
  - RANDALL D. PFISTER
  - MICHAEL A. KOTCH
- GENERAL MANAGER**
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- ATTORNEY**
- ROBERT H. CLARK
- SECRETARY**
- LINDA J. FLEMING

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CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 3000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5700



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June 25, 1996

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Tami Grove, District Director  
Bill Allayaud, Coastal Nonpoint Pollution Control Program

Subject: Adoption of Municipal Storm Water Permit for Los Angeles County

96 JUN -5 PM 1:21  
CALIFORNIA COASTAL COMMISSION  
LOS ANGELES FIELD

**Recommendation:** Staff recommends that the Commission urge the Los Angeles Regional Water Quality Control Board (RWQCB) to adopt the Los Angeles County Municipal Storm Water Permit. A letter is attached for the Chairman's signature signifying this endorsement.

**Background:** Pursuant to the federal Clean Water Act, the State of California, through the State Water Resources Control Board and the Regional Water Quality Control Boards, issues permits to municipalities with greater than 100,000 population for discharges of storm water. This system of Clean Water Act discharge permits is known as the National Pollution Discharge Elimination System, or NPDES. Los Angeles County and its 85 cities received its first Municipal Storm Water Permit in June 1990. As the permit must be re-issued every five years, the action now pending before the Los Angeles RWQCB is to renew the permit, which the RWQCB plans on reviewing and acting upon at its July 15, 1996 hearing.

Attached is a letter (dated 5/23/96) from the Assistant Executive Officer of the RWQCB that explains the process that the municipalities, RWQCB, environmental and industry groups, and the public went through to bring the permit to this point. The letter also describes the major issues that arose in the process and how they have been resolved. Commissioners are encouraged to review this letter in order to receive a quick summary of the issues.

Also attached is the "Fact Sheet" prepared by the staff of the RWQCB that is used to support the action taken on the permit. Information on the water pollution problems in the region, including watershed coverage and environmental impacts, is included in the Fact Sheet. Also attached is a background primer regarding the permit.

**Relationship to the Commission's Program** The issuance of an NPDES permit does not require a coastal permit as it is not considered to be "new development" under the Coastal Act. However, it is appropriate for the Commission to comment on the permit and if it chooses, to either support or object to its issuance. Implementation of the Los Angeles County permit would be supportive of several Coastal Act sections, most notably Section 30230, which calls for the restoration of marine resources and their protection, and Section 30231, which requires the quality of coastal waters be maintained and, where feasible, restored. Most of the activities covered by the permit involve existing development, where polluted runoff during storm events comes from parking lots, roofs, and roads. The permit also addresses new construction activities and requires the permittees to have ordinances and regulations which require management practices to minimize pollutants that can reach coastal waters.

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Page Two

This permit also helps to support the implementation of the Santa Monica Bay Restoration Project Action Plan, the goal of which is to improve the water quality of Santa Monica Bay. The Commission participated in the development of this Plan and formally endorsed it in October 1994 by concurring with the determination by the U.S. EPA that the Plan is consistent with California's Coastal Management Program. Having a strong Municipal Storm Water Permit is most certainly a key factor for successful implementation of the Santa Monica Bay Action Plan because many of the primary action items in the Plan are dependent upon the cities and county carrying out the various elements of the NPDES Permit.

Finally, this permit relates to the requirement that California implement Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Section 6217 required the Commission and the State Water Resources Control Board to jointly prepare a Coastal Nonpoint Pollution Control Program (CNPCP). After over three years of development, the Commission held two public hearings on the CNPCP, endorsed it at its October 1995 meeting, and authorized the Executive Director to submit the CNPCP to U.S. EPA and NOAA. The federal guidelines for implementing Section 6217 allow the State to exempt from the CNPCP urban areas that are covered by NPDES Storm Water Permits, the concept being that management measures to control urban runoff will be mandated by the Municipal permits. The Commission and State Water Resources Control Board staff accordingly determined that all of the major urban areas along the coast, including the Los Angeles area, would be exempt from the CNPCP as far as urban runoff was concerned. The RWQCB staff has determined that the Los Angeles County Storm Water Permit implements management measures for both existing and new development consistent with the Section 6217 guidelines.

**Conclusion** Staff recommends that the Commission send a letter to the RWQCB endorsing the re-issuance of the Los Angeles County Storm Water Permit because the permit helps to meet Coastal Act concerns, is critical to implementation of the Santa Monica Bay Restoration Plan, and assists in meeting the requirements of Section 6217 of CZARA. Commission staff has reviewed this permit, as well as an earlier draft, and finds that it is a significant improvement over the 1990 permit, particularly because it directly addresses the need to have consistent management measures for planning and building new construction. The Commission will be acknowledging the difficult negotiations and compromises that have gone into the re-issuance process, and the anticipated improvements to coastal water quality, by expressing its support for adopting the permit as currently proposed.

**Attachments:** Letter for Chairman's Signature  
Letter from RWQCB Assistant Ex. Officer  
Fact Sheet from RWQCB  
Permit "Lite" for the Non-Technical Reader

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CALIFORNIA COASTAL COMMISSION

41 HILMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200



July 11, 1996

Michael I. Keston, Chairman  
Los Angeles RWQCB  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: Reissuance of Los Angeles County Municipal Storm Water Permit

Dear Chairman Keston:

The California Coastal Commission urges the Los Angeles Regional Water Quality Control Board (RWQCB) to adopt the order to reissue the Los Angeles County Municipal Storm Water Permit. The Commission believes that taking this action will advance Coastal Act policies and implementation of the Santa Monica Bay Restoration Plan, as well as the goals of Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA).

The California Coastal Act contains policies that will be furthered by adopting a comprehensive Storm Water Permit for the Los Angeles region. These provisions call for the protection and restoration of coastal waters, including streams, wetlands, and marine waters. The proposed permit will help accomplish this by focusing attention on the reduction of pollutants from both existing and new development.

Adoption of the permit is critical to the successful implementation of the Santa Monica Bay Restoration Project Action Plan which relies upon the county and its cities having an effective urban runoff control program. The Commission is of the opinion that the proposed permit is an important step toward ensuring comprehensive programs throughout the region.

Lastly, this permit is designed in a manner that is supportive of the State of California's efforts to meet the goals and objective of CZARA. This proposed permit will help advance a consistent approach to implementing management measures to control runoff from both new and existing development. We applaud the RWQCB's attention to these matters.

In conclusion, the Commission has found that the proposed permit is a significant improvement over the 1990 permit and supports its adoption. The Commission acknowledges the difficult negotiations and compromises that have been a part of the reissuance process and looks forward to improvements to coastal water quality that can be anticipated from effective implementation of the new permit. We also reaffirm our interest in supporting the work of the RWQCB through our coastal program.

Sincerely,

Louis Calcagno, Chairman

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

101 CENTRE PLAZA DRIVE  
MONTEREY PARK, CA 91734-2184  
(714) 266-7300  
FAX: (714) 266-7400



RECEIVED  
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May 23, 1996

Dear Interested Party:

CALIFORNIA  
COASTAL COMMISSION

I am pleased to send to you the enclosed documents: 1) a detailed response-to-comments on the December 18 version of the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff in Los Angeles County", and, based on these comments, 2) a revised tentative permit for your review and comment. Also attached is a memo from our attorney responding to several legal issues that were raised in comments.

The Regional Water Quality Control Board (Regional Board) requests your comments on the tentative permit by June 26, 1996. A workshop to answer questions on the permit and to discuss the monitoring program and other issues in more detail will be held on Tuesday, June 18, 1996. (The date of this workshop was changed from late May at the request of a number of cities). More information on the workshop will be provided in a future mailing. We anticipate bringing the final tentative permit to the Regional Board for adoption on July 15, 1996.

**Background**

The federal Clean Water Act requires cities to obtain NPDES permits for discharges of storm water to the municipal separate storm sewer system (MS4) and requires controls to reduce the discharge of pollutants to the maximum extent practicable. The Los Angeles Regional Water Quality Control Board issued the first "storm water" permit in June of 1990 to the municipalities within Los Angeles County. The permit attached is for the renewal of the 1990 permit.

To initiate the development of a revised permit, an advisory committee of key stakeholders was convened to work with Board staff to develop permit language. Since direct discussions with 86 jurisdictions was not practical, the Regional Board asked the County of Los Angeles (the principal permittee) to assemble a representative group of city delegates. Besides the County, three small city representatives, and the City of Los Angeles were chosen from the membership of the Storm Water Executive Advisory Committee (EAC). The environmental organization, Heal the Bay, was asked to represent the environmental perspective. This involvement was an important step to develop broad stakeholder understanding of permit issues and to reduce the likelihood of third party citizen lawsuits or appeals. And, because they must approve the final permit, a USEPA representative was also invited to participate, but was not able to attend on a regular basis due to travel restrictions. This advisory committee, often called the "negotiating group", was convened approximately a year ago and met two to three times a month through the fall to identify areas of agreement and narrow areas of disagreement.

In addition to committee meetings, Regional Board staff held two "all-cities" meetings, six

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adoption. For example, a styrofoam cup floating down the L.A. River after a storm, could be construed as violating the narrative limit which states. "No floatable materials shall be observed". The revised permit contains language that measures compliance in terms of reasonable further progress implementing the permit requirements. In other words, if a city is implementing the permit in a timely fashion, it would be considered in compliance with the permit, even if floatable materials appeared in the L.A. River after a storm.

4) **Business and public participation on permittee advisory committee** - The December draft calls for an Executive Advisory Committee (EAC), made up of a cross section of permittees, to work with the lead permittee (Los Angeles County) in devising BMPs, model programs, etc. It designates a Regional Board, industry, and environmental representative as non-voting members of the committee. Many cities indicated that they do not want the permit to designate an executive advisory committee. Or if such a committee is designated in the permit, many cities voiced opposition to designating non-city members. The solution proposed in the latest draft is to address the existence of the EAC in the Permit Findings, reinforcing its usefulness as a coordinating mechanism, but, in the text of the permit, indicate that the principal permittee must consult with permittees rather than specifying that they must consult with the EAC. Public and business sector involvement in developing programs before they are finalized and submitted to the Regional Board is strongly encouraged. The County, as principal permittee, must distribute programs developed by the county to a full mailing list of interested parties at the same time they are sent to the Regional Board. The Regional Board will not approve the programs until a forty-five day review period is completed. This approach provides greater flexibility for the principal permittee to consult either with the EAC or with any other combination of permittees brought together on specific aspects of the permit. It also provides for public review and input.

5) **Schedule for implementation** - The December draft contained the first comprehensive schedule of implementation dates. Cities raised issues regarding the feasibility of implementing programs on the schedule presented. For instance, the December draft called for permittees to provide information on resources allocated to storm water management within 30 days of budget adoption. Based on comments from the County and others, that schedule has been modified so that cities have 60 days from budget adoption to provide appropriate information to the principal permittee. Timelines have been revised in the draft tentative.

Alternative Permit

On April 25, 1996, the Regional Board received an "alternative countywide storm water management program" proposal from the EAC. Although developed through different channels, a review of the program matrix attached to the proposal demonstrates a strong correlation to the enclosed tentative permit. The introduction makes reference to adopting a shorter permit as in other parts of California. It is important to note that other areas with very brief permits have already developed voluminous countywide and/or watershed specific management plans in their applications. In those cases, the permits simply direct their implementation. Since development of these specific programs did not previously occur in Los Angeles County, the permit contains a greater amount of detail. None-the-less, the substance is essentially the same.

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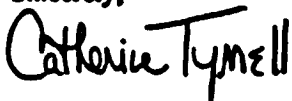
**Costs**

With the changes to the permit described above, along with reduced costs to permittees other than the principal permittee for monitoring and reporting, and with the possibility of a share in fees for construction inspections, the costs to cities have been reduced significantly. A more detailed analysis of costs is planned for completion by the June workshop. To accomplish that task, we are gathering data from municipalities relative to the cost of implementation. Discussions between Santa Monica Bay Restoration Project (SMBRP) staff and municipalities in that watershed have demonstrated that few cities have a breakdown of costs by permit task, except for the city of Los Angeles. However, the San Gabriel Valley Council of Governments has completed a permit cost survey which could form the basis of comparison - particularly for small cities. We have requested a copy of the permit cost survey but have not yet received it. Receiving it soon will be critical to accomplishing a useful analysis. We are also asking USEPA to provide us with an assessment of any significant differences bearing on costs in the revised permit requirements compared to those of Orange County and Santa Clara County.

In closing, I want to encourage your early communication with Board staff to clarify any issues you may have. To guide understanding of the permit, the SMBRP Watershed Council established a group of elected officials and communications experts to develop additional user-friendly materials on the permit. The SMBRP will soon be sending to each city council, under separate cover, a video introduction to the permit and a brief permit summary.

I trust you will find the draft tentative permit responsive to your comments, and look forward to your help in finalizing the permit which will serve as the blueprint for storm water and urban runoff protection in Los Angeles County. Should you have any questions, please call me at (213) 266-7515. The senior engineer on this permit is Winnie Jesena. She may be reached at (213) 266-7594. The staff person most knowledgeable about the details of the permit is Carlos Urrunaga and he may be reached at (213) 266-7598. Written comments on the permit should be directed to his attention.

Sincerely,



CATHERINE TYRRELL  
Assistant Executive Officer

**Enclosures:**

- 1) Response to Comments
- 2) Revised Draft Tentative Permit
- 3) Legal Memo

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**FACTSHEET  
FOR  
ORDER NO. 96-XXX  
(NPDES NO. CAS614001)**

**WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES**

**Public Notice No. 96-XXX**

**PERMITTEES:** County of Los Angeles and 85 Cities in the County (See Attachment A, List of Permittees).

**DISCHARGE AREA:** Cities and incorporated areas in the County of Los Angeles under the jurisdiction of the California Regional Water Quality Control Board, Los Angeles Region (See Attachment B, Map of the Permitted Area in Los Angeles County).

**DISCHARGES:** Storm Water and Urban Runoff

**RECEIVING WATERS:** Santa Monica Bay, Los Angeles Harbor, Long Beach Harbor, San Gabriel River, Los Angeles River, San Pedro Bay, Santa Clara River, and their tributaries; and other water bodies in Los Angeles County.

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I. PUBLIC INVOLVEMENT OPPORTUNITIES

A. Public Comment Period

Regional Board staff requests written comments on the tentative waste discharge requirements (permit) by June 26, 1996. This will give staff time to review and consider the comments, respond to them, and/or resolve major issues prior to the Regional Board consideration of the tentative permit.

Written comments should be addressed to:

California Regional Water Quality Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Attn: Carlos Urrunaga

B. Public Workshop

Regional Board staff has scheduled a public workshop as follows:

Date: June 18, 1996  
Time: 9:30 a.m.  
Location: Los Angeles City Hall  
Board of Public Works Hearing Room  
200 North Spring Street  
Los Angeles, California

At the workshop, Regional Board staff will explain the need for and requirements of the permit. The public will have the opportunity to ask questions of and converse with Regional Board staff members concerning the proposed permit. This is an informal process.

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**C. Public Hearing**

The tentative permit is scheduled for the Regional Board's consideration, during a public hearing on the following date, time, and place.

Date: July 15, 1996

Time: 9:00 a.m.

Location: County of Los Angeles  
Board of Supervisors Hearing Room  
Corner of South Grand Avenue and West Temple Street  
Los Angeles, California

Interested persons are invited to attend.

At the public hearing, Regional Board staff will once again explain the need for and requirements of the permit. Then an opportunity for formal public comment will commence. Regional Board staff will not be able to respond to comments or questions during the public hearing unless directed by the Board. The Board will hear any testimony pertinent to the waste discharges and the tentative waste discharge requirements. Oral statements will be heard; however, for accuracy of the record, all important testimony should be in writing.

**D. Information and Copying**

Persons wishing further information may write to the above address or call Carlos Urrunaga at (213) 266-7598. Copies of the application, proposed waste discharge requirements, and other documents are available at the Regional Board office for inspection and copying by appointment scheduled between the hours of 10:00 a.m. and 4:00 p.m., Monday through Thursday (excluding holidays).

**E. Register of Interested Persons**

Any person interested in being placed in the mailing list for information regarding this permit should write to the Regional Board, Attention: Carlos Urrunaga.

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II. BACKGROUND

A. The Storm Water Problem

Storm water runoff is acknowledged as a source of pollution that can damage important water resources, including streams, lakes, estuaries and wetlands, and ground water. Many recent studies have shown that runoff from urban areas typically contains significant quantities of the same general types of pollutants that are found in wastewater and industrial discharges and often causes similar water quality problems. These pollutants include heavy metals (e.g., chromium, cadmium, copper, lead, mercury, nickel, zinc), pesticides, herbicides, nutrients, bacteria, and synthetic organic compounds such as fuels, waste oils, solvents, lubricants, and grease.

In addition, the large impervious surfaces in urban areas increase the quantity and peak flows of runoff, which in turn cause hydrologic impacts such as scoured streambed channels, instream sedimentation, and loss of habitat. Furthermore, because of the enormous volume of runoff discharges, mass loads of pollutants in stormwater can be significant.

There are multiple of pollution sources that contaminate stormwater, including land use activities, operation and maintenance activities, illicit discharges and spills, atmospheric deposition, and vehicular traffic conditions. Many of these sources are not under the direct control of the permittees that own or operate the storm sewers. Impacts from storm water are highly site-specific and vary due to differences in local land use conditions geography, hydrologic conditions, and the type of receiving water.

[Source: *Guidance Manual for the Preparation of Part 2 of the NPDES Permit Applications for Discharges from Municipal Separate Storm Sewer Systems*, United States Environmental Protection Agency (USEPA) # 833-B-92-002, 1992].

B. Clean Water Act Amendments of 1987 and Subsequent Rulemaking by USEPA

Amendments to the Clean Water Act (CWA) in 1987 established new statutory requirements to control industrial and municipal stormwater discharges to waters of the United States [CWA Section 402 (p)]. The amendments require NPDES permits for storm water discharges from Municipal Separate Storm Sewer Systems (MS4s) to waters of the United States. Section 402(p)(3)(B) requires that permit for MS4s:....."(i) may be issued on a system- or jurisdiction-wide basis; (ii) shall include a requirement to effectively prohibit non-storm water discharges into the

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storm sewers; and (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

On November 16, 1990, pursuant to Section 402(p) of the CWA, the USEPA promulgated 40 Code of Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants.

**C. State Storm Water Permits**

To facilitate compliance with federal regulations, in 1992 the State Water Resources Control Board (State Board) issued two statewide general NPDES permits: one for storm water from industrial sites [NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GIASP)] and the other for storm water from construction sites [NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)]. "Industrial Activities", as defined in 40 CFR § 122.26(b)(14)(i) through (xi), and construction activities with a disturbed area of five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent with the State Board.

The State Board adopted a dual annual fee structure for industrial facilities and construction sites covered by these two general permits. Industrial facilities and construction sites located in jurisdictions with a Municipal Separate Storm Sewer System (MS4) permit are subject to a lower annual fee (\$250) than those located in jurisdictions without a MS4 permit (\$500). The intent of the dual fee structure was to allow Permittees to recover the annual fee differential or portion thereof if necessary to support the MS4 program and also provide some oversight over these facilities.

**D. Permitting Authority**

The proposed permit will be issued by the California Regional Water Quality Control Board, Los Angeles Region.

The Federal Clean Water Act allows the USEPA to delegate its NPDES permitting authority to the states with an approved environmental regulatory program. The

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State of California is one of the delegated states. The Porter-Cologne Act (California Water Code) authorizes the State Board, through its Regional Boards, to regulate and control the discharge of pollutants into waters of the State and tributaries thereto.

As a delegated State, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, the State may impose more stringent requirements necessary to implement water quality control plans for the protection of beneficial uses of receiving water, and/or to prevent nuisance.

III. **THE COUNTYWIDE MUNICIPAL STORM WATER/URBAN RUNOFF PERMIT FOR THE COUNTY OF LOS ANGELES**

A. **Order No. 90-079 (NPDES Permit No. CA0061654)**

To comply with the CWA mandate, the Los Angeles Regional Board issued the first storm water permit (Order No. 90-079) on June 18, 1990, to the municipalities (Permittees) in Los Angeles County. Because of the complexity and networking of the storm drain system and drainage facilities within and tributary to the County of Los Angeles, the Regional Board adopted a countywide approach in permitting storm water and urban runoff discharges. The County of Los Angeles has been designated as Principal Permittee under that permit. As Principal Permittee, the County is responsible for the general administration of the permit and facilitate cooperation among Permittees.

B. **Report of Waste Discharge (ROWD) and the Renewal Process**

On December 21, 1994, the County of Los Angeles in coordination with 85 cities submitted a Report of Waste Discharge as an application for renewal of the 1990 permit.

In drafting the proposed permit, Regional Board staff worked with a committee of stakeholders (known as the "negotiating group") comprised of representatives of Permittees and environmental groups. The negotiating group was convened in early 1995 and met two to three times a month through the fall of 1995 to identify areas of agreements, narrow areas of disagreements, and develop language for the renewal permit. In September 1995, a partial draft of the permit was distributed for comments to the Permittees, environmental groups, and other interested business organizations. A number of issues were raised in the comments, which Regional Board staff considered. A complete draft of the permit was distributed for comments in December 1995. Regional Board staff received a large number of comments from the Permittees, environmental groups, business

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communities, state officials, and the public. After review and consideration of the comments, Regional Board staff met with Permittees' Watershed committees, Permittees' attorneys, City elected officials (collectively and individually), environmental groups, and representatives of business organizations to discuss the requirements, respond to the comments, and resolve issues of disagreement. Enclosed is the written response to those comments.

The proposed permit (tentative Order) is the result of all those discussions and consideration of federal and state regulations.

C. Permitted Area and Receiving Water Bodies

The permitted area includes all areas within the boundaries of the cities as well as unincorporated areas in the County of Los Angeles within the jurisdiction of the Los Angeles Regional Board except the City of Avalon. The Permittees serve a population of about 11.4 million (1990 Census of Population and Housing, Bureau of the Census, U.S. Department of Commerce) in an area of approximately 3,100 square miles. Attachment B is a map of the Permitted Area in the County of Los Angeles.

D. Coordination with Other Jurisdictions

1. Discharges Within Permittees' Boundaries

There are areas within the geographical boundaries of the Permittees over which the Permittees are preempted to regulate. Such areas include federal lands and state properties, including, but not limited to, military bases, state parks, government hospitals, colleges and universities, and highways. The Permittees are not responsible for such facilities and/or discharges originating from these areas. The Regional Board may either designate these facilities as Permittees under this permit or issue separate NPDES permits to these facilities.

The California Department of Transportation (Caltrans) discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans, currently a Co-Permittee to Order No. 90-079, submitted an ROWD on July 13, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements to be issued to Caltrans will be consistent with this Order.

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2. Discharges Outside Permittees' Boundaries

There are areas outside the geographical boundaries of the Permittees that drains into receiving water bodies in the permitted area. These areas include the following:

- a. About 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay. The County of Ventura is a Permittee to Order No. 90-079. With the issuance of a permit for discharges of storm water from the MS4 in the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the County of Ventura has requested (letter dated April 6, 1996) that this area be covered under the Ventura Permit. The request stated that the County of Ventura when implementing its storm water programs will, to the maximum extent practicable, achieve consistency with the permit for Los Angeles County for the area in question.
- b. About nine square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay. The City Thousand Oaks initially opted to apply for an individual permit for the area that drains into Malibu Creek, instead of becoming a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water and urban runoff for the County of Ventura, the City of Thousand Oaks elected to be a Permittee to the Ventura permit including the areas which drains into Malibu Creek. The City of Thousand Oaks will ensure that its storm water management program for the portion that drains into Los Angeles County is consistent with requirements of the permit for Los Angeles County.
- c. About 86 square miles of areas in Orange County drain into Coyote Creek, thence into the San Gabriel River. This Regional Board will coordinate with the Santa Ana Regional Board so that storm water management programs for the areas in Orange County that drains into Coyote Creek are consistent with the requirements of the permit.

3. Permittees Discharging into Santa Clara River

The City of Santa Clarita and some unincorporated areas of Los Angeles County drain into the Santa Clara River Watershed. The lower portion of

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the watershed is located in Ventura County and is regulated under the Ventura County permit. Successful management of the entire watershed needs coordination among the City of Santa Clarita, the County of Los Angeles, and Ventura County in developing and implementing the storm water management plan for the watershed.

#### IV. BENEFICIAL USES AND CONDITION OF RECEIVING WATERS

The major receiving water bodies in the permitted area are:

- Santa Monica Bay
- Malibu Creek
- Ballona Creek
- Los Angeles River/Long Beach Harbor
- San Gabriel River/Long Beach Harbor
- Dominguez Channel/Los Angeles Harbor
- San Pedro Bay
- Santa Clara River

##### A. Basin Plan

The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, non-contact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

##### B. Condition of the Receiving Waters

Periodic Water Quality Assessments (latest report dated April 18, 1996) conducted by the Regional Board identified impairment of a number of water bodies in Los Angeles County. The beneficial uses of these water bodies are either impaired or threatened to be impaired. Pollutants found causing impairment include: heavy metals, coliform, enteric viruses, pesticides, nutrients, polycyclic aromatic

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hydrocarbons, polychlorinated biphenyls, organic solvents, sediments, trash, debris, algae, scum, and odor.

An epidemiological study [*An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay*, Santa Monica Bay Restoration Project (SMBRP), May 1996] conducted during the summer of 1995 for the SMBRP demonstrated that there is an increased risk of acute illnesses caused by swimming near flowing storm drain outlets in Santa Monica Bay.

Previous investigations conducted for the SMBRP (*An Assessment of Inputs of Fecal Indicator Organisms and Human Enteric Viruses from Two Santa Monica Storm Drains*, SMBRP, 1990; *Storm Drains as a Source of Surf Zones Bacterial Indicators and Human Enteric Viruses to Santa Monica Bay*, SMBRP, 1991; *Pathogens and Indicators in Storm Drains within the Santa Monica Bay Watershed*, SMBRP, 1992) showed pathogens were detected in summer runoff at four storm drain locations. Likely sources of pathogen contamination include illicit sewer connections to the storm drains, leaking sewer lines, malfunctioning septic systems, improper waste disposal by recreational vehicles, campers or transients. Additional potential sources of human pathogens in nearshore waters include sewage overflows into storm drains, small boats waste discharges, and bathers themselves.

Although the foregoing studies were done on the Santa Monica Bay, the results could be extrapolated to other water bodies in Los Angeles.

The Regional Board therefore considers storm water/urban runoff discharges to be significant sources of pollutants that may be causing, threatening to cause, or contributing to the impairment of the water quality and beneficial uses of the receiving water bodies in Los Angeles County, and as such need to be regulated.

**VI. PERMIT REQUIREMENTS**

**A. Authorized Discharges and Discharge Prohibitions**

This permit authorizes discharges from municipal separate storm sewers by the Permittees to the water of the State.

Since municipal separate storm sewers carry storm water and other flows, this permit authorizes the discharge of storm water commingled with other urban runoff specified in this permit. Industrial process wastewater and non-process wastewater are non-storm water discharges and cannot be authorized under this permit because of the requirement in Section 402(p)(3)(B)(ii) of the federal Clean

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Water Act that municipal permits are to prohibit non-storm water discharges to the MS4. However, such discharges to MS4 can be authorized if they receive an NPDES permit other than this stormwater permits. All other non-stormwater discharges are addressed in the Storm Water Management Program (SWMP) to detect and eliminate illicit discharges and improper disposal as required under Part 2.II. of this permit.

The discharge of storm water associated with industrial activity through MS4 is authorized by this permit, provided they obtained coverage under the State Board's general NPDES permit. For further explanation of the reasons for the separate permit requirements, see the preamble to the amendments to 40 CFR parts 122, 123, and 124 published in the Federal register, Friday, November 16, 1990.

**B. Receiving Water Limitations**

The fundamental objective of the CWA is to protect, maintain, or restore existing or potential beneficial uses of receiving waters as evaluated in 1972. Narrative and numerical criteria were developed to achieve this goal, are considered necessary by the USEPA to meet the statutory requirements of the CWA Section 303(c)(2)(A), and are to be applied to all NPDES permits including those for storm water discharges.

Also, California Water Code (CWC) Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall implement any relevant water quality control plans that have been adopted, shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, and the need to prevent nuisance.

The intent of this Order is to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes narrative Receiving Water Limitations that require storm water discharges neither cause violations of water quality objectives, cause a condition of nuisance, nor cause water quality impairment in the receiving waters.

To meet the receiving water limitations, this Order requires the implementation of BMPs to reduce pollutants in storm water to the maximum extent practicable with a monitoring program to assess compliance.

The Regional Board finds that the unique aspects of the regulation of the storm water discharges through municipal storm sewer systems, including intermittent discharges, difficulties in monitoring and limited physical control over the

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discharge, will require adequate time to implement and evaluate the effectiveness of best management practices and to determine whether they will adequately protect the receiving water. Therefore, this Order includes a procedure for determining whether storm water discharges are causing continuing and recurring exceedances of receiving water limitations and for evaluating whether the storm water management program must be revised. The Permittees will be in compliance with the Receiving Water Limitations so long as they comply with that procedure.

**C. Storm Water Management Program Requirements**

As a functional equivalent of meeting the receiving water limitations, the permittees are required to implement a comprehensive pollution prevention and management programs. As required by CWA Section 402(p)(3)(B), the SWMP must include controls necessary to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP). Controls required under the SWMP consist of a combination of best management practices, control techniques, system design and engineering methods. The various components of the SWMP, taken as a whole (rather than individually), are expected to be sufficient to meet this standard and attain the objectives of the Basin Plan. The Permittees may be required to update the SWMP periodically to ensure conformance with the statutory requirements of CWA Section 402(p)(3)(B).

Specifically, the Permittees are required to develop and implement programs in the following areas which were based on the requirements of 40 CFR Part 122.26:

1. Illicit connections and illicit discharges
2. Development planning and construction;
3. Public agency activities;
4. Public information and participation; and

The objectives of the foregoing program components required are discussed in the enclosed "Response to Comments".

The requirements of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) were also considered in this permit. CZARA requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. Pursuant to CZARA, USEPA issued *Guidance Specifying Management Measures For Sources of Nonpoint Pollution In Coastal Waters*, 1993 (EPA-840-B-92-002). The guidance focuses on five major categories of nonpoint sources that impair or

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Factsheet for Los Angeles County  
Municipal Storm Water Permit  
Order No. 96-xxx

(NPDES NO. CAS614001)

threaten coastal waters nationally: (a) agricultural runoff; (b) silvicultural runoff; (c) urban runoff (including developing and developed areas); (d) marinas and recreational boating; and (e) hydromodification. This permit includes management measures for pollution from urban runoff and marinas, thus, it provides the functional equivalence for compliance with CZARA in these two areas.

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**PERMIT "LITE"**  
**for the Non-Technical Reader**

*A Summary  
of the Los Angeles County  
Municipal Storm Water NPDES Permit*

*May 1996*

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### About Urban and Storm Water Runoff ...

Urban and storm water runoff is a serious concern, in both dry and rainy seasons. It is contaminated with pesticides, fertilizers, animal droppings, trash, food wastes, automotive by-products and other toxic substances that are part of our urban environment. Waters that flow over streets, parking lots, construction sites and industrial facilities carry these pollutants through a 5,000-mile storm drain network directly to the lakes, streams and beaches of southern California.

Urban runoff is the largest source of unregulated pollution to the waterways and coastal areas of the United States. Locally, we see the impacts in increased health risks to swimmers near storm drains, high concentrations of toxic metals in harbor and ocean sediments, and toxicity to aquatic life.

These impacts translate into losses to the County's \$2 billion a year tourism economy, loss of recreational resources, dramatic cost increases for cleaning up contaminated sediments and impaired function and vitality of our natural resources.

### History

The Clean Water Act of 1987 established requirements for storm water discharges under the National Pollution Discharge Elimination System (NPDES) program. In response to those requirements, the State of California issued a five-year permit for municipal storm water discharges to Los Angeles County in June 1990.

The 1990 permit was very general in nature, resulting in storm water programs that varied widely from city to city. The 1996 permit, a re-issuance of the 1990 permit, therefore seeks to provide better direction by specifying actions needed to comply with permit requirements.

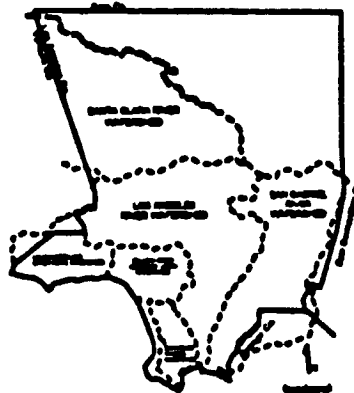
This permit is the result of 1-1/2 years of discussions between representatives of the Los Angeles Regional Water Quality Control Board (Regional Board), Los Angeles County, the City of Los Angeles, three smaller cities, and the environmental community. It also incorporates

extensive comments received from all interested parties on two earlier drafts.

The permit (formally known as an "Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles") will be considered by the Regional Board on July 15, 1996.

### Goals of the Municipal Storm Water Permit

- To attain and protect the beneficial uses of water bodies in Los Angeles County;
- To reduce pollutants in storm water to the maximum extent practicable; and
- To evaluate compliance with the objectives and requirements contained in the permit.



### Requirements of the Storm Water Management Program

In general, the permit requires implementation of both the Storm Water Management Program contained in the permit, and the elements of the Countywide Storm Water Management Plan (CSWMP) or Watershed Management Area Plans (WMAP) that will be developed pursuant to the permit.

### The Countywide Storm Water Management Plan and Watershed Management Area Plans

Much of the permit details the Storm Water Management Program elements and "what" should be included in the CSWMP. Developing the specified program elements will require that Permittees determine "how" actions will be implemented. Program elements, once developed, will then be compiled into the unified implementation plan known as the CSWMP.

The Watershed Management Area Plans are to be developed later in the permit cycle. They are based on the requirements of the permit and the CSWMP, but will also include actions that address water quality problems and concerns that are unique to the six watershed areas of Los Angeles County. Once developed and approved, the WMAP supersedes the CSWMP.

The storm water management program is comprised of seven elements, the objectives of which are to:

1. Effectively manage and coordinate implementation of the storm water program;
2. Identify and eliminate illicit connections and illicit discharges to the storm drain system;
3. Reduce storm water impacts associated with development and redevelopment projects;
4. Reduce storm water quality impacts associated with public agency activities;
5. Increase public knowledge about the impacts of storm water pollution and about actions that can be taken to prevent pollution;
6. Increase knowledge and understanding about the quality, quantity, sources, and impacts of urban runoff; and
7. Evaluate the effectiveness of implementing storm water management programs.

Summarized below are the program elements to carry out these objectives.

**Framework for Program Management**

The permit designates responsibilities for managing and executing storm water pollution reduction activities between the Principal Permittee (Los Angeles County) and Permittees (the County and the 85 municipalities).

Within this framework, the Principal Permittee must carry out responsibilities as a Permittee, as well as responsibilities on behalf of all Permittees. (The Principal Permittee, however, is not responsible for ensuring compliance of any individual Permittee.)

*The Principal Permittee's responsibilities are to:*

- Coordinate activities among Permittees, including the development of the CSWMP;
- Act as liaison between Permittees and the Regional Board;
- Provide staff and financial resources for the development of storm water management plans, program components, annual reports and other required reports;
- Convene and provide support for committees organized to implement the permit;

- Develop the Five-Year Storm Water Public Education Strategy; and
- Implement the county-wide storm water monitoring program.

*All Permittees are required to:*

- Comply with the requirements of the storm water management program and the CSWMP;
- Coordinate implementation of permit requirements within its own jurisdiction;
- Participate in developing the CSWMP;
- Provide information to the County for annual reports to the Regional Board; and
- Participate in developing Watershed Management Area Plans.

Permittees must also prepare a summary of the resources that have been dedicated to implement the storm water program, and demonstrate, through an ordinance or guidance document, that they possess the legal authority necessary to control storm water discharges within their jurisdiction.

**Elimination of Illicit Connections and Discharges**

The Clean Water Act requires that permits for municipal storm water systems prohibit all discharges of "non-storm" water. Since there are many types of "non-storm" discharges that are regulated under separate permits or are not considered significant pollutant sources, the permit exempts certain discharges from the prohibition.

However, to eliminate all non-exempt discharges, Permittees must:

- Identify and eliminate illicit connections and illicit discharges to storm drains; and
- Facilitate the public's ability to report illicit connections and discharges.

**Development Planning and Construction**

This program is designed to ensure that storm water management considerations are integrated into planning, permitting and construction of development projects. As part of this program, the County, in consultation with Cities, will prepare:

- Countywide guidelines (including recommended Best Management Practices, Standard Urban Storm Water Mitigation Plans and checklists) for development and redevelopment projects that may significantly affect storm water quality;
- Guidelines for use in preparing and reviewing CEQA documents; and

- Guidance for developers about storm water management, reducing flows from development sites, and cost-effective pollution control measures.

Each Permittee must also develop a program to carry out planning control measures for priority categories of development projects, and require submittal of Urban Storm Water Mitigation Plans prior to issuing any grading or building permit. Permittees must also incorporate watershed and storm water management considerations into any significant re-write of General Plan elements.

The Principal Permittee will develop county-wide guidelines for construction projects that may generate significant pollutant loads, and Permittees must develop regulatory and site inspection programs.

**Public Agency Activities**

Permittees are required to develop a program to reduce the impact of public agency activities on storm water quality. These programs must include the following elements, where applicable:

- Procedures to prevent and respond to spills or leaks from sewage system operations;
- Proper management, design and practices to prevent storm water impacts from public construction projects;
- Pollution prevention plans and BMPs for public vehicle maintenance/material storage facilities that may discharge pollutants into storm water;
- Procedures to minimize storm water pollution associated with landscaping activities, pools and recreation areas;
- BMPs for catch basin and storm drain maintenance;
- Street sweeping and road maintenance programs;
- A program to reduce pollutants from municipal parking lots; and
- Procedures to implement BMPs at Permittee-owned or operated industrial facilities.

**Public Information and Involvement**

Education is crucial for effective storm water management. Information and public outreach programs that encourage target audiences to implement solutions that reduce storm water pollution are cornerstones of the permit.

Education and outreach programs should be targeted to specific audiences such as residents, industrial facility operators, commercial

businesses, school children, and public agency employees.

**Immediate Outreach**

Permittees must provide materials for the general public and targeted audiences that convey information about storm water pollution and what can be done to help solve the problem. Actions can be wide-ranging – phone numbers for the public to report illegal dumping, training materials for employees regarding storm water permit compliance, and educational materials for industry/business sector site visits are but a few examples.

**Site Visits to Businesses and Industries**

Permittees must develop an educational, compliance assistance program for industries and businesses that are potential sources of urban runoff pollutants. The most important component of this program is the educational site visit. Through these visits, Permittees can explain the storm water regulations, provide businesses with information about how to minimize polluted runoff, and if requested, can assist them in understanding and complying with storm water regulations.

To reduce costs associated with instituting a new program, Permittees are encouraged to coordinate this site visit program with existing programs, such as those conducted by fire and health departments or industrial waste inspectors.

**A Five-Year Countywide Storm Water Public Education Strategy**

As part of the CSWMP and subsequent WMAPs, the County must develop a five-year countywide storm water public education strategy. This strategy—which focuses on residents, school children, businesses and public employees—will include a full range of outreach tools and methods for educating and training these audiences about why storm water pollution must be managed and what steps can be taken to prevent it.

**Monitoring**

The County must also develop a storm water quality monitoring program that will:

- Track water quality status and trends,
- Identify watershed-specific pollutants of concern;
- Improve understanding of the relationship between land uses and pollutant loads,

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- Identify sources of pollutants and evaluate significant storm water quality problems;
- Evaluate the effectiveness of storm water management programs, including pollutant reductions achieved by BMPs, and
- Increase knowledge about the impacts of runoff on receiving waters.

**Program Reporting and Evaluation**

Reporting and evaluation of results is crucial for effective storm water management. Each year, on April 15, Permittees will be required to submit a program implementation progress report to the Regional Board. This progress report must review the status of implementation, summarize accomplishments and implementation of BMPs, and recommend any changes to the storm water programs or plans.

The Principal Permittee must also submit an annual report on the results of the monitoring program. Four years after the adoption of the permit, the County must submit a report that assesses the effectiveness of BMPs that have been implemented, and make recommendations on performance standards for each Watershed Management Area. A final report on the results of the receiving water impacts assessment will also be completed.

**Conclusion**

This permit is a crucial step in maintaining the progress that has been made to improve the health and values of all water bodies in Los Angeles County. Significant achievements have been made to improve the quality of municipal sewage discharges, therefore urban runoff pollution is now the primary cause of degraded water quality in this region.

Reducing storm water and urban runoff pollution is the highest priority of the Santa Monica Bay Restoration Plan, a comprehensive watershed management plan that has been approved by Governor Wilson and U.S. EPA Administrator Carol Browner. Protecting Santa Monica Bay and the region's many lakes, streams and wetlands is vital to the economy and to the quality of life that we enjoy in Southern California.

**About the Santa Monica Bay Restoration Project ...**

The Santa Monica Bay Restoration Project is a partnership of government, environmentalists, scientists, industry and the public established in 1988 as part of the Clean Water Act National Estuary Program. Its mission is to find solutions and implement actions that restore and protect Santa Monica Bay.





Hon. Alex F. Rodriguez  
June 27, 1996  
Page 2

We are all concerned about water quality and environmental protection for our Southern California region. But I don't feel that the staff of the Los Angeles Regional Water Quality Control Board has acted in good faith or has addressed all of our concerns or explored other alternatives.

I urge you strongly to take this issue to your city council, and pass a resolution opposing the adoption of this permit before July 15, 1996.

• Thank you for your consideration.

Sincerely,



**JOSEPH C. DAWIDZIAN**  
Vice Chair, Community, Economic and Human Development Committee  
Councilmember, Redondo Beach

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INDEPENDENT CITIES ASSOCIATION  
14106 MAGNOLIA BLVD., SUITE 102, RIVER POND, CA 95070

Post-It brand fax transmittal memo 7871		# of pages = 5	
To: Winnie Jesera	From: Gary		
Co:	Co:		
Dept:	Phone: (818) 458-5948		
Fax: (213) 266-7626	Fax:		

July 1, 1996

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Building & Engineering Services  
City of Santa Clarita

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**OFFICERS**

- President: Barbara Messina
- Albania: [Name]
- First Vice President: Lois Shoda
- Directors: [Name]
- Second Vice President: Robert McLaughlin
- Santa Monica: [Name]
- Third Vice President: James Craig
- Gardena: [Name]
- Secretary: Barbara Riley
- Century: [Name]
- Treasurer: Mary Carnevale
- San Gabriel: [Name]
- Past President: Assoc. Duery
- Santa Clarita: [Name]

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  - Jack Wyant
  - San Fernando
- MANAGEMENT CONSULTANTS**
- GEN SPIKER AND ASSOCIATES, INC.
  - David Smith, Consultant

Honorable Mayor Carl Boyer and  
Members of the City Council  
City of Santa Clarita  
23920 Valencia Boulevard, Suite 300  
Santa Clarita, California 91355

Dear Mayor Boyer and Members of the City Council:

While the Board of Directors of the Independent Cities Association (ICA) has not taken any position as a body on the proposed National Pollution Discharge Elimination System (NPDES) permit for Los Angeles County and the cities located therein, I believe that there are significant questions still unresolved. In that regard, I urge your City Council to review the permit in detail as well as the enclosed resolution. If you agree with the comments contained in the resolution or have others, please provide that input to the California Regional Water Quality Control Board (CRWQCB). In addition to submitting written comments, you may wish to testify at the public hearing scheduled for 9:00 a.m., July 13, 1996, in the Board of Supervisors Hearing Room.

I personally am not willing to accept the conclusions of some who are recommending that cities not rock the boat on this matter. If we don't speak out decisively now, we will have no right to complain later. Please be assured that, like most issues, waste discharge has both political and technical components, and both need to be carefully addressed.

Thank you for taking time to review this very important matter and for relaying your position to the CRWQCB.

Very truly yours,

*Barbara A. Messina*

Barbara Messina  
President

cc: Enclosure

cc: George Carvalho, City Manager (w/enclosure)

**MEMBER CITIES:**

- |               |             |            |                |             |                 |                 |
|---------------|-------------|------------|----------------|-------------|-----------------|-----------------|
| Alhambra      | Chico       | El Monte   | San Diego Park | San Gabriel | San Jose        | San Luis Obispo |
| Arroyo Grande | Claremont   | El Segundo | San Dimas      | San Marcos  | San Luis Obispo | San Luis Obispo |
| Atwater       | Corona      | Fullerton  | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |
| Bakersfield   | Costa Mesa  | Gardena    | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |
| Banning       | Calver City | Glendora   | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |
| Burbank       | Downey      | Hawthorne  | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |
| Canoga Park   | Eastvale    | La Habra   | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |
| Chico         | Eastvale    | La Habra   | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |
| Chico         | Eastvale    | La Habra   | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |
| Chico         | Eastvale    | La Habra   | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |
| Chico         | Eastvale    | La Habra   | San Gabriel    | San Marcos  | San Luis Obispo | San Luis Obispo |

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_ URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, The City Council of the City of \_\_\_\_\_ is committed to taking all steps necessary for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, The City Council of the City of \_\_\_\_\_ is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) which will implement the requirements of the Clean Water Act;

WHEREAS, The Staff of the Regional Water Quality Control Board has drafted a Tentative Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) which is scheduled for public hearing on July 15, 1996;

WHEREAS, Finding 4 of the Tentative Order cites only a federal guidance document which is general in nature, and not studies shown to be relevant to water bodies in Los Angeles County;

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, Certain pollutants present in stormwater are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order;

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WHEREAS, It is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, Streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, The Clean Water Act does not require and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (*Rughey v. J&S Development Corp.*, 42 EAC 1449 (11th Cir., April 1, 1996));

WHEREAS, Inclusion of narrative receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the permittees to an impossible standard and would expose them to litigation with respect to pollutants contributed by activities which they cannot control, which litigation would be baseless in the absence of the inclusion of the receiving water limitations in the Order;

WHEREAS, The Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits alleging that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and wild freshwater habitat;

WHEREAS, The State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP");

WHEREAS, The administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board, not the Permittee Cities;

WHEREAS, The Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

WHEREAS, The Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

WHEREAS, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to the disposal of hazardous substances and hazardous wastes, and the use of pesticides, which

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are matters prescribed by federal and state law and beyond the authority of the City;

WHEREAS, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to matters which the board has defined in only vague and ambiguous terms, and not in the manner prescribed by federal regulations;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_ DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of \_\_\_\_\_ calls upon the Regional Water Quality Control Board to direct its Staff to revise the tentative Order to:

- A. Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete the Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to have a valid scientific basis and which are demonstrated to be applicable to the water body in question;
- D. Delete requirements that the permittees are to administer all or any part of the CIASP and the OCASP as those are the responsibility of the RWOCS and to require the permittee cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees;
- F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.
- G. Revise the provision relative to representations as to the legal authority of the City to conform to the requirements of the governing federal regulations and the US EPA Guidance Manual.

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7-29-1996 2:25PM

FROM LACOPW-WATER QUALITY 818 458 3534

P.5

ID:6052592489

JUL 03 '96

15:59 No.012 P.US

SECTION 2. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1996.

MAYOR \_\_\_\_\_

ATTEST:

CITY CLERK \_\_\_\_\_

I HEREBY CERTIFY THAT the foregoing Resolution was duly adopted by the City Council of the City of \_\_\_\_\_ at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 1996, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

CITY CLERK \_\_\_\_\_

APPROVED:

CITY ATTORNEY \_\_\_\_\_

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

31 CENTRE PLAZA DRIVE  
MONTEREY PARK, CA 91754-2136  
(213) 266-7300  
FAX: (213) 266-7600



July 5, 1996

Dear Councilmember:

Redondo Beach Councilmember Joseph Dawidziak recently authored a communication on Southern California Association of Governments (SCAG) letterhead which you may have received regarding the proposed revisions to the Los Angeles municipal storm water permit. Representatives of several cities called this office expressing their concern at the misinformation it contained. In addition, staff of SCAG called to apologize, indicating that the letter in no way represented SCAG policy, and was not authorized by SCAG.

In order to correct any misunderstanding on the content of the storm water permit, I suggested to SCAG officials that I would provide a fact sheet (enclosed) which provides accurate and current information on the claims made in Councilmember Dawidziak's letter.

The Regional Water Quality Control Board has made an unprecedented effort to develop with municipalities a workable storm water program in Los Angeles County. From the first, staff has been committed to the premise that only through understanding and incorporating the interests of the stakeholders could sound public policy be achieved.

The permit is the result of 18 months of discussions with affected parties, and countless meetings to hammer out differences, including even those arising from alternative municipal perspectives. Great care was taken to thoroughly review comments received from municipalities in January on the first complete draft mailed to cities in December, and to make responsive changes to the permit as evidenced in the May tentative permit. Based on comments received through the end of June, staff has continued to make language modifications to assure that all reasonable concerns are accommodated.

Councilmember Dawidziak's expressed concern for water quality and environmental protection is commendable. In that light, it is particularly unfortunate that he should have distributed such inaccurate information about the substance of the storm water permit and the permit process.

Please find attached a fact sheet addressing the points raised in Councilmember Dawidziak's letter. Please call me, at (213)266-7515, or Winnie Jesena of my staff, at (213)266-7594 if you should have any questions.

Thank you for your attention to these concerns.

Sincerely,

CATHERINE TYRRELL  
Assistant Executive Officer

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**PERMIT FACT SHEET**

- An analysis of costs to cities by the San Gabriel Valley Association of Governments was compared to an analysis of storm water program costs in municipalities throughout California. The comparison showed local costs to be at or below the average in the state.
- The Clean Water Act does not mandate that the County be a Principal Permittee. The Clean Water Act requires that municipalities (the owners/operators of the storm drain system) be issued a permit by the State on behalf of the USEPA. Because storm drains connect from one jurisdiction to another operating as an interconnected system, the county volunteered to be the Principal Permittee and to manage the countywide monitoring program. This saves each of the other permittees from paying the annual \$10,000 permit fee and the cost of the monitoring program. The County does not have the authority to operate and manage individual city storm drain systems, nor control activities in cities that will reduce pollutant inputs to the storm drain system - only cities have that authority.
- The Principal Permittee and Co-Permittees filed a report of waste discharge with the Regional Water Board in December 1994; the Regional Water Quality Control Board has worked with County Public Works and the other municipal contacts as identified through that process. Elected officials have never been identified as permittee contact persons in any city. It would be inappropriate for Regional Board staff to go over the heads of identified municipal staff. However, whenever requested, Regional Board staff has been available to meet with elected officials. Regional Board staff has also provided technical assistance to the elected officials of the Santa Monica Bay Restoration Project who prepared a video directed to elected officials on the permit. The SMBRP also prepared a short policy version of the permit which was sent out to each city council.
- The permit breaks away from the traditional command-and-control model of regulation allowing the principal permittee, along with municipalities, to develop the programs they will implement. This is the approach that cities have said they desire. The permit simply establishes timeframes (which have been modified to meet the schedules cities indicated they needed) for the development of individual elements of the storm water management program. Public review is, indeed, incorporated at multiple points into the storm water program development process.
- The permit has been written such that, if a permittee is implementing the provisions of the permit, they will not be exposed to third party lawsuits. A number of modifications have been made to accomplish this objective. However, the Clean Water Act specifically allows for citizen lawsuits if the permittee is in violation of the permit. The Regional Board has no power to change this provision of the Clean Water Act.

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State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

101 Centre Plaza Drive  
Monterey Park, California 91754  
(213) 266-7500

Public Notice No. 96-027  
Meeting - July 15, 1996  
NPDES NO. CAS614001

**PUBLIC NOTICE**  
(Govt Code Section 11125)

**CHANGE OF MEETING LOCATION AND TIME**

The California Regional Water Quality Control Board regular meeting on July 15, 1996, was previously noticed (Public Notice No. 96-025) to be held at the County of Los Angeles Supervisors Hearing Room.

The location and starting time for that meeting have been changed as follows:

**Place:** Junipero Serra State Office Building  
Auditorium (Room #1138)  
107 South Broadway  
Los Angeles, California

**Starting Time:** 8:00 a.m.

The public hearing to consider the Los Angeles County Municipal Storm Water Discharge Permit will begin no sooner than 10:30 a.m.

Please direct any questions to Carlos Urrunaga, Environmental Specialist III, at (213) 266-7598.

Date: 05 July 1996

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MAILING LIST

A.L. Villar  
1847 Roscamare Road  
Los Angeles, CA 90077

Mr. Ronald Vincente Allen, Esq.  
4041 E. Massachusetts Street  
Long Beach, CA 90814-2826

Mrs. Terry Maglietto  
1233 W. 187th Place  
Gardena, CA 90248

Mr. John M. Apoian  
421 North Maria Avenue  
Redondo Beach, CA 90277

Mrs. Laura Escandon  
12547 Promontory Road  
Los Angeles, CA 90049

Mrs. Veronica M. Fletcher  
23920 Anza Ave. #121  
Torrance, CA 90505

Mrs. Laurie Gooch  
28721 Conejo View  
Agoura Hills, CA 91301

Mr. Daniel Brown  
219 Shell Street  
Manhattan Beach, CA 90266

Mrs. Robin Shean  
533 Washington Blvd.  
Venice, CA 90292

Mrs. Susanne L. Veneklasen  
14010 Captains Row #350  
Marina del Rey, CA 90292

Mrs. Nancy Jones  
4304 Bakman Avenue  
North Hollywood, CA 91602

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State Water  
Resources  
Control Board

Mailing Address:  
P.O. Box 100  
Sacramento, CA  
95812-0100

901 P Street  
Sacramento, CA  
95814  
(916) 657-0783  
FAX (916) 657-1011



Pete Wilson  
Governor

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JUN 28 1996

Mr. Ronald Vincente Allen, Esq.  
4041 E. Massachusetts Street  
Long Beach, CA 90814-2826

Dear Mr. Allen:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

Thank you for your recent letter to Governor Wilson regarding the Los Angeles County Municipal Storm Water NPDES Permit. The State Water Resources Control Board (SWRCB) has been asked to respond to your letter.

The Municipal Storm Water NPDES Permit reissuance for Los Angeles County is currently under consideration by the Los Angeles Regional Water Quality Control Board. The permit is in the public comment phase of the permit process. This is the appropriate time for any interested party, such as yourself, to be involved with comments on the permit. Because this is an issue before the Regional Water Quality Control Board, Los Angeles Region, your comments will be forwarded to them for their consideration.

We appreciate public involvement in our permitting process. We also appreciate the efforts of members of the public such as yourself in helping to protect water quality.

If you have any questions, please telephone Maryann Jones, the staff person most knowledgeable on this subject, at (916) 657-0783. You may also call Bruce Fujimoto, Chief of the Storm Water Unit, SWRCB, at (916) 657-0908.

Sincerely,

Original Signed by  
Jesse Diaz

Jesse M. Diaz, Chief  
Division of Water Quality

cc: Robert Ghirelli, D.Env.  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

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EPA

State Water Resources Control Board

Mailing Address: P.O. Box 100 Sacramento, CA 95812-0100

901 P Street Sacramento, CA 95814 (916) 657-0783 FAX (916) 657-1011



Pete Wilson Governor

VOL 5

TO: Mr. John M. Apoian

421 North Maria Avenue Redondo Beach, CA 90277

Dear Mr. Apoian:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

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If you have any questions, please telephone Maryann Jones, the staff person most knowledgeable on this subject, at (916) 657-0783. You may also call Bruce Fujimoto, Chief of the Storm Water Unit, SWRCB, at (916) 657-0908.

Sincerely,

Original signed by Jesse Diaz

Jesse M. Diaz, Chief Division of Water Quality

cc: Robert Ghirelli, D.Env. California Regional Water Quality Control Board, Los Angeles Region 101 Centre Plaza Drive Monterey Park, CA 91754-2156

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Our mission is to preserve and enhance the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations.

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State Water  
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P.O. Box 100  
Sacramento, CA  
95812-0100

901 P Street  
Sacramento, CA  
95814  
(916) 657-0783  
FAX (916) 657-1011



Pete Wilson  
Governor

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JUN 28 1975

Ms. Laura Escandon  
12547 Promontory Road  
Los Angeles, CA 90049

Dear Ms. Escandon:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

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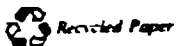
If you have any questions, please telephone Maryann Jones, the staff person most knowledgeable on this subject, at (916) 657-0783. You may also call Bruce Fujimoto, Chief of the Storm Water Unit, SWRCB, at (916) 657-0908.

Sincerely,

Original Signed by  
Jesse Diaz  
Jesse M. Diaz, Chief  
Division of Water Quality

cc: Robert Ghirelli, D.Env.  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

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*Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.*

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State Water  
Resources  
Control Board

Mailing Address:  
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Sacramento, CA  
95812-0100

901 P Street  
Sacramento, CA  
95814  
(916) 657-0783  
FAX (916) 657-1011



Pete Wilson  
Governor

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JUN 28 1995

Ms. Veronica M. Fletcher  
23920 Anza Avenue #121  
Torrance, CA 90505

Dear Ms. Fletcher:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

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Sincerely,

Original Signed by  
Jesse Diaz

Jesse M. Diaz, Chief  
Division of Water Quality

cc: Robert Ghirelli, D.Env.  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

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P.O. Box 100  
Sacramento, CA  
95812-0100

901 P Street  
Sacramento, CA  
95814  
(916) 657-0783  
FAX (916) 657-1011



Pete Wilson  
Governor

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Ms. Laurie Gooch  
28721 Conejo View  
Agoura Hills, CA 91301

Dear Ms. Gooch:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

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Sincerely,

Original Signed by  
Jesse Diaz

Jesse M. Diaz, Chief  
Division of Water Quality

cc: Robert Ghirelli, D.Env.  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

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**EPA**

State Water  
Resources  
Control Board

Mailing Address:  
P.O. Box 100  
Sacramento, CA  
95812-0100

901 P Street  
Sacramento, CA  
95814  
(916) 657-0783  
FAX (916) 657-1011



Pete Wilson  
Governor

JUN 28 1995

Mr. Daniel Brown  
219 Shell Street  
Manhattan Beach, CA 90266

Dear Mr. Brown:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

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Sincerely,

Original Signed by  
Jesse Diaz

Jesse M. Diaz, Chief  
Division of Water Quality

cc: Robert Ghirelli, D.Env.  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

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State Water Resources Control Board

Mailing Address: P.O. Box 100 Sacramento, CA 95812-0100

901 P Street Sacramento, CA 95814 (916) 657-0783 FAX (916) 657-1011



Pete Wilson Governor

VOL 5

JUN 2 1992

Ms. Robin Shean 533 Washington Blvd. Venice, CA 90292

Dear Ms. Shean:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

Thank you for your recent letter to Governor Wilson regarding the Los Angeles County Municipal Storm Water NPDES Permit. The State Water Resources Control Board (SWRCB) has been asked to respond to your letter.

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If you have any questions, please telephone Maryann Jones, the staff person most knowledgeable on this subject, at (916) 657-0783. You may also call Bruce Fujimoto, Chief of the Storm Water Unit, SWRCB, at (916) 657-0908.

Sincerely,

Original Signed by Jesse Diaz

Jesse M. Diaz, Chief Division of Water Quality

cc: Robert Ghirelli, D.Env. California Regional Water Quality Control Board, Los Angeles Region 101 Centre Plaza Drive Monterey Park, CA 91754-2156

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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

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State Water  
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Mailing Address:  
P.O. Box 100  
Sacramento, CA  
95812-0100

901 P Street  
Sacramento, CA  
95814  
(916) 657-0783  
FAX (916) 657-1011



Pete Wilson  
Governor

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JUN 28 1996

Ms. Susanne L. Veneklasen  
14010 Captains Row #350  
Marina del Rey, CA 90292

Dear Ms. Veneklasen:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

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If you have any questions, please telephone Maryann Jones, the staff person most knowledgeable on this subject, at (916) 657-0783. You may also call Bruce Fujimoto, Chief of the Storm Water Unit, SWRCB, at (916) 657-0908.

Sincerely,

Original Signed by  
Jesse Diaz  
Jesse M. Diaz, Chief  
Division of Water Quality

cc: Robert Ghirelli, D.Env.  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

00049





**EPA**

State Water  
Resources  
Control Board

Mailing Address:  
P.O. Box 100  
Sacramento, CA  
95812-0100

901 P Street  
Sacramento, CA  
95814  
(916) 657-0783  
FAX (916) 657-1011



Pete Wilson  
Governor

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L  
5

JUN 28 1996

Ms. Nancy Jones  
4304 Bakman Avenue  
North Hollywood, CA 91602

Dear Ms. Jones:

LOS ANGELES COUNTY MUNICIPAL NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT

Thank you for your recent letter to Governor Wilson regarding the Los Angeles County Municipal Storm Water NPDES Permit. The State Water Resources Control Board (SWRCB) has been asked to respond to your letter.

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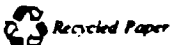
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Sincerely,

*Original Signed by*  
Jesse Diaz  
Jesse M. Diaz, Chief  
Division of Water Quality

cc: Robert Ghirelli, D.Env.  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

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May 22, 1996

Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814  
Fax: (916)445-4633

Dear Governor Wilson,

Urban runoff is the largest source of Coastal pollution to the Santa Monica and San Pedro Bays. As you know, the Santa Monica Bay Restoration Plan targets reducing storm water pollution as the plan's most important goal. Los Angeles County has suffered through a drastic reduction in the number of beach visitors (from over 80 million per year to less than 50 million) to L.A. beaches largely because many people are afraid to swim in the runoff polluted waters off our coast. Also, clogged catch basins cause hundreds of thousands of dollars in property damage every year. Urban runoff dumps tons of contaminated sediments at the mouths of the L.A. and San Gabriel Rivers and Balona Creek next to Marina Del Rey. The end result is a boater safety problem that poses severe health risks to local marine life and costly site remediation problems.

PLEASE PROTECT OUR CHILDREN WHO WILL ATTEMPT TO SWIM AND SURF AT OUR BEACHES NO MATTER HOW POLLUTED THEY BECOME!

Protect the public health, marine life, local real estate and the County's \$2 billion a year coastal tourism economy by supporting the Municipal Storm Water NPDES for Los Angeles County.

Thank you for your support.

Sincerely,  
Veronica  
Veronica M. Fletcher  
23920 Anza Ave #121  
Torrance, Ca. 90525

0051

May 13, 1996

Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814

Dear Governor Wilson:

Urban runoff is the largest source of coastal pollution to Santa Monica and San Pedro Bays. As you know, the Santa Monica Bay Restoration Plan targets reducing storm water pollution as the plan's most important goal. Los Angeles County has suffered through a drastic reduction in the number of beach visitors (from over 80 million per year to less than 50 million) to L.A. county beaches largely because many people are afraid to swim in the runoff polluted waters off our coast. Also, clogged catch basins cause hundreds of thousands of dollars in property damage every year. Urban runoff dumps tons of contaminated sediments at the mouths of the L.A. and San Gabriel Rivers and Ballona Creek next to Marina Del Rey. The end result is a boater safety problem and a contaminated sediment hot spot problem that poses severe health risks to local marine life and costly site remediation problems.

Please protect the public health, marine life, local real estate, and the County's \$2 billion a year coastal tourism economy by supporting the Municipal Storm Water NPDES permit for Los Angeles County.

Sincerely,

*Laurie Gooch*

Laurie Gooch

0052

Katie Gooch  
28721 Conejo View  
Agoura Hills, CA 91301



Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814



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Daniel Brown  
219 Shell Street  
Manhattan Beach, CA 90266

September 11, 1995

Governor Pete Wilson  
1st Floor State Capital  
Sacramento, CA 95814


RE: URBAN RUNOFF

Dear Governor Wilson:

Urban runoff is the largest source of coastal pollution to Santa Monica and San Pedro Bays. As you know, the Santa Monica Bay Restoration Plan targets reducing storm water pollution as the plan's most important goal. Los Angeles County has suffered through a drastic reduction in the number of beach visitors (from over 80 million per year to less than 50 million) to L.A. County beaches largely because many people are afraid to swim in the runoff polluted waters off our coast. Also, clogged catch basins cause hundreds of thousands of dollars in property damage every year. Urban runoff dumps tons of contaminated sediments at the mouths of the L.A. and San Gabriel Rivers and Ballona Creek next to Marina Del Rey. The end result is a boater safety problem and a contaminated sediment hot spot problem that poses severe health risks to local marine life and costly site remediation problems.

Please protect the public health, marine life, local real estate, and the County's \$2 billion a year coastal tourism economy by supporting the Municipal Storm Water NPDES permit for Los Angeles County.

Sincerely,



Daniel Brown

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Dear Governor (Leahy)

4.21.96

Urban runoff is the largest source of coastal pollution to South America and San Pedro Bay. As you know the San Pedro Bay Dredging Plan targets Reducing Dredging as the most important goal. The Corps has approved budget a waste reduction incentive of each visitor from over 80 million per year. A less than 50 million per year. Grants would be given because many people are afraid to swim in the water. To water bill our local political leaders & their brains used hundreds of thousands of dollars in property damage claims by the government. I think you should consider the interests of the residents of the islands of San Pedro and San Gabriel Islands. I'm willing to meet next week. The end result is a water quality problem.

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into a contaminated stream  
 that spot system. But also  
 severe health risks should  
 maintain life and costly site.  
 replacement systems.  
 place pipes. The public  
 health, marine life, and  
 well water, and the country.  
 #3 billion a year. Great Johnson  
 economy in supporting the  
 Municipal Water NDES  
 permit for Los Angeles County  
 Facility (New 10)

John Sean.  
533 Washington Bl  
Yuba, CA 9042



Governor Pete Wilson  
1st floor State Capitol  
Sacramento, CA 95814



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May 15, 1996

Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814  
Fax: (916) 445-4633

Dear Governor Wilson:

Urban runoff is the largest source of coastal pollution to Santa Monica and San Pedro Bays. As you know, the Santa Monica Bay Restoration Plan targets reducing storm water pollution as the Plan's most important goal.

Los Angeles County has suffered through a drastic reduction in the number of beach visitors (from over 80 million per year to less than 50 million) to the County's beaches largely because many people are afraid to swim in the runoff-polluted waters off our coast. Also, clogged catch basins cause hundreds of thousands of dollars in property damage every year. Urban runoff dumps tons of contaminated sediments at the mouths of the L.A. and San Gabriel Rivers and Ballona Creek next to Marina Del Rey. The end result is a boater safety problem and a contaminated sediment hot spot problem that poses severe health risks to local marine life and costly site remediation problems.

Please protect the public health, marine life, local real estate, and the County's \$2 billion a year coastal tourism economy by supporting the Municipal Storm Water NPDES permit for Los Angeles County.

Yours truly, *Veneklasek*  
*Suzanne L. Veneblason*  
*14010 Captains Row #350*  
*Marina del Rey CA 90292*

cc: Michael Keston, President  
California Regional Water Quality Control Board

000508



Nancy Jones  
4304 Bakman Avenue  
North Hollywood, California 91602

Dear Governor Wilson: May 16, 1996

It is imperative we continue to improve the quality of Santa Monica Bay. A beautiful beach with clean water is good for property values and for tourism. For these reasons I urge you to support the municipal storm water NPDES permit for Los Angeles County.

You have been a good Governor so please don't forget about those of us who love the Los Angeles Beaches.

Respectfully, Nancy Jones

0059

MAY 20 11:43

May 14, 1996

Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814

Fax: (916) 445-4633

Dear Governor Wilson:

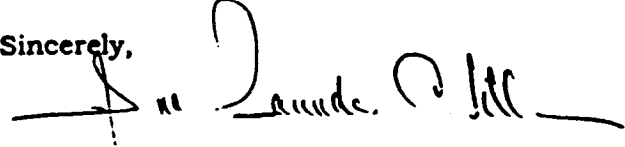
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**PLEASE PROTECT OUR CHILDREN WHO WILL ATTEMPT TO SWIM AND SURF AT OUR BEACHES NO MATTER HOW POLLUTED THEY BECOME!!!**

Protect the public health, marine life, local real estate and the County's \$2 billion a year coastal tourism economy by supporting the Municipal Storm Water NPDES for Los Angeles County.

Thank you for your support.

Sincerely,



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00500

A.L. Villar  
1847 Rosemora Rd.  
L.A. Ca. 90077



Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA. 95814



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Allen  
Rosaire-Vincent, Assoc., Inc.  
4041 E. Massachusetts Street  
Long Beach, CA 90814-2826  
2826  
May 15, 1998

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L  
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Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814

Dear Governor Wilson,

Please support the Municipal Storm Water NPDES permit for Los Angeles County. It is necessary to protect the public health, marine life, local real estate and the County's \$2 billion/year coastal tourism economy.

Urban runoff into the bay is the largest source of coastal pollution to Santa Monica and San Pedro Bays. As you know, the Santa Monica Bay Restoration Plan targets reduction of storm water pollution as the Plan's most important goal.

R0030951

L.A. County has suffered through a drastic reduction of beach visitors because people are afraid to swim in the bays. Clogged catch-basins cause costly damage to property each year. And urban run-off dumps tons of contaminated sediments at the mouths of the L.A. and San Gabriel Rivers and Ballona Creek near Marina Del Rey. The end result is water unsafety, contaminated sediment deposits, and severe health risks for residents and visitors.

Michael Keaton  
Michael Keaton, Pres.

Please give your consideration of this matter.  
Michael Keaton

000992

TUESDAY, MAY 7, 1996 / F

# Bay Study Links Drain Outlets, Swimmer Illness

By JAMES RAINEY  
TIMES STAFF WRITER

An unprecedented health survey shows that Santa Monica Bay beach-goers who swim near storm drains are almost 50% more likely to contract colds, sore throats, diarrhea and other illnesses than those who swim farther away from cleaner water.

Scheduled to be released today, the research by USC epidemiologist Robert W. Haile confirms for the first time anecdotal evidence that Los Angeles' most popular recreational resource makes some people sick.

But the Santa Monica Bay Restoration Project and other sponsors said the exhaustive survey of swimmers gives reason for some optimism, since the risk of illness decreases dramatically for those who swim 100 yards or more from the dozen drains that typically empty into the bay year-round.

Swimmers outside the drainage areas were far less likely to fall ill, perhaps little more than if they had swum in a pool or stayed out of the water altogether.

Please see BAY, A18

Walt Rogers State Beach was of unwee beaches targeted by health study that found that swimming near storm drains can cause illness.



VOL 5

000597

# BAY: Study Says Runoff Makes Swimmers Ill

Continued from A1

The good news is that of the bay's 50 plus mile coastline less than two miles are problematic—a summary of the report said.

The Santa Monica Bay Restoration Project—a consortium of cities, businesses, environmental groups and government agencies—commissioned the survey as one of the top priorities in its five-year plan to clean up the bay.

The epidemiology study, the first of its kind in the nation, surveyed 15,492 people who went into the water last summer at three locations—Surfrider Beach in Malibu, Will Rogers State Beach in Pacific Palisades and Santa Monica State Beach, one mile south of the Santa Monica Pier. Interviewers reached most of the participants a week or two later to determine how many had become ill.

In response to the survey's findings, Los Angeles County officials are putting more adamant warning signs to be placed near storm drains, and county lifeguards are pledging to issue stronger admonitions against swimming in polluted waters. The findings also could push ahead stalled talks among 34 cities on how best to clean urban runoff that flows into drains and thus into the bay.

Haile suggested that the study may have national implications.

"There are a lot of beaches subject to urban runoff," Haile said. "Are those beaches having some increased risk? The answer is probably yes, because the beaches we studied are not unique."

"Swimmers and surfers long have reported getting sick after plunging into the surf from Malibu to Torrance. Researchers had confirmed that pollution, including human waste, flowed out of some storm drains. But without a health survey, the source of the illnesses had never been confirmed."

Haile enlisted dozens of college students last summer to comb the three beaches, interviewing anyone who had put their face underwater in either the ocean or at various points near storm water streams. A control group of swimmers was interviewed about 400 yards away from the drains, locations at which the levels of bacteria and human viruses usually were found to be negligible.

The study found that those who swam near the drains were well over 50% more likely to suffer fever or vomiting, for example, than those who kept their distance from the polluted runoff.

In raw numbers, the survey projects that 373 of every 10,000 people (about 4%) swimming near drains will contract at least one symptom—cough, ear ailment, sore throat, fever, chills or some gastrointestinal disorder.

"To put it another way, that means that if you bring a classroom of 25 kids out there to swim in that polluted water, one of them is going to get at least one of these symptoms."

That's what this study shows," said Mark Gold, executive director of the environmental group Heal the Bay and a driving force behind the study.

While the survey used the swimmers nearly a quarter of a mile from storm drains

## Drainage Problems

Santa Monica Bay beach goers who swim near storm drains face a significantly higher risk of becoming ill than those who swim farther away in cleaner water. Here are the approximate locations of storm drains that typically flow year-round into the ocean.

1. Malibu Creek and Lagoon, Malibu
2. Topanga Creek, at Topanga Canyon Boulevard
3. Santa Monica Canyon, at Chautauqua Boulevard and West Channel Road
4. Montana Avenue, Santa Monica
5. Santa Monica Pier
6. Ashland Avenue, Santa Monica
7. Windward Avenue, Venice
8. Ballona Creek, Marina del Rey
9. 28th Street, Hermosa Beach
10. 16th Street, Hermosa Beach
11. Herondo Street, Redondo Beach
12. Avenue I, Redondo Beach

Note: A 1987 year-round storm drain at the base of Pacific Boulevard in Santa Monica empties directly into a sewage plant, rather than flowing directly into the ocean.

Source: Santa Monica Bay Restoration Project

as a control group, it found that the levels of illness dropped off dramatically even 100 yards from the mouths of the drains.

Too few swimmers were questioned in the study to compare the relative risks at the three beaches. Malibu Surfrider, which receives runoff from Malibu Creek, generally had the highest levels of contamination.

Pending an announcement on Friday, results of the study have been closely held.

But officials at the Los Angeles County Department of Health Services already have been briefed and have begun printing signs that will be posted near storm drains. They are more emphatic than previous messages, said Catherine Tyrrell, executive director of the Santa Monica Bay Restoration Project.

The new signs say "Warning! Storm Drain Water May Cause Illness. No Swimming." Previously, the signs cautioned bathers that storm water "may be contaminated" and urged no swimming. Health officials have agreed to post flags near the signs to attract the public's attention.

The warnings also will be printed in Spanish, an important consideration because the survey found that Latinos, particularly children, are more likely to swim in and near the polluted water. Officials speculated that the difference in usage of the contaminated water might be linked to the dearth of publicity in the Latino community about storm water pollution.

While county lifeguards will not order bathers out of polluted areas, they plan to "do our darndest to keep the people from playing or swimming in that water," said Steve

Saylor, a captain with the agency.

Researchers believe that their results have identified a pollution measure that will be more useful in the future in predicting when the ocean is unhealthy.

In the past, public health officials have relied heavily on measuring the concentration of coliforms, ubiquitous bacteria present in lawn clippings, pet droppings, human waste and many other plants and animals. Because many of those sources are not associated with human diseases, however, high coliform readings do not always mean high risk to swimmers.

Haile's study found, however, that illness is far more likely when a high percentage of the bacteria comes from human waste. Where 50% or more of the coliforms were fecal coliforms, the number of swimmers contracting respiratory illnesses more than doubled.

The survey does have its limitations.

Because it was intended to link public health to water quality on particular days, swimmers who went in the ocean more than once in 10 days were not questioned. If frequent swimmers had become ill, interviewers would not have been able to link the sickness to a particular locale and pollution condition, researchers said.

That meant that the survey necessarily excluded surfers and lifeguards. "The presumption would be that those people are at higher risk from additional exposures," Haile said. "There is a chance, on the other hand, that they would build up immunities. But doubt that, because you would have to build up resistance to so many different pathogens in the water."

Researchers did not examine possible health effects on people who waded in, otherwise did not put their faces into the water, nor did they study any of the dozens of urban storm drains that only flow into the ocean during the rainy season. Health officials have long recommended against swimming in the bay for at least 48 hours after significant rainfall.

Santa Monica Bay Restoration Project officials already are suggesting more studies, perhaps of surfers and lifeguards, targeting the health effects of repeated exposure to polluted waters.

The organization also is urging that its research be used to bolster efforts to investigate and eliminate the sources of storm water pollution. That might include the diversion of some polluted runoff to sewage treatment plants, where disease-causing organisms could be eliminated, before discharging the effluent into the ocean.

Los Angeles City Council members R. Galanter and Michael Feuer are expected today to introduce a motion calling for the diversion of more storm water to the city sewage treatment plant and requesting increased funding for public education.

Activists such as Heal the Bay's Gold say they hope that the findings will help 85 cities in the county come to some agreement on a plan to clean up the drains. That plan is for adoption July 15 but has been stalled, buckering among the cities.

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Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814  
Fax: (916)445-4633

Dear Governor Wilson,

Urban runoff is the largest source of Coastal pollution to the Santa Monica and San Pedro Bays. As you know, the Santa Monica Bay Restoration Plan targets reducing storm water pollution as the plan's most important goal. Los Angeles County has suffered through a drastic reduction in the number of beach visitors (from over 80 million per year to less than 50 million) to L.A. beaches largely because many people are afraid to swim in the runoff polluted waters off our coast. Also, clogged catch basins cause hundreds of thousands of dollars in property damage every year. Urban runoff dumps tons of contaminated sediments at the mouths of the L.A. and San Gabriel Rivers and Balona Creek next to Marina Del Rey. The end Result is a boater safety problem that poses severe health risks to local marine life and costly site remediation problems.

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Protect the public health, marine life, local real estate and the County's \$2 billion a year coastal tourism economy by supporting the Municipal Storm Water NPDES for Los Angeles County.

Thank you for your support.

Sincerely,

*Tony Maglietta*

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Terry Maglietto  
\* 1233 W. 187th Place  
Gardena, CA 90248



Governor Pete Wilson  
1st Floor, State Capitol  
Sacramento, CA 95814

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May 14, 1996

Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814

Fax: (916) 445-4633

Dear Governor Wilson:

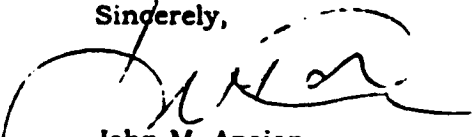
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BECOME!!!**

Protect the public health, marine life, local real estate and the County's \$2 billion a year coastal tourism economy by supporting the Municipal Storm Water NPDES for Los Angeles County.

Thank you for your support.

Sincerely,

  
John M. Apoian  
421 North Maria Avenue  
Redondo Beach, CA 90277

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R0030956

May 14, 1996

Governor Pete Wilson  
1st Floor State Capitol  
Sacramento, CA 95814

Fax: (916) 445-4633

Dear Governor Wilson:

Urban runoff is the largest source of Coastal pollution to the Santa Monica and San Pedro Bays. As you know, the Santa Monica Bay Restoration Plan targets reducing storm water pollution as the plan's most important goal. Los Angeles County has suffered through a drastic reduction in the number of beach visitors (from over 80 million per year to less than 50 million) to L.A. beaches largely because many people are afraid to swim in the runoff polluted waters off our coast. Also, clogged catch basins cause hundreds of thousands of dollars in property damage every year. Urban runoff dumps tons of contaminated sediments at the mouths of the L.A. and San Gabriel Rivers and Balona Creek next to Marina Del Rey. The end result is a boater safety problem that poses severe health risks to local marine life and costly site remediation problems.

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Thank you for your support.

Sincerely,

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Mrs. Laura Escandon  
12547 Promontory Rd  
Los Angeles, CA 90049

The Governor  
1st Floor State Capitol  
Sacramento, Ca. 95814



R0030958



Cal/EPA

State Water Resources Control Board

Mailing Address: P.O. Box 100 Sacramento, CA 95814-0100

901 P Street Sacramento, CA 95814 (916) 657-2399 FAX (916)657-0932

PPG 6/25  
CF



Pete Wilson Governor

JUN 18 1996

Winnie -

I do want this response letter included in the packet to the Bd. (cc'ed to State Bd?)

Ms. Beatrice J.S. LaPisto-Kirtley, President  
San Gabriel Valley Council of Governments  
234 North El Molino Avenue, Suite 202  
Pasadena, CA 91101-1675

Dear Ms. LaPisto-Kirtley:

WASTE DISCHARGE REQUIREMENTS/NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

Thank you for your letter of April 26, 1996 in which you express your concerns about the draft Los Angeles County Storm Water Permit. This is a reissuance of a permit that was originally adopted in 1990.

Your letter lists four recommendations for consideration by the State Water Resources Control Board (SWRCB). At this time, you should discuss these directly with staff of the Los Angeles Regional Water Quality Control Board (LARWQCB) as part of the permit negotiations.

If a discharger or a member of the public does not find a permit to be appropriate once a RWQCB has adopted the permit, they have the right to file an appeal with the SWRCB within 30 days of the adoption of the permit. By law, the SWRCB does not get involved in this process until after a permit is adopted and the permit has been appealed.

If we can be of further assistance, please telephone me at (916) 657-2399. This subject is currently under the direction of Jesse M. Diaz, Chief of the Division of Water Quality, at (916) 657-0756.

Sincerely,

Original Signed By

John Caffrey  
Chairman

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Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

R0030959

Ms. Beatrice J.S. LaPisto-Kirtley

Page Two

cc: Robert Ghirelli, D. Env.  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

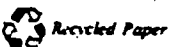
Mr. Eugene Bromley  
U.S. Environmental Protection Agency,  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Mr. Phil Richardson  
600 S. Spring Street, Room 400  
Los Angeles, CA 90014

Mr. Gary Hildebrand  
Environmental Program Division  
Los Angeles County Department of  
Public Works  
P.O. Box 1460  
Alhambra, CA 91802-1460

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*Our mission is to preserve and enhance the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations.*

R0030960



818 West Seventh Street  
12th Floor  
Los Angeles, California  
90017-3435

(213) 296-1800  
(213) 296-1825

www.scag.ca.gov

July 3, 1996

Mr. Jack Co, Chair  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

56 JUL 12 PM 2:0  
LOS ANGELES REGION

Dear Mr. Co:

As Chair of the Energy and Environment Committee, I am forwarding to the Los Angeles Regional Water Quality Control Board a copy of the letter sent to Mr. Michael I. Koston, Board Chair at the time, and dated March 28, 1996, jointly signed by Supervisor Bob Buster, President of SCAG and myself depicting SCAG's position on the NPDES Stormwater Runoff Permit.

My purpose for writing this letter is to have SCAG's policy position on record for the July 15, 1996 Public Hearing on the NPDES Stormwater Permit. This policy statement was adopted by the Energy and Environment Committee, Standing Committee on Planning, and Regional Council and is the official SCAG policy position.

We appreciate the water board's extended outreach effort to include SCAG elected representatives affected by this Permit.

Sincerely,

JUDY MIKELS  
Chair, Energy and Environment  
Supervisor, Ventura County

cc. Robert P. Ghirelli, Executive Officer  
Catherine Tyrrell, Assistant Executive Officer

- City of Los Angeles: President Mayor Pro Tem Dick Riels, Paul Dizon, Fire Port President Supervisor Truman Brubaker, Burke, Los Angeles County: Richard Alarcon, Los Angeles: Richard Alarcon, Los Angeles: Brian Azzari, Diamond Bar: Bob Barlow, Inglewood: George Ben, Bell: Hal Barrows, Los Angeles: Ben Bevan, Glendale: Marvin Brault, Los Angeles: Robert Brown, Rosemead: Linn Clark, Los Angeles: John Corvino, Carlsbad: Jim Davidson, Burbank: Doug Drummond, Long Beach: John Ferraro, Los Angeles: Michael Fourn, Los Angeles: Larry Peter, Calabasas: Seth Gillett, Los Angeles: Brian Green, Glendale: Jack Goldberg, Los Angeles: Gordon Harshman, Inglewood: Mike Harwood, Los Angeles: Max Hadden, Los Angeles: Alan Lind, West Hollywood: Barbara Silberman, Alhambra: David Myers, Palmdale: George Nelson, Torrance: Jim Oropesa, Long Beach: Shannon Price, Pomona: Mark Ralby, Thousand Oaks: Richard Rendon, Los Angeles: Albert Rubin, South Gate: Miriam Sims, Compton: Ray Smith, Bellflower: Rudy Swartz, Los Angeles: Joel Weeks, Los Angeles: Ben Whelan, Los Angeles: Judy Wright, Chatsworth: Paul Yin, South Pasadena
- City of Orange: Mayor Stephen, Orange County: Pete Bink, Los Alamitos: Jim Brown, Brea: Jim Dehn, Newport Beach: Richard Dixon, Lake Forest: Sandra Goss, Costa Mesa: Candice Haggard, San Clemente: Ben Perry, San
- City of Riverside: Bob Bunn, Riverside: Diana Dwyer, Colton: Dick Ellis, San Leronardo: Brenda: Jim
- City of San Bernardino: Larry Walker, San Jordan County: Jim Inglis, Temecula: Peter Dwyer, Brea: David Robinson, Brea: Ben Mott, San Bernardino: Gerry Norton-Perry, Chino Hills: Robert Nolin, Upland
- City of Riverside: Judy Mikels, Ventura County: Andrew Fox, Thousand Oaks: Ben Daily, Camarillo: John Johnson, Santa Rosa

0007-2



848 West Seventh Street  
12th Floor  
Los Angeles, California  
90017-3435

(213) 236-4800  
(213) 236-4801

April 17, 1998

Mr. Michael I. Keston, Chair  
California Regional Water  
Quality Control Board - Los  
Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Dear Mr. Keston:

In response to the presentations made by your staff on the proposed NPDES permitting process, elected members of the Southern California Association of Governments (SCAG) have expressed the following concerns and requested that they be relayed to you:

- The cost to implement NPDES permit (i.e., enforcement, monitoring, and public education) would be unjust to local governments.
- The proposed NPDES is an unfunded mandate. There are no funds/money mandated for local governments to pay for the NPDES' implementation.
- There is a lack of information regarding the levels of contaminants in stormwater run-offs within the region as well as their source. The committee requested copies of such studies be submitted to them for their review.
- There has been no investigation as to the feasibility of having the County Flood Control Agency take-over the responsibility of treating the stormwater run-off, or whether the County's General Obligation Bond for flood control can be revised to include the treatment for the cities' stormwater run-off.
- There is a lack of established criteria to evaluate local governments' implementation efforts. This would lead to a potential misuse of discretionary power by the Regional Water Quality Board, with their actions being arbitrary and capricious.

*[Small text listing various local government representatives and their names, including: County of Los Angeles, County of Orange, County of San Diego, etc.]*

Page 2  
NPDES Permit Process  
April 17, 1996

- There are wrong stakeholders at the decision making table. If an entity has to pay for a permit fee, such as the Building Industry Association, they should have a place at the table or a voice in the permit process.
- There has been a lack of local government/public participation and hearings in the NPDES permit process.
- If local governments are part of the problem, they are also a part of the solution and should be included in the decision making process.
- There was no enforcement mechanism defined. The standards are narrative, not numerical.
- Local governments feel that the current Executive Advisory Committee do not contain the appropriate stakeholders and are concerned that their requests are not being responded to.
- Local governments are concerned that the Los Angeles Water Quality Control Board staff are not willing to consider mediation in resolving the problems with the proposed permit process.
- By signing the NPDES permit, local governments would be held liable for not meeting narrative standards by the Regional Water Quality Control Board.

In summary, SCAG acknowledges that the stormwater runoff is a serious water quality problem and that something needs to be done to address it. Unfortunately, there are concerns that the proposed NPDES permit process being advocated by the Regional Water Quality Control Board does not address the negative impacts for local governments to implement and will not resolve the stormwater runoff pollution problem.

We are aware that the lack of an agreement on these and other issues may delay your approval process. At the March SCAG Energy and Environment Committee, we recommended mediation or facilitation to expedite the process and to resolve the outstanding issues. Attached is a copy of our mediation program. While we are sponsors of the program, the mediators are not SCAG employees. They are neutral professionals mediators with public policy and local government experience.

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Page 3  
NPDES Permit Process  
April 17, 1998

SCAG is willing to help you address these issues and concerns. If you have any further questions or need further assistance, give Bettye Werthman a call at 213/236-1832 or David Preece at (213/236-1948).

Sincerely,

*Bob Buster*

**BOB BUSTER**  
President, Association of Governments  
Supervisor, Riverside County

*Judy Mikels*

**JUDY MIKELS**  
Chair, Energy and Environment  
Supervisor, Ventura County

cc: Robert P. Ghirelli, D.Env., Executive Director  
Catherine Tyrrell, Assistant Executive Officer  
Colorado River Basin Regional Water Quality Control Board  
Santa Ana Regional Water Quality Control Board  
Lahontan Regional Water Quality Control Board

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Heal the Bay

June 26, 1996

2701 Ocean Park Blvd.  
Suite 150  
Santa Monica, CA 90405  
voice 310/581-4188 fax 310/581-4195  
e-mail: htb@earthport.org

California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza  
Monterey, CA 91754-2156

"RECEIVED BY FAX  
6/26/96"

Attention: Carlos Urrunaga

RE: LOS ANGELES COUNTY MUNICIPAL STORM WATER PERMIT, CAS614001,  
TENTATIVE ORDER DATED MAY 23, 1996

Heal the Bay is a non-profit environmental group working through a variety of research, education, public outreach, and advocacy programs to make Santa Monica Bay and southern California's coastal resources safe and healthy once again for people and aquatic life. Heal the Bay respectfully submits comments on the above-referenced permit and urges you to adopt this permit on July 15, 1996. Adoption and implementation of this permit is the single most important action to prevent pollution to Santa Monica and San Pedro Bays, and their respective watershed drainage areas. With over 50 million annual visitors to the Bay and a \$2 billion annual coastal tourism industry dependent on clean and safe beaches, the region cannot afford to do anything but adopt the permit.

The arguments by some cities that there is no scientific basis for requiring a permit with this level of stringency is unjustified. Heal the Bay will concede that there are very few studies that specifically state that an individual BMP will eliminate a specific local source of pollution. There are numerous studies, however, that document the results of non-point source pollution and its effect on the beneficial uses of receiving waters as well as the potential risks of pollution to humans and marine life. In addition, we must not lose sight of the fact that pollution prevention programs such as the one outlined in this permit will put us on the road to specifically identifying what the sources of non-point pollution are, and how best to reduce or eliminate those sources.

The results of the Santa Monica Bay Restoration Project epidemiology study have confirmed that pathogens in storm drain runoff cause illness in swimmers. This alone should be enough impetus to implement the programs outlined in the permit. Even though this study was performed in the Santa Monica Bay, the results can be extrapolated to apply to any receiving water that has a beneficial recreational use of swimming and is located at the end of a storm drain.

The heart of the program outlined in this permit is education—we must modify the behavior of every industry, business, and resident in Los Angeles County. The Los Angeles County has awarded a \$5.2 million contract to develop immediate and long-term strategies for education. These educational elements will be available to all of the cities to use in their local programs. The County's responsibility for the success of this permit leads into another issue—the cost of implementing the programs required in the permit.

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Heal the Bay believes that there are three important points to remember regarding the cost of implementing permit requirements:

1. Municipalities that instituted storm water management programs under the 1990 permit should continue to budget for and run those programs. This permit in no way eliminates the work already done, nor does it require the development of whole new programs. The permit will require the cities to evaluate their existing programs and how these programs must be modified to meet the requirements of the new permit. We recognize that there will be additional costs, but we also have made numerous suggestions as to how cities can piggyback many of the requirements of this permit into existing programs such as health and fire inspections.

2. The models and guidelines for the programs outlined in the permit will be prepared by the County and their consultant. However distasteful this may be to some entities, it may only require transferring the appropriate program elements onto a City's letterhead. In other words, the permit allows the cities enough flexibility to be effective and frugal, or to create their own programs.

3. Finally, we believe that the costs of implementing the programs in this permit have been greatly reduced by the changes in language negotiated by the participating parties. Specifically, industrial/commercial site inspections are now part of the educational outreach and are no longer inspections. The inspection requirements for construction sites less than 5 acres also are focused on education and have been rolled into the cities existing building inspection programs. Additionally, the Regional Board is investigating the possibility of reimbursing the cities' building departments for visits to construction sites greater than 5 acres, which fall into the NPDES construction program.

Heal the Bay believes that this permit is composed of common-sense practices that have been negotiated with the County, the cities and their representatives, the business and industry associations, and the construction industry associations. Hundreds of hours have been spent in stuffy rooms literally writing line-by-line requirements to reduce pollution from storm water runoff to protect the beneficial uses of our coastal resources. All of the participants are not satisfied, including Heal the Bay, nor will they be. Consensus does not mean that every City must like the permit, it means that every interested party was given the opportunity to participate in the negotiating process and offer suggestions to effect the outcome.

Just a reminder of how far the permit has come in negotiations:

- The receiving water limits section now reads so that full and timely compliance with the permit requirements is the functional equivalence of meeting the receiving water limits.
- The industrial/commercial inspections were replaced with educational site visits and the site visit frequency was reduced.

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- The development/construction section, no longer opposed by the Building Industry Association (BIA), is tailored to fit with existing building and safety inspection programs.
- The legal authority section no longer requires an ordinance, just proof of legal authority and a number of common sense prohibitions of polluting activities.
- The critical source monitoring requirements were eliminated for the cities.
- The parking lot pollution control requirements were greatly weakened.
- A section allowing the substitution or elimination of BMPs was added.
- The administrative review process was modified so that the Regional Water Board only has 120 days to approve or deny a City's submittal under the permit.

Many other changes were made to the permit that reduce the cost of implementation and, thus, make the requirements less onerous. We emphasize these points and refer you to the thousands of support letters from the general public and the hundreds of letters from the business community to underscore the necessity for the Regional Water Quality Control Board to approve the permit on July 15 without any further weakening of the language.

The outcome of the efforts of those who participated is a permit that protects the cities with its specificity and comforts the environmental community with the same. It is critical to the health of our residents, as well as the health of our receiving waters to get on with the business of preventing pollution--and away from the discussions as to how pollution prevention should occur. The "how" will become more clear with time once the County and the cities begin gathering data on the effectiveness of BMPs, but the time to begin is long overdue.

## GENERAL COMMENTS

### Receiving Water Limits

Heal the Bay is pleased that the Regional Board recognized the controversy with the receiving water limits language presented in the May 23rd draft. We are comfortable with the June 17 language which we believe resolves the controversy. We do however, refer you to NRDC's comments on this draft, and support the expectation expressed therein that the Permittees "accept and abide by provision VII.A.2.b. in Part 2, as proposed in the June 17, 1996 revisions."

### Conditionally Exempt Discharges

The Conditionally Exempted Discharges listed on this page should be revised as follows:

1. The specific types of flows associated with potable water sources should be listed as in previous drafts.

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2. "Except filter backwash" should be stated in item j., as in previous drafts. We realize that the definition of dechlorinated swimming pool water in the glossary includes this language, however, it is more appropriate to the requirement and not to the glossary. Why would anyone look up the definition of dechlorinated swimming pool discharge?
3. Why is street washing and not sidewalk washing listed? Why are you listing this activity at all since it is a designated discharge? Once the study is complete, BMPs will be recommended to mitigate the impacts of municipal sidewalk and municipal street washing. Again, we strongly recommend that you not list street washing as a conditionally exempt discharge.

#### Monitoring (Watershed Pilot Projects/Studies)

Heal the Bay strongly protests the removal of the requirement for watershed pilot projects/studies and urges the Regional Board to replace this requirement. If the language made the City with the largest population within the watershed responsible for taking a lead role in identifying and conducting one study appropriate to its watershed within the term of the permit, the requirement would be enforceable. This would alleviate the burden on the City of Los Angeles for example, to take the lead on three projects/studies since it is the largest City in three watersheds.

Furthermore, these projects will not necessarily be onerous or burdensome to the watersheds since existing funds are available through Proposition A, the Santa Monica Bay Restoration Project, and other grant programs. Cities could carefully select and design meaningful studies and consider that the results of the studies they conduct could ultimately reduce the requirements for their storm water program (e.g.; if a potential pollutant source is found not to impair beneficial uses in the watershed).

#### Implementation Schedule

Many of the time lines have been extended by at least half in the tentative draft. Heal the Bay assumes that these extensions were made to accommodate the County's schedule for development of the guidelines and models. Some extensions may be appropriate for cities to have time to implement the County's guidelines and models. We concur, however, with NRDC's comments that program requirements carried over from the first permit should have shorter time lines than those elements that are new to this permit. However, we allow flexibility in our concerns with the schedule as long as all of the programs required in the permit are implemented within the first 3 years of the term of the permit. The last two years only should focus on optimizing the existing programs, and tailoring and implementing watershed management plans.

#### **SPECIFIC COMMENTS**

P. 16 Is Part 2.I.A.(8.) supposed to replace the language in the December 18 draft that requires the Principal Permittee to "prepare and forward summaries..." of required reports, etc.? Heal the Bay would like to see that report submittal is a responsibility of the Principal Permittee.

Part 2.I.C.(1.) has been revised so that public participation on the WMC is not stated. Does this imply that public participation is excluded? If so, Heal the Bay objects to there not being even a non-voting role for the public.

**P. 17** Heal the Bay requests that the following condition be put back into Part 2.I.C.: **Support the lead municipalities in the development and implementation of watershed pilot projects/ studies. This is consistent with our request that watershed pilot projects/studies be put back in the monitoring requirements of the permit.**

**P. 20** E.l.d. Please change to: "...control of the discharge of pollution from one portion of the MS4 to another through interagency or inter-jurisdictional agreements among Permittees is encouraged."

**P. 21** It is not clear what entity will approve the BMP or requirement substitution petition. As it now reads, the petition will be submitted to the Regional Board and approved by the Executive Officer. Is this correct?

**P. 25** The time line for the development of the county-wide model illicit discharge elimination program was changed from 4 mos to 8 mos. We have no specific objection if the overall implementation of this program occurs within the first 36 months. However, since this was not "negotiated," we would like an explanation for the change.

**P. 28** The procedures for exemption described on this page do not include any time lines for approval by the Executive Officer, or when the Permittee can implement the exemption. Heal the Bay recommends that the 120 day approval time line be reiterated.

**P. 28** The development of public reporting requirements has been changed from 4 mos to 8 mos. See the comment for p. 25.

**P. 29** The program for reporting reportable quantity spills has been changed from 4 mos to 8 mos. See the comment for p. 25.

**P. 33** Move the first paragraph on P. 34 back to P. 33 following f.

**P. 40** 3.a. The first sentence of this item still needs a verb.

**P. 41** f.i.,ii. The references to Integrated Pest Management (IPM )and treatment of wash waters were deleted. The deletion of this requirement was not negotiated and Heal the Bay requests that the requirement be reinstated.

**P. 43** c. Please see our general comment regarding the deletion of the watershed pilot projects/studies.

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P. 49 The time line for the development of the database format has been changed from 4 mos to 6 mos. See comment on p. 25.

P. 49 The time line for compilation of the database has been changed from 10 mos to 16 mos. See comment on p. 25.

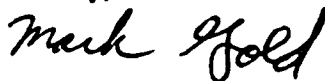
P. 50 The time line for the BMP checklist for source control measures has been changed from 9 mos to 10 mos. See comment on p. 25.

P. 50 The BMPs list developed for source control measures will be approved by the Regional Board as written in this permit. Additionally, we understand that the City of Los Angeles has requested Regional Board approval for the recommended BMPs resulting from their study of municipal sidewalk and municipal street washing, and for the BMPs presented in the countywide construction guidelines. Heal the Bay would like to comment that we are not opposed to the opportunity for public review and Regional Board approval of the general permit programs as they are developed. However, requiring Regional Board approval for numerous very specific program components does not streamline the administrative process. Please ensure that the Regional Board does not have to approve submissions more than once per year.

In summary, as a lead participant in this consensus-building and negotiating process, Heal the Bay strongly supports the May 23, 1996 tentative draft permit language, with the revised receiving water limits language proposed on June 18, 1996. We impel the Regional Board to adopt the permit as revised, and fulfill their responsibility to protect the beneficial uses of our coastal resources.

If you have any questions, please call me or Jaque Forrest at (310) 581-4188, extensions 119 or 142, respectively.

Sincerely,



Mark Gold, D. Env.  
Executive Director  
Heal the Bay



Jaque Forrest  
Staff Scientist  
Heal the Bay

cc: Maribel Marin, Natural Resources Defense Council  
Don Wolfe, County of Los Angeles, Department of Public Works  
Barbara Garrett, City of Los Angeles

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Natural Resources  
Defense Council

6310 Sun Vicente Blvd., Suite 250  
Los Angeles, CA 90048  
213 934-6900  
Fax 213 934-1210

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VIA FACSIMILE AND U.S. MAIL

LOS ANGELES REGION

June 26, 1996

Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RECEIVED R1  
FOR 6/27/96

Attn: Carlos Urrunaga

RE: Comments on the May 23, 1996 Tentative Permit

This letter sets forth the comments of the Natural Resource Defense Council and the Santa Monica BayKeeper on the Tentative Permit, dated May 23, 1996 (hereinafter the "Draft Permit" or the "Permit"). We strongly urge you to adopt the Draft Permit. This is the single, most important action the Board can take to clean up storm water pollution flowing into the ocean over the next five years. Storm water pollution is the single largest contributor to pollution of the ocean. As a result of this largely uncontrolled pollution, our beaches are often covered with trash and our waters are frequently not safe for swimming and unhealthy for marine life. Adoption of this Permit is good for Southern California residents and good for our economy. Residents and tourists alike should be able to expect clean and safe waters in which to swim.

The year-long intensive negotiation process which has resulted in this Permit has helped to identify the special needs of the Los Angeles region. The Draft Permit is comprehensive, yet flexible, and is designed to encourage implementation of cost-effective programs. Rather than forcing a "one-size-fits-all" program, the Draft Permit is uniquely tailored to allow the Permittees to develop their own Best Management Practices and implementation measures based on a watershed approach.

Because of all the effort which has been put into this Permit, the final draft is much more clear than prior drafts. Regional Board staff have been very responsive to the many comments submitted by the municipalities, environmental groups, and others which have pointed out problems in prior drafts. As a result, we feel this draft will provide Permittees with ample direction for what they need to do to control their sources of pollution and to protect our region's critical water sources. We are pleased to see that some of the weak areas which we identified in our last comments have been strengthened. While we recognize that many other areas of the permit which we requested be strengthened have remained the same, we believe the final compromise document will achieve its goals.

Overall, the Draft Permit addresses the activities which must be controlled and the programs which need to be developed. We continue to believe, however, that certain sections of the permit should be modified to be made clearer or more effective. We will first set forth below our general comments regarding the overall Permit strategy and then provide specific comments

NATURAL RESOURCES DEFENSE COUNCIL

40 West 20th Street  
New York, New York 10011  
212 727-2700  
Fax 212 727-1773

1350 New York Ave., N.W.  
Washington, DC 20005  
202 783-7800  
Fax 202 783-5917

71 Stevenson Street  
San Francisco, CA 94105  
415 777-0220  
Fax 415 495-5996

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with proposed language and other modifications

We must also reiterate our extreme concern over the continued extensions of the Permit adoption date. By now over a year has passed since the last Permit was scheduled to expire. As currently proposed, it will take at least two years or more for program implementation to begin. As evidenced by the Santa Monica Bay Restoration Project's study on swimmers' health, every delay results in more people getting sick from storm drain pollution runoff. We insist that the Regional Board fulfill its responsibility to finalize the new Permit by approving it on July 15, 1996.

#### GENERAL COMMENTS

1. Receiving Water Limitations

The language for receiving water limitations in the May 23, 1996 draft generated much controversy among the various parties involved in the Permit discussions. We believe that the June 17, 1996 revisions provide an acceptable resolution to the concerns raised over this section. We have agreed to accept the new "functional equivalency" language, which essentially shields Permittees from liability for violation of the Permit for continuing problems from storm water pollution as long as they are in timely compliance with the Permit's specific terms. This is an important concession by the environmental groups. However, we expect Permittees similarly to agree to accept and abide by provision VII.A.2.b. in Part 2., as proposed in the June 17, 1996 revisions which requires Permittees to conduct a self assessment of strategy effectiveness.

The revised language in section VII.A.2.b. is aimed at ensuring that Permittees determine whether they have made the best program choices and that there are strong linkages between the individual programs in order to develop a cohesive, complete, and effective overall storm water pollution management program. Because under the new language Permittees can be in compliance with the Permit notwithstanding continuing ocean pollution, this additional language ensures that Permittees help determine where their program is working and where it is not. Only with this information can Permittees improve their programs and work toward a final solution to this critical problem.

These two provisions should be considered as a package. We can only support the "functional equivalency" language if it is accompanied by the self assessment provision. Changes that would weaken either of these two provisions are unacceptable.

2. Deadlines

As in our comments to the previous draft, we continue to be concerned over the lack of sufficiently near-term deadlines. We must again point out that because many of the Draft Permit requirements are the same as those under the existing Permit, Permittees now in compliance should

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be able to meet short-term deadlines easily while Permittees that are further behind can borrow from the former to speed up their own program development and implementation.

We also urge again that the deadlines for the development of the model programs by the Principal Permittee be set on a shorter timeline -- at the latest to be completed by January, 1997 -- in order for Permittees to commence implementation of their programs within the first Permit year. In many areas the Permittees will need to wait for development of the model programs by the Principal Permittee before then can implement their own programs. Under the current deadlines, two more rainy seasons will pass before we see real improvement in city practices.

The Principal Permittee is currently committed under a settlement agreement with the Natural Resources Defense Council and the Santa Monica BayKeeper (schedule attached) to completing implementation plans for control of runoff from existing commercial and industrial areas, private construction, public agency construction projects, illicit connections and illegal discharges, existing residential, redevelopment and new development, sewer overflow and control, storm drain system management and operation, street and road management, public education, parks and recreation, and its own facilities, respectively during the months of May, July, August, June, September, August, June, May, July, September, September, and October 1996.

Moreover, despite our ongoing comments expressing concern over these long-term deadlines, many deadlines in this latest version of the Permit have been pushed back even further without any explanation or rationale. The only logical approach is to adjust the timeline for the model program requirements to correspond with the development of the Principal Permittee's own implementation plans.

### 3. Monitoring

We strongly protest the removal from the last draft of the requirement that Permittees participate in development of watershed pilot monitoring projects to compliment the critical source monitoring which will be conducted by the Principal Permittee. This monitoring is essential for determination of what pollution flows from specific sources of pollution, such as from a specific type of business, golf courses or horse stables. The results of these projects will ultimately reduce the costs for Permittees and the regulated community by identifying the most cost effective BMPs and determining which pollutant sources are the greatest (or least) problems.

These projects should not be onerous or burdensome to the watersheds if they take advantage of existing funding and grant opportunities (e.g. Proposition A grants and Santa Monica Bay Restoration grants, etc.) and given that several of these projects already have volunteer sponsors (e.g., the City of Los Angeles has already agreed to perform a project on sidewalk/street washing, Calabasas has agreed to study runoff from horse ranches). Accordingly, the removal of the watershed pilot project requirement is unwise and short-sighted.

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**SPECIFIC COMMENTS**

**I. Program Management**

<u>Page</u>	<u>Section</u>	<u>Proposal</u>
16	B.1.	Compliance with the WMAPs has been left off of this provision and should be added.
16	C.1.	The composition of the Watershed Management Committees no longer includes public representation. We are concerned by this modification because this draft has also removed the requirement that WMC meetings be public. We believe that public representation is critical and should be reinstated because participation up front by the public in the development of plans by the WMCs will help create subsequent support for those plans and the Permittees storm water programs, as well as more successful implementation. With respect to the nature of the WMC meetings, we must assume that they will be open, public meetings in compliance with California's open meeting laws. We would object strongly if this is not the case.
17	C.3.f.	We propose that the term "timely" be added preceding the phrase "submittal of completed reporting forms."
17	C.3.g.i.	The criteria for selecting additional SIC groups for public education should specify that the "extent of exposure" includes the length of time that the industrial/commercial activity is exposed to storm water and size of area which is exposed.
18	C.3.x.	As per our general comments, we strongly oppose the removal of the requirement for the Permittees to conduct pilot projects. We propose that the provision requiring the "coordination and implementation of pilot projects to target pollutant sources, evaluate BMP appropriateness, and assess effectiveness" from the 12/18/95 draft (section I.D.2.g.) be reinstated in this section of the Permit.
18	D.1.	The 12/18/95 draft contained language setting forth minimum requirements for the budget summary format required in this provision. These minimums were appropriate and necessary, and we propose that they be put back into this provision. The minimum items included: capital, operation, and maintenance expenditures; funding sources; staff resources; equipment and support capabilities; contract services; cost sharing arrangements for countywide programs (e.g. Public Education, Commercial/Industrial education site visits);

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and any foreseeable funding shortfalls.

- 18 D.2. The deadline for submitting a summary of resources dedicated for storm water implementation by a Permittee has been raised from the 30 days after a Permittee's budget is adopted in the previous draft to 60 days in the current draft. We do not agree that a doubling of time is necessary because, presumably, the Permittee will have already prepared this information in order to determine the budget amount request submitted to its local approving body. We propose that the deadline be limited to 30 days after a Permittee's budget is approved.
- 18 E.1.a. Because the prohibited discharges listed after this provision may result from activities other than just industrial activities, we propose the following language modifications:
- "Control the contribution of pollutants to the MS4 by storm water discharges from sites of industrial, commercial, construction, and residential activity and the quality of storm water discharged from sites of industrial, commercial, construction and residential activity through the following prohibitions and requirements:"
- 19 E.1.a.viii. For purposes of clarifying the intent of this provision, we propose the following language modifications:
- "Prohibit the washing out of concrete trucks ~~into storm drains~~ which results in a discharge to the MS4."
- 20 E. The consolidation of all the legal authority provisions previously scattered throughout different Permit sections has greatly improved the clarity and better defined the scope of responsibilities for Permittees in this area. We believe that the re-organization of this section with a "checklist" format will make it easier for Permittees to comply and easier for Regional Board staff to determine compliance. However, remain concerned with two aspects of this provision.
- First, Permittees are not required to obtain the necessary legal authority by a specified date. Rather, Permittees merely need to provide a "timely" schedule for obtaining adequate legal authority. The Permit does not define what "timely" means. Because the existing Storm Water Permit contains the same requirement to obtain adequate legal authority, and the new Permit provides the Permittees with an additional 120 days to make a submittal regarding legal authority, there is no reason why additional time is necessary.

Second, we remain dissatisfied with the provision which requires a municipality only to submit a statement of compliance from their legal counsel in lieu of submittal of the actual ordinance or guidance document developed pursuant to the legal authority section of the permit. It is unclear why this requirement was removed, which will impose on municipalities a minimal burden of providing to the Regional Board the document which presumably will be made available to the public. This simple task of providing the document to the Regional Board will make it easier for Regional Board staff to determine compliance and to answer any questions not answered by the checklist.

- 22 G.2.a. The term "completely" in the phrase - "seek clarification on the steps to be taken to completely meet the provisions of this Order" - does not accurately state the intent of this requirement. In place of the word "completely" the phrases "more effectively" or "more adequately" are better suited to reflect the need for a Permittee's programs to be "sufficient to meet the requirements of this Order." We propose that either of the two be substituted for "completely."
- 22 G.2.b. This provision allows a Permittee to resubmit a rejected SPCA within 60 days to remedy any deficiencies identified in the first SPCA review. This is acceptable, but the provision should not also provide for an additional 120 days for the Executive Officer to review the re-submitted SPCA. Because the Executive Officer will have had 120 days to review the initial program submittal and another 120 days to review the first SPCA, the reevaluation of the re-submitted and revised SPCA should require much less time to review. As currently written, a problematic SPCA that ends up being routed through the entire administrative review process could be held up for up to 420 days!
- We propose that the SPCA review by the Executive Officer should be no more 60 days and that the subsequent review of an amended/revised SPCA also be limited to 60 days. This timeline would at least keep this process to under a year. We further propose that the language providing Board and public notice of a Permittee's intent to implement provided in I.G.I.a. (as amended per 6/17/96 revisions) also be added to this provision after the final review stage.
- 23 H.2. We propose that this provision be amended to state that the 45 day public comment period runs concurrently with the 120 day Board review period.
- 23 H. In order for the new language providing Board and public notice of a Permittee's intent to implement provided in I.G.I.a. (as amended per 6/17/96 revisions), a list of "interested parties" must be maintained. We propose that

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such a list be prepared for interested parties who have requested to receive announcements and who have submitted comments during the public review of submittals developed pursuant to the Permit. A provision to this effect should be inserted in this section.

## II. Illicit Connections and Illicit Discharges

<u>Page</u>	<u>Section</u>	<u>Proposal</u>
25	A.1.	We are unclear why the time frame for the development of the Illicit Connection model program has been increased from 4 months after the Permit adoption in the previous draft to 8 months in the current draft. This has been a requirement under the existing Permit and, further, the provisions for this program in the Draft Permit remain essentially the same as prior drafts. Accordingly, the development of the model program should stay at the 4 month schedule.
25	B.1.	Same comment as for A.1. on this page.
25	B.1.b.	For purposes of general consistency, the word "maximum" should be inserted before "extent practicable."
27	C.2.1.	Street washing should be taken off of the "Conditionally Exempted Discharges" category because it is already listed in the "Designated Discharges" section as pollutant source of concern. Listing this activity under Designated Discharges is appropriate and consistent with the legal authority prohibition in I.E.1.a.vi. and vii., on page 19 of this draft.
27	C.3.	For purposes of clarification, we propose that this provision be reworded as follows:  "Municipal Street washing and sidewalk washing discharges from <u>municipal, commercial and industrial land uses</u> have been determined by the Regional Board to be sources of pollutants of concern."  While it is acceptable to explain that the City of Los Angeles is conducting a study to assess the impacts of <u>municipal</u> street and sidewalk washing activities, non-municipal street and sidewalk washing are also sources of pollutants of concern. As such, the proposed language modifications clarify this point.
28	C.4.	It is unclear what the time frame for Executive Officer approval is for this set of

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provisions. Presumably, it is the standard 120 days pursuant to the Administrative Review requirements in section I.G. However, this should be made clear in this section in order to avoid confusion. We further propose the following language modifications consistent with the comments we submitted on this provision for the previous draft:

"The exemption request for additional non-storm water discharges may be submitted along with a discussion of the basis for the request, beginning with the first Annual Report."

28 D.1. We propose that the "may include" in this provision be changed to "shall include."

29 D.1. We propose that the following be added to this set of provisions:

"A system to record the history of spill events, including but not limited to the number of spills, the identification of spill substance, and the amount of the substance spilled, if known, and said history to be reported in each Annual Report."

III. Development Planning and Construction

Page Section

Proposal

30 A. Consistent with comments provided for the previous draft review, we reiterate our proposal to put back a provision in this section, previously included in the May draft Permit (section IV.E.6.), for evaluating the feasibility of retrofitting existing developments with treatment controls. This is a significant provision that addresses existing pollution sources - it is important for the Permittees to determine whether such retrofit opportunities are feasible in order to develop appropriate requirements for redevelopment. Notably, this provision required an evaluation. If, after the evaluation, cost-effective retrofit opportunities are found, they should be pursued; likewise, exorbitant cost-ineffective retrofit options could be ruled out.

31 A.2.a. We propose that the "Priority Projects" category should include all of the activities listed in Identification of Sources, section V.B.1.b.(page 49), regardless of whether they are discretionary or non-discretionary projects because these are the activities that have been identified as potential pollutant sources of concern.

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IV. Public Agency Activities

<u>Page</u>	<u>Section</u>	<u>Proposal</u>
38	A.	We are unclear why the time frame for the development of the Public Agency model program has been increased from 12 months after adoption of the Permit in the previous draft to 16 months in the current draft. Adding the 4 months the Permittees have to develop their own program based on the model program, it will be almost 2 years before any implementation of this section begins. This seems unnecessarily long. We discuss this in more detail in our "General Comments" concerning the time frame for development of model programs under the Permit.
38	B.	Considering the Principal Permittee's phased program development schedule, it would be more effective to phase-in the Permittees' implementation schedule as well. In any case, phased implementation by the Permittees should begin no later than January 1997. In addition, as we have noted in our earlier comments to this section of previous drafts, any changes to the model program should require Executive Officer approval. To this end, we propose the following amendment at the end of the provision contained in this section:  "Permittee programs that are modified so that they eliminate model program elements or make substitutions beyond what is offered in the model program must be submitted for approval by the Board consistent with the requirements of Part 2, section I.F., <u>Best Management Practice (BMP) or Requirement Substitution/Elimination</u> "
41	C.3.b.vi	We propose that the provision requiring the "treatment of washwaters prior to discharge to the MS4" be put back into this section of the Permit. It is an appropriate requirement and would be consistent with the prohibitions listed in Part 2, section I.E.1.a.i. and ii. of this draft which prohibit the discharge of untreated washwaters.
42	C.5.a.i.	We reiterate our prior comments that the language in this section should be modified as follows:  "Inspection and cleaning of catch basins <u>at least annually</u> between May 1 and September 30 of each year." Otherwise, this provision will be <u>less</u> stringent than the existing Permit.
42	C.5.c.i.	As above, we reiterate our prior comments, that the language in this section

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should be modified as follows:

"Procedures to identify and rank problem areas of illicit discharge for regular inspection."

V. Public Information and Participation

<u>Page</u>	<u>Section</u>	<u>Proposal</u>
48	A.1.	We do not support the deletion of the requirement for Permittees to obtain and document that at least one information video on storm water management has been shown to appropriate community groups or televised on public service stations and cable access programs on a regular basis. We believe that this is an effective outreach and education tool and that many good productions are currently available. For these reasons, this requirement should be put back in to this section or added to the 5 year education strategy section (section V.C. beginning on page 53).
49	B.1.a.	We are unclear why the time frame for the development of the database format for listing industrial/commercial facilities has been increased from 4 months after Permit adoption in the previous draft to 6 months in the current draft. This provision does not require the input of the actual data, but only the development of a database format consisting of five simple items of information. It should not take half a year to accomplish this task.
50	B.2.	Consistent with our prior comments, we reiterate our proposal to add the following provision to describe the BMPs that the Principal Permittee will develop for use by the Permittees:  "Ensure implementation of storm water and urban runoff control measures and require adequate additional measures where necessary to prevent pollutants from flowing from the facility into storm water runoff and/or where appropriate for a facility's unique operations."
52	B.4.	The criteria that accompanied this provision in the previous draft have been deleted. We are uncomfortable with allowing the substitution of alternative approaches to this very critical program area without any minimum criteria for determining appropriateness or suitability. We propose that the criteria used by the Executive Officer to consider the approval of an alternative industrial/commercial site education visit program as enumerated in the previous draft, be put back in. They are as follows:

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- a. Discharge pollutant characterization data;
- b. Other quantified measures of pollutant reduction; or
- c. Results of special studies/pilot projects.

In the alternative, substitution of the prescribed program should be required to abide by the substitution provisions of Part 2, section I.F. (page 21).

- 55 C.1.iv. Consistent with our prior comments, we reiterate our position that adequate training of Permittee employees is the foundation for adequate program implementation by the Permittees. As we have previously noted, this section should provide a deadline for accomplishing this task and specify a frequency for ongoing/supplemental training. We propose that the initial deadline for developing and implementing the employee training program be set for November 1996. At a minimum, all applicable employees should be trained by that date, and subsequent refresher update trainings should be planned.

Additionally, the training of subjects listed can effectively be covered generally in an overview session for all employees but should also be covered in a detailed manner for specialized employee activities. This is how the Caltrans employee training program has been successfully designed and implemented for District 7 (Los Angeles).

Thank you for the opportunity to comment on the May 23, 1996 draft. If you have any questions regarding our comments please call us.

Sincerely,

Maribel Maria  
Gail Ruderman Feuer, Esq.  
Natural Resources Defense Council

Terry Tamminen  
Santa Monica BayKeeper

cc: Donald Wolfe, Los Angeles County Department of Public Works

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July 3, 1996

SANTA MONICA  
**BAYKEEPER**

Protecting Our Bay  
in cooperation with  
The Frank G. Wells  
Environmental Law Clinic,  
UCLA School of Law &  
The National Alliance of  
River, Sound & Bay Keepers

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Catherine Tyrrell, Assistant Executive Director  
Regional Water Quality Control Board (Los Angeles)  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Dear Catherine,

As we head into the "home stretch" on the new Municipal Stormwater Permit, please accept our thanks for all of your hard work on this critical regulatory program. I know it has been a difficult task with few clear choices that please everyone.

It has come to my attention that there is some discussion of eliminating from the new Permit the requirement that Permittees adopt legal authority regarding pet wastes. In the past three years, the BayKeeper has fielded over 200 calls regarding pet waste in neighborhoods as diverse as Beverly Hills and San Fernando, along public streets and beaches, public parks and gardens. The attached notice from the Tahiti Manna, where we dock our officeboat, is further testimony to the scope of this serious, ubiquitous problem.

What all of the complaints have in common is that the pet waste ultimately washes into stormdrains and into local coastal waters. I cannot urge you strongly enough to stand firm on this provision of the Permit, since it has not only stormwater pollution implications, but serious public health consequences as well.

I can't imagine who would oppose this obvious BMP, but if the argument centers on enforcement, such concerns can be raised about any legal authority. Obviously, any Permittee is expected to use their best efforts and no one expects that every single "act" will be curtailed. Such laws are effective since many law-abiding citizens will comply simply because it is the law. That also marginalizes the scoff-laws and makes them an easier target for enforcement. As an example, I urge you to talk to anyone who lived in Hermosa Beach, particularly along Valley Drive, both before and after the posting of regulatory signage regarding pet waste.

Finally, in case you haven't yet received your copy of our recent stormdrain monitoring effort, I enclose a copy. It shows serious, high total coliform and e.coli counts at drains throughout the Bay. Certainly pet waste must be suspected to be a significant contributor to these findings. Please help us keep pet waste out of the Bay!

Sincerely,

Terry Tamminen, BayKeeper

cc Roger Gorke, Heal the Bay

Gail Ruderman Feuer, Natural Resources Defense Council

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**NEWSLETTER - JULY, 1996  
HAPPY 4th of JULY!**

**PARKING - JULY 4th:** This year the fireworks display will bring a record number of people to the Marina. There will be a laser show each evening starting July 3rd. This will go through the 7th of July. The show will be on the Main Channel of the Marina and will start around 9:00 p.m. The fireworks on the 4th will start at 9:00 p.m. The extra activity will cause parking problems and we are asking that you help us by cooperating with the parking rules. There is no guest parking on the 4th of July. If you are expecting guests please make them aware of public parking on Marquesas Way or Via Marina. Please check with the Chamber of Commerce for more information.

We ask that guests be dropped off at the entrance of the apartment building. We cannot let cars go around the building as we tried that at the Christmas Boat Show and ended up with too many cars and not enough parking for our regular tenants. Please don't ask for any exceptions.

We have been informed that the traffic at the conclusion of the Fireworks may be delayed as long as 45 minutes. Please note that parking on Tahiti Way is illegal. Many people received tickets from the Sheriff's Department last year. They are telling us that it is a hazard for emergency vehicles trying to get into any complex.

**PARKING PASSES:** All cars must have either a current parking tag or Pass in order to park in our parking lot. If this tag or pass is not displayed, we will tow!

**DOGS AND CATS:** You must have prior permission to have a cat or dog on the docks. We are finding several of you have pets and do not have 'pet permission'. It is necessary to have some kind of control over this topic or no one will be able to enjoy their visit to the Marina with all of the animals running loose! Please clean up after your animal does their 'business'. Our maintenance staff has been doing this for some of you and it is not right to ask them to continue to do so. Please contact our office for any concerns or questions regarding this.

**CLEANING OF DOCKS:** We have started painting the docks and ask your help in eliminating anything that is not necessary to Marine activity. Bikes should not be stored on the docks. Plants should not be left along side of your boat. Please put items on your boat. Also, wind up your cords and hoses, not only is it a hazard for someone walking but it is subject to ticketing by the Harbor Patrol.

The deck of the clubhouse will be open for all to enjoy the Fireworks. Again, please help us to make this holiday a fun one for all of you by cooperating with our employees when asked to respect the rules.

We appreciate your understanding and cooperation. Have a safe and HAPPY 4th!

**TAHITI MARINA STAFF**

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June 9, 1996

To: Mr. Terry Tamminen  
Santa Monica BayKeeper  
13900 Tahiti Way, Slip A-231  
P.O. Box 10096  
Marina Del Rey, CA 90295

From: Jim Noblet *JN*  
Science Advisor

Re: Evaluation of the 1996 BeachKeeper Stormwater Project Data

Dear Terry:

I have reviewed the data obtained from the 1996 BeachKeeper Stormwater Monitoring project. In order to look for any bight-wide trends in the data, I have plotted all the data on a single plot, right to left being north to south. In addition, I have plotted potentially related parameters on the same graph so as to highlight any deviations in trends. The relation of parameters to each other will be described in the following sections.

#### pH and Total Dissolved Solids (TDS)

The TDS and pH data are potentially related because it is the dissolved species in water which cause changes in pH. In the absence of acidic or basic species, the pH of pure water is around 7.0. If the water has had time to equilibrate with the CO<sub>2</sub> in the atmosphere, then the pH would be about 5.8. Raindrops falling through the atmosphere have a very high surface/volume ratio and therefore should have time to equilibrate with the surrounding atmosphere, and thus pure rainwater should be slightly acidic. Atmospheric species such as SO<sub>x</sub> and NO<sub>x</sub> exacerbate the acidity and produce the well-known "acid rain."

To give some sense of perspective with regards to TDS, note that the maximum recommended TDS for drinking waters is 500mg/L. In contrast, seawater typically contains 35,000 - 40,000 mg/L. Most fresh surface waters are less than 3000 mg/L.

There is no clear trend in the pH data. The plot of the data shows that the values oscillate around 8.0. Moreover the pH data are remarkably consistent: Range=6.6 - 9.2, mean=8.12, median=8.10, and standard deviation=0.34. None of these values are unreasonable for surface waters. The plot pH/TDS combination plot shows that the few low pH values are probably due to dissolved species other than carbonates.

The TDS values are all below 2000 mg/L, and most are in fact below the drinking water standard of 500 mg/L. The only clear trend is that there are very low TDS for sections 7 and 8 (Santa Monica Pier through Marina Del Rey).

#### Coliform Data

The E-Coli and Total Coliform data are plotted on a single graph. Again no clear trend is apparent in the bight from north to south, except that all levels are very high. Although there are no official water quality standards for non-potable waters, the commonly suggested coliform standards for body contact and recreational waters are <200

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E-Coli and < 1000 Total Coliform per 100 ml. Again Section 8 (MDR) mostly exhibits very low relative coliform counts, and is the only section which does not uniformly exceed the guidelines. Drain 90 in section 8 does have high total coliform counts. This is Basin E which is the major input point for stormwater into the Marina. The fact that this is the point which shows the higher values makes perfect sense and supports the validity of the data.

As you know, coliforms can originate from several sources: Human waste, animal waste, and soils. Therefore the data must be evaluated in terms of the geographic location of the sections and the most probable sources. Because of the large amount of rural drainage area near the coast, especially in the northern sections, a great deal of the coliforms are undoubtedly due natural as opposed to anthropogenic sources. However, these data emphasize the fact that stormwater is a potential source of pathogenic microorganisms, and is definitely unsafe for human contact. Swimming in or around stormdrains should always be avoided.

**Color and UV Absorbance Data**

Color or hues in water can stem from various sources, natural minerals-e.g., iron and manganese, colored wastes from industrial processes-e.g., mining, refining, chemical manufacturing, plating, pulp and paper, and food processing. Color is also commonly due to natural materials derived from the breakdown of terrestrial plant and animal debris- e.g., humic substances. The absorption of ultraviolet (UV) light at 254 nm is a reflection of the concentration of organic compounds with conjugated double bonds. Most naturally occurring organic materials, i.e. humic substances, absorb strongly at this wavelength. However, many organic pollutants, e.g. PAHs, absorb UV light as well. Thus, for natural color in surface waters there should be a correlation between color and UV absorbance at 254 nm. If color is present, but UV absorbance is low, the color must be due to other dissolved species. Conversely, if there is no color, but strong UV absorbance, the absorbance is not due to natural humic materials.

The UV and Color data have been plotted on the same graph to observe their relative behavior. The absolute values of these parameters are not as important as their relative values for identifying potential anthropogenic pollution. The data show that, in general, there is a strong correlation between color and UV absorbance. However, there are numerous drains which have high color and relatively low UV absorbance. This indicates a source of color other than humic materials. There are two points, one in section 2 and one in section 6, which show high UV absorbance but relatively low color. This also indicates the possibility of anthropogenic pollution. The only possible trend in the data is that the color and UV both appear lower and more consistent south of Santa Monica Pier (Section 7).

Sincerely,

*Jim*  
Jim

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**SECTION CHART**

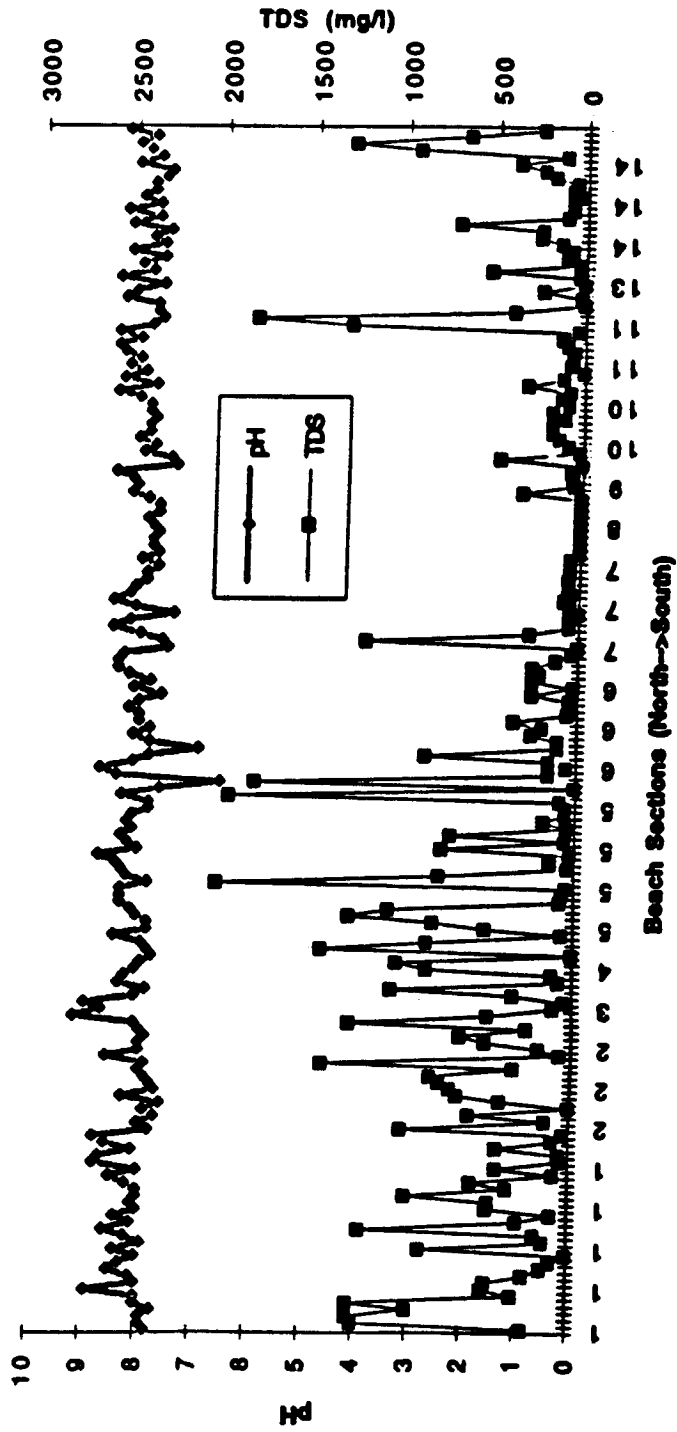
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- Section 2: North end of Malibu Road and P.C.H. - North side of Malibu Pier
- Section 3: North side of Malibu Pier - Las Flores Canyon
- Section 4: Las Flores Canyon - Tuna Canyon
- Section 5: Tuna Canyon - Sunset Boulevard
- Section 6: Sunset Blvd. - North side of Santa Monica Pier
- Section 7: North side of Santa Monica Pier - North side of Marina del Rey Channel
- Section 8: North side of Marina del Rey Channel - South side of M.D.R. Channel
- Section 9: South side of Marina del Rey Channel - Rosecrans
- Section 10: Rosecrans - North side of Manhattan Pier
- Section 11: North side of Manhattan Pier - North side of Hermosa Pier
- Section 12: North side of Hermosa Pier - Yacht Club Way
- Section 13: Yacht Club Way (King Harbor) - North side of Monstad Pier
- Section 14: North side of Monstad Pier - Torrance/Palos Verdes city limit
- Section 15: Torrance/Palos Verdes city limit - Point Vicente
- Section 16: Point Vicente - Point Fermin

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BKSWD-pH&TDS

BeachKeeper Stormdrain Project Samples: pH and TDS Data



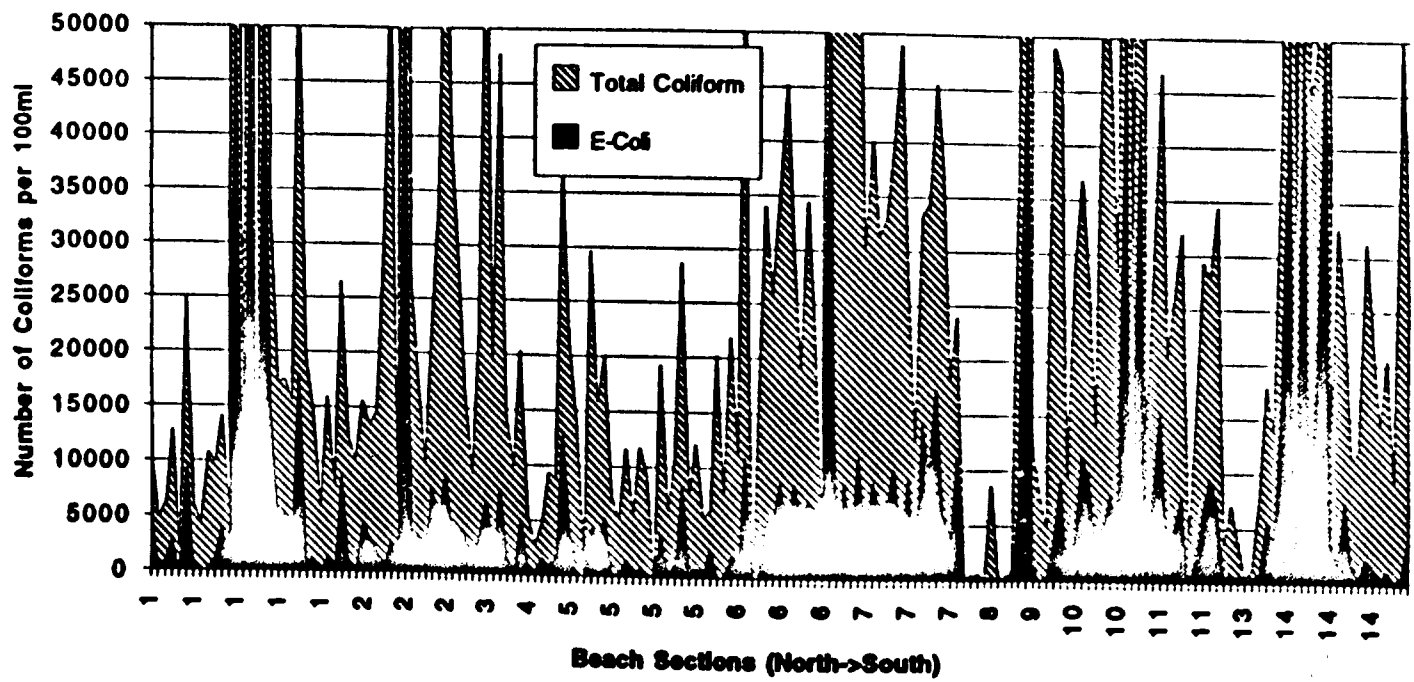
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**BeachKeeper Stormdrain Project Samples: Colliform Data**

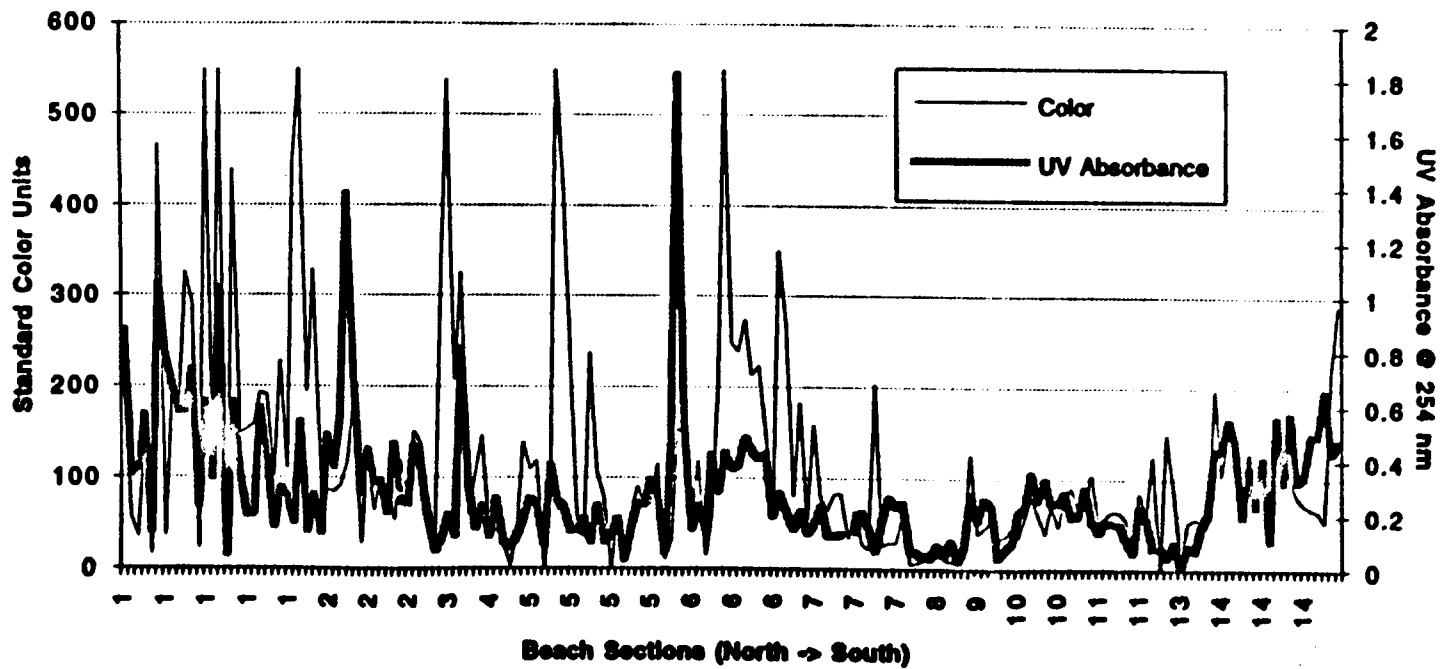


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**BeachKeeper Stormdrain Project Samples: UV and Color Data**



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**building industry association  
of southern california, inc.**

VIA FACSIMILE & REGULAR MAIL

June 24, 1996

Carlos Urrunaga  
Los Angeles Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

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QUALITY CONTROL BOARD  
LOS ANGELES REGION

*Received Fax  
on 6-24-96*

Re: Revised Tentative Storm Water Permit of May 23, 1996  
and Update of June 17, 1996

Dear Carlos:

Thank you for the opportunity to comment on the Revised Tentative Permit for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles. We are pleased that several of our earlier comments were addressed in this revision and appreciate staff efforts to find solutions to meet the concerns of a variety of interests.

We would like to reinforce those changes which we consider important to a successful and cost effective program, especially related to construction and planning on private lands. Considering the myriad of federal, state, regional and local regulations that control storm water runoff and grading, streamlining the interaction of these different levels of government with specific projects is paramount. Accomplishing such streamlining and coordination among government entities should result in superior storm water pollutant prevention as well.

The "Development Planning and Construction" section of the permit has been revised to incorporate the streamlining necessary for a workable program. We support the concept that local Building Officials will determine what development projects are considered "priority" in respect to storm water quality. We also support the sentiment that the County should work with "stakeholder organizations" in developing countywide guidelines for BMPs for construction projects. The Building Industry Association is very interested in continuing our work as a designated stakeholder organization.

We appreciate the emphasis in this tentative permit in promoting education in all areas of the permit. At this point, more work must be done to adequately identify the types and sources of pollution in the watersheds of this region. The focus of the watershed management area plans and resulting programs must be on cases where urban storm water runoff has caused real water quality use impairments to the receiving waters. Further, education should be the fundamental basis for solving nonpoint source pollution problems and we believe that such efforts will prove to be the most cost effective pollution control method.

1330 S Valley Vista Drive  
Diamond Bar, CA 91765  
(909) 396-9993  
Fax (909) 396-9846

An Affiliate of NAHB and CBA

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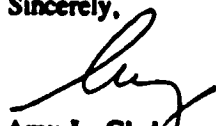
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Carlos Urrunaga  
June 24, 1996  
Page 2

We are concerned about the financial resources to be expended by the County and cities related to this permit. Staff should continue to explore the opportunities for sharing work products among cities in order to reduce costs to any one city. Further, we would like additional information as to whether development planning and inspection fees will be increased as a result of this permit.

Finally, we have provided suggested language that should further improve the tentative permit (see Attachment A). The emphasis of these suggestions is to include nongovernmental interests in developing watershed management area plans and in the Countywide guidelines related to planning and development. Should you have any questions or concerns, please do not hesitate to call me at (909) 396-9993.

Sincerely,



Amy L. Glad  
Executive Vice President

Enclosure

cc: Michael I. Keston, Chairman

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Attachment A  
Comments on Tentative NPDES Permit of May 23, 1996  
by the Building Industry Association of Southern California

1. "Findings" section: Finding #6 from the 12/18/95 draft permit has been eliminated. This finding noted that studies by the USEPA found that construction sites where erosion and sediment controls and BMPs have been implemented are not a significant source of storm water pollution. This information should be included either in the findings section or in the Development Planning and Construction portion of the permit.
2. "Watershed Management Committees" Page 16: The composition of the WMCs has been revised to exclude a member of the public and a member of industry. We previously advocated for inclusion of a member from industry with a vote. We believe strongly that watershed planning cannot be successful without early "stakeholder" involvement.
3. "Watershed Management Committees" Page 17, section 3.c.: reword to state "Prioritize pollution control efforts *based on identified impairments to designated beneficial uses of the receiving waters from storm water runoff.*" The current statement is too broad and does not emphasize the relationship of receiving water quality and storm water runoff.
4. Development Planning and Construction, "Planning Process" Page 31, section 1.a. and 1.b.: revise first sentence of each subsection to state "The Principal Permittee in consultation with the Permittees *and appropriate stakeholder organizations* shall develop . . ." This is in keeping with the statement for Countywide Guidelines in the "Development Construction" section of the permit on page 35. It is extremely important to foster early communication among regulated parties and other interested parties in creating these guidelines.
5. Development Planning and Construction, "Planning Process" Page 33, section 4.b: reword the first paragraph in its entirety to state "*Each Permittee shall review its General Plan update process to ensure that storm water-related issues are properly considered. If necessary, this process shall be revised to include requirements for evaluation of storm water-related impacts.*" This language is borrowed from the permit recently issued by the Santa Ana RWQCB for the counties of Orange, Riverside and San Bernardino. To the extent possible, consistency among the Southern California NPDES permits provides more certainty to city officials concerning their responsibilities in this area. Especially in an area of statewide regulation such as general plans, we believe the language above is an important improvement to the tentative permit. City officials throughout Southern California should have the same expectations regarding general plans in these NPDES permits. The second paragraph which begins on Page 34 describing resources should be retained.
6. Attachment D, p. D-3: Delete the definition of "development." Within the "Development Planning and Construction" portion of the tentative permit, the specific steps of the development process for which a Permittee has an action to undertake are clearly identified (i.e., prior to issuance of any building or grading permit on page 36). The definition of "development" in Attachment D includes descriptions of paper exercises such as lot splits which are not included under Part 2, Section III of the NPDES permit. Inclusion of this definition in the attachment serves only to confuse.

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6/25/96

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Leea Doernum  
CALIFORNIA RESTAURANT ASSOC

3435 WILSHIRE BLVD STE 2230

LCS ANGELES

CA 90010  
permt

Carlos Urteaga

213 26687598

L.A. Regional Water Quality Control Board

101 Centre Park Dr.

Monterey Park,

CA 91754-2156

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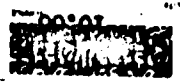
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HEADQUARTERS OFFICE 3435 WILSHIRE BOULEVARD • SUITE 2230 (EQUITABLE PLAZA) • LOS ANGELES, CA 90010  
213-384-1210 • 800-794-4CRA • FAX 213-384-1623

June 25, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
Los Angeles Regional Water Quality Control Board  
101 Centre Plaza Dr.  
Monterey Park, CA 91754-2156

*Received  
6/28/96*

Dear Ms. Tyrrell:

The California Restaurant Association (CRA) supports the approach of the Los Angeles County NPDES Permit in advocating education of affected businesses and of the public in their respective responsibilities to keeping pollutants out of the storm-drain system.

The Association believes that this approach has the best prospect of success because it emphasizes cooperation and a proactive approach over mandates and penalties. CRA applauds the shift in permit focus from mandate to education.

In cooperation with this proactive approach, CRA is prepared to offer the following support to ensure that foodservice operators in Los Angeles County meet their obligations to keep pollutants out of the storm-drain system:

- presentations on Best Management Practices (BMP's) to CRA chapters in Los Angeles County
- free distribution of CRA's full-color, bilingual (English/Spanish) poster describing Best Management Practices for foodservice back-of-the-house personnel
- continued coverage of stormwater issues in CRA's bimonthly environmental issues newsletter, "The Green Sheet"
- outreach to Los Angeles County health department inspectors to ensure consistent messages and regulation on stormwater issues
- a seminar on Best Management Practices at the 1997 CRA Western Restaurant Show in Los Angeles, reaching a potential audience of 35,000 local foodservice operators.

While we are ready to bring a proactive approach to addressing the problem of stormwater pollution, we must stress again that the underlying assumption of the draft permit -- that restaurants are a major source of stormwater pollution -- is erroneous. Despite a constant search, we have seen no empirical evidence whatsoever to justify the inclusion of restaurants in the permit.

Under the present version of the permit, the permittees (i.e., the cities in Los Angeles County) are responsible for surveying restaurants to educate them on pollution prevention. We know that the health department is already straining to meet its current inspection level. Neither the permittees nor the county has the money to perform these visits, and it is inevitable that another fee will be charged to the restaurants. On top of this, under the proposed permit businesses could then be fined after the inspection. The growing regulatory burden on the

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*WDC  
6/28*

MARVIN SAUL
President
Los Angeles
...
STANLEY R. KYRER, CAE
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Los Angeles

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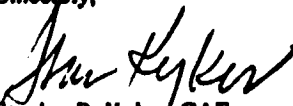
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restaurant industry has a chilling effect on the ability of these small businesses to stay in business. This is a dangerous way to attempt to support programs that the public itself is unwilling to support.

Finally, the development of the permit seems to lack sufficient input from the cities and industries it will regulate. The permit development process must continue until a program is created that is workable for all affected parties.

Thank you for considering our position as the permit is finalized. Please do not hesitate to contact me if you wish to discuss this further.

Sincerely,

  
Stanley R. Kykes, CAE  
Executive Vice President

cc: Carlos Urrunaga  
Gerald Breitbart  
Lisa Doermann

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TO: Winnie J.  
Please look at  
ASAP

XS, pls. !! - then  
let's arrange  
a meeting  
w/ Ron!  
WJ  
6/17

FACSIMILE MESSAGE / COVER SHEET

June 14, 1996

To: Ms. Catherine Tyrrell

FAX: 213.266.7600

From:

Ron Wilkniss Tel: (818)543-5324

FAX: 818.545.0954

Number of pages including this cover sheet: 3

Dear Ms. Tyrrell:

An advance copy of a WSPA letter concerning the proposed NPDES permit for L.A. County is enclosed. The original follows via U.S. Mail.

I hope that we will have a chance to speak about this issue, but, regretfully, I will not be able to attend the workshop on June 18th.

Regards,

*Ron Wilkniss*

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June 14, 1996

Ms Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrrell:

**WASTE DISCHARGE REQUIREMENTS (TENTATIVE) -- COUNTY of LOS ANGELES**

Western States Petroleum Association (WSPA) appreciates the opportunities which we have been given to provide input to the process of crafting the proposed NPDES Permit (No. CAS064001) for the County of Los Angeles. We have met with you on several occasions, and we have provided written comments (dated January 29, 1996). The purpose of this letter is to comment briefly on one aspect of the tentative order dated May 23, 1996.

Other Bases (Paragraphs 25 and 26; pages 6 and 7). WSPA is very disappointed to see that only two source categories -- gasoline stations being one of them -- have been identified as "significant sources of pollutants in storm water" (paragraph 26).

- a. WSPA objects to the assertion that storm water runoff from Retail Gasoline Outlets (RGOs) is a significant source of pollutants. The studies that WSPA and others have performed certainly do not "demonstrate" that parking lots and gasoline stations are significant sources of pollutants. The studies do show that storm water runoff from RGOs can contain pollutants; however, the studies reveal no important differences between the runoff from RGOs and that from various other sources (e.g., roadways, fast-food restaurants, etc.). Further, the level of significance attributable to RGOs, as a source category, is still being evaluated. Although US-EPA may believe that the automotive service sector presents a "... significant potential for the discharge of pollutants ..." (paragraph 25), it is our understanding that there is still considerable discussion regarding the need for, and level of, Phase II requirements for this source category.
- b. We also object to the implication that there are only two categories of facilities which are alleged to be significant sources of pollutants. WSPA is not aware of comparative storm water quality data for various facility categories, and we do not believe that anyone currently has sufficient information to conclude that, out of potentially hundreds of facility categories, two emerge as "the" significant sources

WSPA respectfully requests that paragraph 26 be re-worded. We submit that, considering the paucity of data, a conclusive statement regarding the alleged significance of parking lots and RGOs in the final permit would not be a responsible exercise of your authority.

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Ms. Catherine Tyrrell  
June 14, 1996  
Page 2.

In addition, we want to provide clarification of a point made in our letter of January 29th (our comment is quoted in the *Responses to Comments Received* [page 50]). The WSPA letter stated that we strongly support the implementation of appropriate storm water BMPs at RGOs. We still intend to be proactive, and that statement remains valid. We are concerned, however, that the context has been lost. First, the word "appropriate" is a critical adjective. Through our use of the word appropriate, we mean effective, cost-effective, technically-sound, and comparable to the requirements imposed on similar sources of runoff. Second, the point that we were also making in the letter was that the level of relative significance of RGOs, as potential sources of storm water pollutants, remains a matter for further study. Thus, it would be premature to impose any specific requirements on RGOs at this juncture.

I will be interested in your thoughts on these comments, and will call you within a few days, or, you should please not hesitate to contact me at 818/543-5324.

Sincerely,



Ronald R. Wilkness  
South Coast Issues Coordinator

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*This Study indicates that use of <sup>appropriate</sup> BMPs will reduce the release of pollutants to stormwater*

Los Angeles County Municipal Storm Water Permit  
Order No. 96-XXX

CAS614001

*potential* ~~pollution~~ **EXCEED**

- 26. Studies demonstrate that parking lots and gasoline stations are significant sources of pollutants in storm water (*Urban Storm Water Toxic Pollution, Assessment, Sources, et.al. V. 67; Results of Retail Gas Outlet & Commercial Parking Lot Storm Water Runoff Study, Western States Petroleum Association and American Institute, 1994; Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters, USEPA # 840-B-92-002, 1993.*) *If appropriate BMPs are implemented*
- 27. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County and the experience of other California MS4s programs indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system.

Objectives and Requirements of this Order

28. The intent of this Order is to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes narrative Receiving Water Limitations that require storm water discharges neither cause violations of water quality objectives, cause a condition of nuisance, nor cause water quality impairment in the receiving waters.

To meet the Receiving Water Limitations, this Order requires the implementation of BMPs to reduce pollutants in storm water to the maximum extent practicable with a monitoring program to assess compliance.

29. The Regional Board finds that the unique aspects of the regulation of the storm water discharges through municipal storm sewer systems, including intermittent discharges, difficulties in monitoring and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of best management practices and to determine whether they will adequately protect the receiving water. Therefore, this Order includes a procedure for determining whether storm water discharges are causing continuing and recurring exceedances of receiving water limitations and for evaluating whether the storm water management program must be revised. The Permittees will be in compliance with the Receiving Water Limitations so long as they comply with that procedure.

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**FACSIMILE MESSAGE / COVER SHEET**

June 24, 1996

**To: Ms. Winnie Jesena**

**FAX: 213.266.6787**

**From: Ron Wilkniss Tel: (818)543-5324**

**FAX: 818.545.0954**

Number of pages including this cover sheet: 1

Dear Winnie:

**FINDING NO. 26**

Thank you for sending me a copy of the proposed wording for Finding No. 26 of the draft L.A. County NPDES Permit. The proposed insertion of the word "potential" (for significant sources of pollutants), and, the addition of the last sentence regarding the beneficial effect of BMPs, are directionally helpful.

WSPA still has a concern with the implication of what is said, as well as, what is not said.  
a. While the addition of the word "potential" is accurate and appropriate, we believe that the worst-case description, "significant sources", is not justified. The study sponsored by WSPA showed that paved surfaces, which are subject to vehicular traffic, can be sources of storm water pollutants, but, we would not necessarily regard any of these sources as being particularly "significant" when compared to other source categories. WSPA is not acquainted with the two other studies referenced.

b. Significance is a relative term -- one which has meaning only in comparison to other possible sources. WSPA believes that, unless you discuss sources other than just parking lots and gasoline stations, or, establish a ranking of various sources with respect to potential pollutant loading, it is inappropriate to list just two specific source categories and to label them significant -- to do so says that these are the only two source categories of concern.

WSPA submits the following language for Finding No. 26:

"Paved surfaces subject to vehicular traffic (e.g., parking lots, gasoline stations, etc.). Studies have indicated that these source categories are potential sources of pollutants in storm water runoff (*Urban Storm Water Toxic Pollution, Assessment, Sources*, Pitt et al. V 67; *Results of a Retail Gasoline Outlet and Commercial Parking Lot Storm Water Runoff Study*, Western States Petroleum Association and the American Petroleum Institute, 1994; *Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters*, US-EPA, No. 840-B-92-002, 1993). The studies indicate that implementation of appropriate BMPs will reduce the release of pollutants in storm water runoff from these types of sources. It should be noted that mention of these specific source categories is not intended to imply that these are the only categories of potential concern."

*Thank you*  
*[Signature]*

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Change Finding 26 to read as follows:

26. Studies indicate that parking lots and gasoline stations are potential significant sources of pollutants in storm water (*Urban Storm Water Toxic Pollution, Assessment, Sources*, Pitt et.al. V. 67; *Results of Retail Gas Outlet & Commercial Parking Lot Storm Water Runoff Study*, Western States Petroleum Association and American Institute, 1994; *Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters*, USEPA, # 840-B-92-002, 1993). However, these studies also indicate that implementation of appropriate BMP's will reduce the release of pollutants from these sources into storm water.

*sent to Wilkins*

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FACSIMILE 213 890 6000

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WRITERS DIRECT NUMBER  
(213) 896-6617

May 2, 1996

By Messenger

Xavier Swamikannu, Ph.D.  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

Re: Monitoring Language From L. A. County/NRDC Agreement

Dear Xavier:

It was a pleasure seeing you again yesterday. In order to avoid confusion prior to sending out the tentative order, I am forwarding herewith a disk and hard copy containing the final monitoring language agreed upon by the County of Los Angeles and NRDC in settlement of the NRDC's lawsuit against the County, plus two pages in hard copy only. The disk documents are in Word Perfect 5.1 format and are entitled MONITOR.NEW, STATION.MET and APPENDIX.1. The two pages in hard copy should be attached to the APPENDIX.1 document. The language in the permit should track these documents.

Please call me at the number noted above if you have any questions.

Very truly yours,



David W. Burbenn

DWB:bj  
Enclosure

cc: Gail Ruderman Feuer, Esq. (w/enclosure)  
Judith A. Fries, Esq. (w/out enclosure)  
Donald L. Wolfe, P.E. (w/out enclosure)  
Gary W. Hildebrand, P.E. (w/out enclosure)  
Howard Gest, Esq. (w/out enclosure)

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APPENDIX 1

APPENDIX I

EXAMPLE OF MARGINAL BENEFIT ANALYSIS

The attached is an example of the marginal benefit analysis to help select the most appropriate number of land uses to monitor. The attached example is based on work in Austin, Texas; the actual experience may be different in Los Angeles County.

The spreadsheet shows the 16 initial categories, their land cover (as a percentage) and the estimate unit area loadings for each category for the critical pollutant (these are approximately for suspended solids, as an example). These loading numbers will have to be obtained using best judgment and prior knowledge. The spreadsheet then calculates relative masses of the pollutant for each land use category (simply the percentage area times the unit area loading). It would be possible to use actual areas and calculate actual mass emissions, but the procedure and answer would be the same. The land uses are shown ranked by their relative mass discharges and a summed total is shown. This sum is then used to calculate the percentage of the pollutant associated with each land use category. These are then accumulated. The "straight line model" is the straight line from 0 mass at 0 stations to 100% of the mass at 16 stations. The final column is the difference between these two lines (the marginal benefit).

The attached figure is a marginal benefit plot of these values. The most effective monitoring strategy is to monitor seven land uses in this example. After this number, the marginal benefit starts to decrease. Seven (out of 16) land uses will also account for about 75% of the annual emissions from these land uses in this hypothetical area. A basic examination of the plot shows a strong leveling out of the curve at 12 land uses, where the marginal benefit dramatically decreases where there is little doubt of additional benefit for additional effort.

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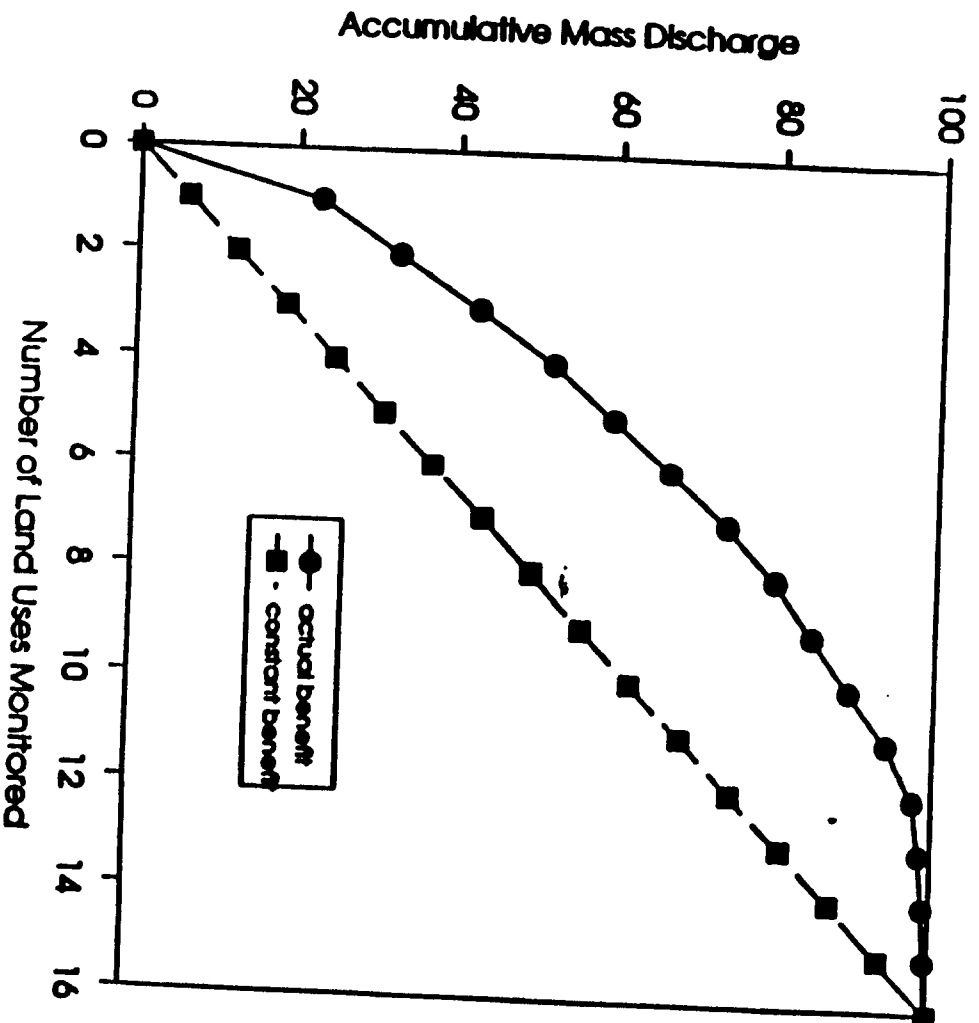
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Example Marginal Benefit Analysis

Land Use	% of area	Estimated critical unit area loading	relative mass	% mass per category	accum. weight % mass for model	marginal benefit
1 Older medium density residential	24	200	4800	22.8	22.8	6.25
2 High density residential	7	300	2100	10.0	32.7	12.5
3 Office	7	300	2100	10.0	42.7	16.5
4 Strip commercial	8	250	2000	9.5	52.2	25.0
5 Multiple family	8	200	1600	7.6	59.8	27.2
6 Manufacturing industrial	3	600	1800	7.1	66.9	28.4
7 Warehousing	8	200	1600	7.1	74.0	29.9
8 New medium density residential	8	250	2000	9.5	83.5	30.6
9 Light industrial	8	200	1600	7.6	91.1	31.4
10 Major roadways	8	200	1600	7.6	98.7	32.0
11 Commercial	10	100	1000	4.7	103.4	32.4
12 Shopping malls	3	250	750	3.6	107.0	32.7
13 Utilities	1	150	150	0.7	107.7	32.7
14 Low density residential with services	8	25	200	0.9	108.6	32.7
15 Vacant	2	50	100	0.5	109.1	32.7
16 Park	2	50	100	0.5	109.6	32.7
<b>Total</b>	<b>100</b>		<b>21075</b>	<b>100</b>		

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# Example Marginal Benefit Analysis



VOL 5

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MONITOR. NEW

COUNTY OF LOS ANGELES MONITORING PROGRAM  
NPDES MUNICIPAL STORMWATER PERMIT

The following monitoring program, including a study of receiving waters, will be performed by the County of Los Angeles ("County") in full and complete satisfaction of the water quality monitoring requirements under the NPDES municipal stormwater permit to be issued to the County and 86 other co-permittees pursuant to the Clean Water Act.

This monitoring program also incorporates certain elements of the monitoring workplans approved or received by the Regional Water Quality Control Board (the "Workplans") with respect to the existing NPDES municipal stormwater permit.

**I. Land Use Station Monitoring**

**A. Evaluation of Land Uses**

The County will evaluate the location of the land use monitoring stations using a methodology which is described in Attachment A. The methodology is intended to produce a marginal cost-benefit analysis for identifying the most important land uses for monitoring in the County permit area. The County will agree to monitor (subject to the station event limitations set forth in Section II(B)(3) below) stations reflecting land uses that are identified through the marginal cost-benefit analysis as appropriate for monitoring. The County will agree to include for monitoring at least five land uses before determining whether there is a point beyond which monitoring would not meet the marginal cost-benefit analysis. Existing land use stations which need to be relocated, based on the methodology, will be relocated. The County will decommission land use monitoring stations which are, as a result of the cost-benefit analysis, not required to be monitored or which reflect duplications.

**B. Land Use Monitoring Methodology**

1. **Sampler Type:** The County will monitor the land uses selected by the analysis described in Section I(A) above using the same automatic samplers used under the current permit.

2. **Constituents:** The County will analyze samples taken in the automatic samplers for the constituents that were analyzed for automatic samplers under the existing permit. If a constituent is not found, at the method detection limit, in more than 25% of the samples in the first ten sampling events (and thereafter on a rolling basis using the ten most recent sampling events), future samples will no longer be regularly analyzed for the constituent (unless the few observed occurrences show unusually high concentrations and are cause for concern). Also, once sufficient storms have been sampled to allow the establishment of an event mean concentration ("EMC") at an error rate of 25% for a constituent at a given location, that constituent will be deleted from the list of constituents for which the samples will be analyzed at that location. In addition, the County will conduct

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annual confirmation sampling for the non-detected constituents for as long as the land use monitoring station remains open (i.e., until all constituent of concern EMCs are calculated or the station is otherwise closed). The land use station shall be operated until the permit term is concluded or until EMCs are derived, at the 25% error rate, for the following detected constituents of concern:

- PAHs (total)
- chlordan
- Cadmium
- Copper
- Nickel
- Lead
- Chromium
- Silver
- Zinc
- Total Suspended Solids
- Total Nitrogen
- Total Phosphorus

At the time of the closure of a station, EMCs will be calculated for all constituents which have been detected during the operation of the station, although EMCs for non-constituents of concern need not be calculated at the 25% error rate. The list of constituents of concern may be amended by the RWQCB through addition or deletion of constituents; if a constituent of concern is added prior to the commencement of the second year rainy season (October 15, 1997), the County will analyze for that constituent until the EMC at an error rate of 25% is determined. If the constituent of concern is added after the commencement of the second year rainy season, the County will analyze for it until the station would otherwise close and will determine an EMC for that constituent at the lowest possible error rate or 25%, whichever is greater, achievable at the time of the closing of the station.

3. **Frequency of Monitoring:** The County will monitor at the land use stations at the frequency of a total of 100 station events (defined as the number of stations times the number of storm events monitored) in the first full rainy season after the commencement of the permit, 200 station events in the second full rainy season and 200 station events in the third full rainy season. These station events represent both minimum and maximum numbers, such that the County commits to monitoring at that rate, but not beyond, so long as there are sufficient monitorable storm events. Monitoring after the first three rainy seasons will continue (subject to a maximum 200 station event cap) until EMCs are established for constituents of concern which have been found in the samples or until the permit term ends. (Data from land use monitoring stations under the current permit that continue to be used as monitoring stations under the new permit will be used for establishment of the EMCs; however, use of the data will not reduce the frequency of station events in the first three years of the permit.) When EMCs are determined, monitoring at the land use stations will be ended. Dry weather monitoring will not be conducted at the land use stations, unless such monitoring is required for a special study.

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4. **Carryover Monitoring:** The County will continue to monitor existing land use stations established under the current permit and at the frequency contained in the Workplans through the 1995-96 rainy season.

**II. Mass Emission Station Monitoring**

A. **Stations to be Monitored:** The County will monitor four mass emission stations, those presently existing on Ballona Creek and Malibu Creek, the Los Angeles River at Wardlow Road and the San Gabriel River. These stations represent the four major drainage points for the watersheds which discharge into the ocean from Los Angeles County. All other existing mass emission stations will be decommissioned.

**B. Monitoring Methodology**

1. **Sampler Type:** The automatic samplers currently installed at the four mass emission stations will continue to be used.

2. **Constituents:** In addition to the constituents being monitored by the automatic samplers, grab samples will be taken at the mass emission stations to obtain samples for the analysis of constituents being analyzed for grab samples taken under the existing permit.

3. **Frequency of Monitoring:** The Ballona Creek and Malibu Creek stations will be monitored during the current rainy season (1995-96) and the 1996-97 rainy season at the rate of up to ten events per station per year, for a total of twenty station events per year. This monitoring will include dry weather samples. The Los Angeles River and San Gabriel River stations will be monitored during the following two full rainy seasons (1997-98 and 1998-1999) at the rate of up to ten events per station per year, for a total of twenty station events per year.

4. **Carryover Monitoring:** In order to use data from mass emission stations on Ballona Creek and Malibu Creek to assist the carrying out of a receiving waters study in the current rainy season, the County will focus its efforts on those stations and will discontinue monitoring at other mass emission stations. The County requests the permission of the RWQCB to discontinue monitoring which might be required under the existing permit for the upcoming rainy season to allow for the expanded monitoring at these two stations.

5. **Wide Channel Study:** The County also will assess the accuracy of single sample ports in wide channels by conducting a study at one wide channel comparing the automatic sampler results with samples from grab sampling. If the wide channel study reveals that there are differences in constituent concentrations depending on the location of the sampling point, it will develop adjustment factors to deal with this variability.

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**III. Storms to be Monitored**

The County will set the automatic samplers to monitor storms of down to .25 inches in size. In addition, the County will, as a pilot study, set one land use sampler to record storms of down to .1 inch in size. Based upon an assessment of 1) the operational effectiveness of the sampler; 2) the feasibility and effectiveness of samples retrieval and transport; and 3) the ability to reprogram and maintain this setting at other samplers, a decision will be made as to whether to set some or all of the remaining samplers to sample storms of down to .1 inch in size.

**IV. Pollutant Loads Study**

The monitoring of mass emission and land use stations is intended to provide input into a loads assessment model to estimate loadings of various pollutants for each of the six watershed management areas established under the new permit. The pollutant loading information will be used by the permittees and the RWQCB to better develop the stormwater management program under the upcoming permit and future permits and to support a receiving waters study. The model to be used for the loads assessment will be the EPA Simplified Method. The increased frequency of sampling set forth in this monitoring program is intended to provide EMCs for the constituents found in the watershed runoff to be used in a loads assessment model that will be run at the end of the third year of the permit.<sup>1</sup>

**V. Critical Source/BMP Monitoring**

**A. Selection of Critical Sources to be Studied:** The first phase of the program will be the selection of priority critical sources to be studied. The selection will be made using the following steps:

Step 1: The County first will develop an initial list of candidate critical sources, including industrial and commercial sources that are regulated under the state's General Industrial Activities Storm Water Permit ("General Permit") and those which are not.

Step 2: The County next will develop a list of criteria for prioritizing the candidate critical sources developed pursuant to Step 1, including the following: number and/or total area associated with each critical source; runoff pollutants associated with each source; the impact of nonstormwater discharges associated with each source; whether or not the source is regulated under the General Permit; and, ease of implementation of monitoring and BMPs.

Step 3: The County next will prioritize the candidate critical sources based on the selection criteria develop under Step 2.

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<sup>1</sup> In addition to samples taken under the new permit, samples taken at the four mass emission stations and land use stations under the existing permit which will continue to be monitored under the new permit also will be used to develop the loads assessment model.

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Step 4: The County next will conduct a literature review and contact other State municipal stormwater programs to identify what critical sources have been (or are planned in the next five years) to be studied elsewhere. Where studies have been conducted or are planned to be conducted elsewhere, such studies will be reviewed to assess whether the hydrologic conditions in the study area are representative of those in Los Angeles County, the quality of the study and any conclusions from already-conducted studies. This evaluation would be coordinated with the State Stormwater Quality Task Force.

Step 5: The County next will take the list developed up to Step 3 and refine and finalize it based upon the review conducted pursuant to Step 4.

**B. Design of Study:** The County plans to examine five critical source types over six rainy seasons. Following selection of the candidate sources, and during the 1996-97 rainy season, runoff from the first critical source type will be characterized. The County will seek to find six similar examples of the critical source type, so as to reduce the amount of variability inherent in sampling only a single example. (Depending upon the availability of finding sufficient examples that can be sampled in a single day with a single crew, the number of test and control sites may be less than three apiece.) Sheetflow from the six sites will be split into two "pools" reflecting three control and three test sites. Sheetflow from each pool, as collected during a targeted five storm events, will be composited into a single sample for analysis. The samples will be analyzed for those pollutants anticipated to be found in the critical source runoff and such analytes will be partitioned, as appropriate, to determine the dissolved and undissolved portions.

Based upon the first year of characterization data, appropriate BMPs will be selected and installed at the test sites. In the second year, sheetflow from the control sources for each of a targeted ten storms will again be composited and analyzed. With respect to the test sources, one or a variety of non-structural or, possibly, structural BMPs will be instituted at all or some of the test sites. Also, sheetflow from the test sources for each of a targeted ten storm events will be collected and analyzed. (If a structural BMP were installed, only the inlet and outlet of the BMP will be sampled and sheetflow from that location would not be collected.) This comparison will allow a direct study of the effectiveness of the BMPs at the test sites.

A similar program will be instituted with respect to the other four candidate critical source types, with the intent to finish all sampling by the end of the sixth rainy season after the effective date of the permit.

In addition, the County will reevaluate, after the third rainy season, the progress made by other entities in California to evaluate the critical sources determined by the County to be significant pursuant to the process described in Section V(A) above. If, following that determination, the County determines that there are additional significant critical sources which require monitoring (because they have not been monitored and there are no commitments by other municipal stormwater programs to conduct such monitoring) or if it determines that monitoring of a significant critical source did not include evaluation of BMPs associated with such monitoring, it will commit to monitor up to three additional



critical sources commencing in the fourth rainy season and concluding by the end of the eighth complete rainy season following the effective date of the permit. If the County's review determines that a significant critical source had been monitored, but that there was not (and is not planned to be) an evaluation of associated BMPs, the County will undertake a BMP evaluation only for that critical source and will not conduct the first year characterization study. The County also requests the Regional Board to request other permittees to assist in monitoring other critical sources and to evaluate other BMPs.

The extent of this additional monitoring will be dependant on the County's ability to complete the monitoring/evaluation described above. If more time beyond the third rainy season is required to complete the monitoring, due to a lack of monitorable storms, the extent of the additional monitoring will be accordingly reduced.

**VI. Receiving Waters Study**

The County also will agree to fund the largest part of a receiving waters study that will be a joint effort of the University of Southern California, the University of California at Santa Barbara and the Southern California Coastal Water Research Project ("SCCWRP"). In addition, the study will be done in cooperation with an ongoing toxicity study by investigators at UCLA. Co-funding, either direct or in terms of vessel support, also will be provided by the federal government through the Sea Grant program, by the City of Los Angeles and through SCCWRP. It must be noted that while the County is committed to funding a receiving waters study, the scope of that study will be affected by the availability of non-County funding sources, as is discussed below. The County's commitment is limited to the provision of funds.

**A. Outline of Study:** The receiving waters study includes a plume study to determine the dispersion of stormwater runoff and associated sediment, a study of the benthic environment near two principal storm drains, Malibu and Ballona Creeks and an assessment of the toxicity of storm drain waters and affected sediments near Malibu and Ballona Creeks. The plume study will be carried out by the USC Sea Grant program. The benthic and toxicity studies will be carried out by SCCWRP.

The plume study will be carried out over two storm seasons, with the third year used for analysis of the data obtained in the previous years. The County will agree to commit to spend up to a maximum of \$145,000 to support the plume study. Additional funds will be supplied by the federal Sea Grant program, with research vessel time to be provided by the City of Los Angeles. It should be noted that the absence of such non-County funds will necessarily affect the plume study and could result in it not being undertaken. The benthic study will also be carried out over at least two storm seasons. The County will commit to spend up to a maximum of \$205,000 for the benthic study, plus up to an additional \$80,000 for a third year of study, if it is the consensus of the project scientists that a third year of research is appropriate. Finally the County will commit up to a maximum of \$118,500 for a study of the toxicity of stormwater and affected sediments, with an additional up to \$80,500 for a third year of the study if it is the consensus of the project

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scientists that a third year of research is appropriate. Each element of these studies is outlined below.

**1. Plume Study:** The plume study will examine the following issues, among others:

- Mapping the spatial and temporal structure of the runoff plumes from Ballona and Malibu Creeks as they flow into Santa Monica Bay following strong winter storms.
- Examining the interaction between the runoff plume and ocean processes as they affect the advection, dispersion, and mixing of the plume.
- Evaluating the impact of storm runoff plumes on beneficial uses of the coastal ocean.
- Characterizing the optical properties of the suspended particulate material ("SPM") and dissolved organic material ("DOM") associated with runoff sources.
- Examining the effects of DOM and SPM on the water column optics and the distribution of nutrient concentrations, as the same may affect phytoplankton productivity.
- Helping to establish appropriate locations for benthic study stations.

**2. Benthic Study:** The benthic study will measure the following parameters:

- Water quality (dissolved oxygen, salinity, density, temperature, light transmissivity and Ph).
- Sediment grain size, sediment organic concentrations and sediment contaminant concentrations.
- The structure of the benthic invertebrate community.

The benthic study will employ the same methods used in studies of dry weather impacts in river discharge areas carried out by SCCWRP in 1994 and 1995 in the entire Southern California Bight.

**3. Toxicity Study:** The toxicity study will involve the following proposed annual elements:

Water Column Toxicity

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- 30 sea urchin fertilization tests taken during two storm and one dry weather event off each of Ballona and Malibu Creeks (including reference sites).
- 3 Phase I TIE tests on up to 3 samples showing toxicity in the sea urchin fertilization tests

**Sediment Toxicity**

- Amphipod survival tests of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 1.
- Amphipod survival tests of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 2.
- Sea urchin growth tests will be conducted for chronic toxicity in sediment samples from 6 stations, plus 1 reference site, with the locations to be determined by project scientists based on existing data and best scientific judgment. Biological effects only (survival, growth, sediment avoidance) will be measured for all sites in Year 2.
- Chemical analysis of sea urchin growth test tissue samples (gonad) will be conducted for organics and metals. Duplicate samples from 4 stations (including one reference) will be analyzed in Year 2.
- Phase I TIE tests using sea urchin fertilization of interstitial water from up to 4 stations identified to be toxic in amphipod survival tests (4 samples total) will be conducted in Year 2.
- Additional interstitial water testing intended to coordinate with the UCLA study noted below may also be carried out.

**B. Project Flexibility:** The exact parameters of Year 2 (and Year 3, if necessary) testing will be determined by a review of the project scientists of the results of Year 1 and Year 2 testing. Thus, certain of the steps outlined above may be modified following the reviews.

**C. Coordination with UCLA Toxicity Study:** At the present time, researchers from UCLA are involved in an ongoing Santa Monica Bay Restoration Project study of the toxicity of stormwater runoff in Ballona and Malibu Creeks. The County receiving waters study will be coordinated, to the extent possible, with the UCLA study to maximize the utility of the information obtained by both studies.

**D. Los Angeles and San Gabriel River Study:** In addition, the County will commit to taking a total of three (two storm weather and one dry weather) water samples taken at each of the Los Angeles and San Gabriel River mass emission stations during each of the two years that those stations will be monitored. The samples will be analyzed using

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the sea urchin fertilization tests, it being understood that the County's total out-of-pocket contribution for such tests shall not exceed \$3,600.

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VENTURA COUNTY OFFICE  
2310 PONDEROSA DRIVE  
SUITE 1  
CAMARILLO, CALIFORNIA 93010  
(805) 867-3688

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811 WEST SIXTH STREET, SUITE 2500  
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(213) 236-0800

TELECOPIER: (213) 236-2700

*Orange County Office*  
ORANGE COUNTY OFFICE  
3200 PARK CENTER DRIVE  
SUITE 750  
COSTA MESA, CALIFORNIA 92626  
(714) 848-8668

WRITER'S DIRECT DIAL:  
213-236-2821

Internet: [rwyoung@bws.com](mailto:rwyoung@bws.com)  
OUR FILE NO. 00111-630

June 5, 1996

**CERTIFIED MAIL**

Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality  
Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: "Tentative Waste Discharge Requirements for Municipal Storm  
Water and Urban Runoff Discharges Within the County of Los  
Angeles (NPDES No. CAS614001)"

Dear Ms. Tyrrell:

The cities which this firm represents are committed to full compliance with the requirements of the Clean Water Act and to cooperation with the Board and its staff in the development of a workable Permit which will carry out the objectives of the Act. To enable those cities to appreciate the facts on which the Board Staff relied in preparing proposed findings for the "Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001)" I would appreciate the opportunity to review the following:

1. The "studies" cited in Finding No. 4 of the Draft Permit identified as follows:

Studies have shown that storm water runoff from urban and industrial areas typically contains the same general types of pollutants found in wastewater in industrial discharges.

Are there any "studies" specific to Los Angeles County on which this proposed finding is based? If so, please identify them, and make them available for review and copying.

2. With respect to that portion of Finding No. 5 which refers to the "impairment of a number of water bodies in Los Angeles County, which are either impaired or threatened

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Ms. Catherine Tyrrell  
June 6, 1996  
Page 2

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to be impaired", please identify studies which are specific to each water body, the beneficial use of each water body, and the "[p]ollutants found causing impairment" as to each such water body.

3. With respect to proposed Finding No. 6, which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ."
  - please identify and make available for review and copying any studies which provide a scientific basis for that part of the proposed Finding to the effect that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies in Los Angeles.
  - Please identify and make available for review and copying any studies which provide a scientific basis for the statement that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies . . ." which lie outside the City of Los Angeles but within the County of Los Angeles.
  - Please identify and make available for review and copying all decision documents or other action by the Board in which the Board determined that the "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies in Los Angeles.
4. With respect to Finding No. 19, with respect to beneficial uses of water bodies in the County of Los Angeles, the second paragraph states, without attempting to distinguish one water body from another, that all of the water bodies in the County have all of the beneficial uses listed, including hydropower generation and ocean commercial fishing, which statement is obviously not true. For each water body and each beneficial use, please identify and make available for review and copying all documents are relied upon as the basis for Finding No. 19.
5. With respect to Finding No. 25, please identify, and make available for inspection and copying, the following:

A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings.

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Ms. Catherine Tyrrell  
June 6, 1996  
Page 3

Is the "compliance review" specific to the County of Los Angeles? By whom was it conducted? Please identify by author, document title and record of determination the public records which establish that the "compliance review" confirms the EPA findings. Please identify and make available the public records which reflect or document that "results to date of storm water inspection programs in California confirm the USEPA findings."

This request is made to enable the officials and residents of the Cities of Santa Clarita, Alhambra, El Segundo, Downey and Bellflower to better understand how they might comment on and implement an effective permit which meets the objective of the Clean Water Act.

This request is made pursuant to the California Public Records Act ("PRA"), California Government Code §§ 6250-70.

For purposes of this request, the term "document" should be understood to include also all letters, including, but not limited to letters and all other forms of communication to or from, by, or on behalf of the U.S. Environmental Protection Agency, the State Water Resources Control Board and its staff, Heal the Bay, the Natural Resources Defense Council and those acting on their behalf, memoranda; memoranda for the record; memoranda of understanding; contracts; agreements; agreements in principle; notes; notes-to-file; calendar entries; minutes, summaries or reports of meetings; talking papers, point papers, or any other briefing materials; studies; analyses; reports; summaries; synopses; abstracts; telecopier cover sheets; estimates; and all other documents, regardless of form, whether paper, magnetic tape, electronic disc, electronic mail, microfilm, microfiche, or any other form, regarding, relating or pertaining to the "Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001)."

Please regard this request as severable, i.e., as a request to make documents available as they are identified, without waiting for all documents to be made available at once.

In view of the noncommercial nature of this request, and the fact that it is made on behalf of public entities, for the purpose of informing public officials and the public, it is requested that all copying fees in connection with this request be waived.

If any portion of this request is denied, or any record is withheld, please state the specific grounds for the withholding or denial, the name and title of the official who made the decision to deny the request or withhold the record and the name, title and address of the person to whom the decision to withhold the record may be appealed. In addition, please provide sufficient information to identify the record being withheld, including the title of the document, the nature of the document (e.g., interoffice memorandum), the number of pages in the document, a

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Ms. Catherine Tyrrell  
June 6, 1996  
Page 4

statement of the subject matter sufficient to enable the Cities to evaluate the basis for the withholding of the document, the location of the document, the identity of the custodian of the document, the name of the author and the names and addresses of all persons to whom the document (original or copy) was addressed, or shown or circulated.

Should you have any questions as to this request, or wish to arrange for a schedule for the production of the public records requested, please do not hesitate to call me or Gregory T. Dion of our firm.

In view of the time requirements of the PRA, I look forward to hearing from you or your representative in the near future, and in any event, within 10 days of your receipt of this letter.

Thank you for your anticipated cooperation.

Very truly yours,



RUFUS C. YOUNG, JR.  
OF BURKE, WILLIAMS & SORENSEN

cc: Honorable Mayor and Members of the  
City Councils and City Managers of  
the Cities of Alhambra, Bellflower,  
Downey, El Segundo, and Santa Clarita

cc: Jorge Leon, Esq.

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SECOND FLOOR  
LOS ANGELES, CALIFORNIA 90012  
(213) 621-2000

FACSIMILE  
(213) 621-2224

July 1, 1996

VIA FACSIMILE AND U.S. MAIL  
(213) 266-7600

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

OFFICE OF THE  
CALIFORNIA REGIONAL  
BOARD  
LOS ANGELES REGION

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Attn: Winnie

Re: Draft NPDES Permit

Dear Ms. Tyrrell:

Enclosed please find suggested revisions to the draft NPDES Municipal Storm Water Permit. Because of the time frame involved I have limited my comments to language revisions which would not necessitate substantive policy revisions. I appreciate your consideration of these suggestions.

Page 7 sec. 25.

I think there may be a typographical error in this sentence. I think the intent may be as follows:

"This order therefore, includes narrative receiving water limitations that require allow storm water discharges which neither cause . . ."

Page 9 sec. 40

The last paragraph in this section gives the mistaken impression that all of the co-permittees were sued. The sentence should be revised as follows:

"In the—a lawsuit against the—some other Permittees . . ."

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OLIVER, VOSE, SANDIFER, MURPHY & LEE

Ms. Catherine Tyrrell  
Assistant Executive Officer  
May 17, 1996  
Page 2.

Page 31 sec. 1a

To make this requirement consistent with the rest of the permit I think the last sentence in this section should end with the maximum extent particable instead of the maximum extent feasible.

Page 43 sec. 6a

I do not believe it is cost effective or effective to require street sweeping once a month regardless of the season. This requirement imposes a large cost burden on cities without a significant benefit.

Page 43 sec. 6bi

It is not practical to suggest that a BMP of avoiding saw cutting and paving of roads during wet weather. Emergency operations may sometimes require such work, even in wet weather. At the least the phrase, "to the maximum extent practicable should be added to this sentence.

Thank you for considering these suggestions. Please call me if you have any questions regarding this matter.

Very truly yours,

Mary L. McMaster  
of OLIVER, VOSE, SANDIFER,  
MURPHY & LEE

MLM:crn

- cc: Charles Redden, City of Covina
- Carlos Alvarado, City of Bell
- Jim Van Winkle, City of South Pasadena
- Steve Craig, City of Calabasas
- Charles S. Vose, Esq.
- Edward W. Lee, Esq.

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**RICHARDS, WATSON & GERSHON**  
Attorneys at Law  
A Professional Corporation  
333 South Hope Street, 38th Floor  
Los Angeles, CA 90071-1469

Switchboard: (213) 626-8484  
Telecopier: (213) 626-0078

**TELECOPY COVER SHEET**

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**DATE:** June 26, 1996  
**TO:** Catherine Tyrrell  
**FIRM:** California Regional Water Quality Control Board  
Los Angeles Region

**RECEIVING TELECOPY NO:** (213) 266-7600

**FROM:** John J. Harris, Esq.

**OUR FILE NO:** C1380.00980

**TOTAL PAGES (including this cover sheet):** 34

**DOCUMENT(S):**  
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RICHARDS, WATSON & GERSON

Ms. Catherine Tyrrell  
June 26, 1996  
Page 2

significant and fundamental policy issues regarding the scope and cost of the Storm Water Management Program prescribed by the Tentative Permit have not been completely settled.

The cities which we represent are certainly aware of the problems associated with storm water pollution. Their residents and businesses all share a common concern to preserve and enhance the water quality of the ocean. However, individual cities' fiscal and administrative resources for implementing storm water programs are limited. Of all the governmental agencies in California involved in this effort, the many small cities which we represent are the least suited to bear the full brunt of the responsibility for controlling storm water pollution, as the Tentative Permit requires. At this point, neither the state nor the U.S. Environmental Protection Agency have offered any sort of financial assistance to the cities in implementing a program that is designed to meet both regional and national objectives.

While the enclosed suggested modifications attempt to address matters of wording in the Tentative Permit, the fundamental policy issues raised by the extensive Stormwater Management Program set forth in the Tentative Permit cannot be quite so easily resolved. These are not simply issues of wording, but rather questions of how tens of millions of dollars will be spent by cities in Los Angeles County to address a problem, the sources of which are ill-defined. These are not just questions of "unfunded mandates," but rather how local agencies can best direct their efforts and apply their ever-shrinking tax revenues in an effective manner.

One very important area which does not appear to have received a great deal of analysis has been the cost of implementing the programs set forth in the Tentative Permit. To our knowledge, the Board has not extensively analyzed the potential costs of the individual programs and the potential quantifiable benefits so that a realistic cost/benefit analysis can be made by individual cities.

Some rough figures can be derived by cost analyses already performed by some Permittee cities. For example, the cost estimates derived from the San Gabriel Valley COG Survey estimates annual costs for larger cities, such as Pomona, West Covina and Pasadena, at \$8.98 per person per year. (These costs tend to diminish somewhat for smaller, primarily residential cities.) The City of Long Beach estimated that it is spending \$12.4 million a year and that the estimated costs of implementing the new programs under the Tentative Permit would be another

RICHARDS, WATSON &amp; GERSON

Ms. Catherine Tyrrell  
June 26, 1996  
Page 3

approximately \$3.4 million, or about \$16.1 million total. That number works out to about \$18.15 per person a year.

The comparative cost numbers prepared by the Santa Monica Bay Restoration Project and presented at the June 18 workshop estimated an average cost of dedicated stormwater program funding of \$3.34 a month per household, or approximately \$11.36 per person per year. Using that number as a base, a city such as the City of West Hollywood with a population of over 38,000 could expect to spend over \$500,000 a year on its stormwater program. Carson, with a population of approximately 90,000 people, could expect to spend approximately \$1,200,000.

The City of Manhattan Beach, a city of a similar size to West Hollywood, estimated that its current costs are in the neighborhood of \$850,000. Extrapolating that number for Carson's population would result in a projected cost of over \$2 million a year.

Based on the projected costs provided by the County of Los Angeles and the City of Long Beach, one can reasonably expect that the annual costs for implementing the storm water programs outlined in the Tentative Permit for the entire County would reach \$100,000,000 a year. These numbers, of course, do not include potential increased costs to residents, business and industry in complying with the discharge prohibitions and other requirements set forth in the Tentative Permit. To our knowledge, no effort has been made at this point to quantify the financial impact of these regulatory requirements on the citizens and businesses of Los Angeles County.

We would think that all parties involved, whether they represent the cities, the regulated community, environmental groups, or state agencies, would all share a common goal of ensuring that the monies spent on storm water programs were utilized in a cost effective manner.

With these factors in mind, our clients have been particularly sensitive to the need for ensuring that genuine scientific data supports the specific approaches to storm water management set forth in the Tentative Permit and that these programs will achieve verifiable results.

Necessarily, the expenditure of such large amounts of money is an important public policy question, particularly in a situation where neither the state nor the federal government have been willing to provide any meaningful source of funds to carry out these programs. It should also be kept in mind that it is not the cities themselves that are the sources of storm water

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RICHARDS, WATSON & GERSHON

Ms. Catherine Tyrrell  
June 26, 1996  
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pollution; municipal facilities have not been identified, to our knowledge, as being significant sources of contaminated run-off. Rather, the sources of this type of pollution, to the extent they can be identified, appear to be primarily the result of hydrological changes brought about by urbanization, highway runoff, automobile/atmospheric deposit, industrial and construction activities (which are already regulated directly by the Board), accidental spills and illegal dumping, urban housekeeping and landscaping practices, and other activities over which cities have little practical control. (See, pp. 1-2 through 1-8 of the Municipal Best Management Practice Handbook.) Moreover, the contamination found in our bays and other receiving waters is not solely the result of storm water runoff; the contamination has been caused in significant part by point source discharges, as well as disposals and discharges that occurred before current regulatory initiatives under the Clean Water Act began. Nevertheless, the cities are being blamed entirely for the problem and are being ordered in the Tentative Permit to take full and unassisted responsibility for ending storm water pollution themselves.

We have previously raised a number of questions regarding the legal implications of the process by which the Tentative Permit was developed. We have appreciated the detailed response provided by Board's counsel to these concerns and have taken them into account. However, we continue to believe that this process did not comply with applicable principles of California administrative law.

One of the biggest problems which the Board staff and the representatives of the Permittees have faced in the process has been the lack of any established, clearly-defined written policies, guidelines, objectives, or regulations setting forth the specific elements must be included in a municipal stormwater permit issued by the Board. Although the Board has adopted very general regulations for the issuance of waste discharge requirements in 23 C.C.R. §§2200 et seq., those regulations do not directly address the specific components of a municipal stormwater NPDES permit. Similarly, although the United States Environmental Protection Agency's regulations contained in 40 CFR Section 122.26 address the requirements for a permit application, those regulations do not set forth very specific requirements for the contents of a municipal stormwater NPDES permit. (See, for example, 40 CFR Section 122.41)

As a result, the Tentative Permit is an amalgamation of excerpts from different guidance manuals, reports, extracts from other permits, suggestions and ideas generated by Board staff, all developed without compliance with California's Administrative

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Ms. Catherine Tyrrell  
 June 26, 1996  
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Procedure Act. California Government Code §§11340, et seq.  
 ("APA").

While the issuance of individual waste discharge requirements may not be subject to the provisions of the APA (See, Government Code §11352(b)), the standards, objectives and guidelines which dictate the content of those requirements have to be formally adopted in accordance with the APA. (Government Code §11352(b).) California law does not permit either the State Water Resources Control Board or any of the Regional Water Quality Boards to develop and impose requirements of general application in such a manner like any other state agency, the Board is required to first formally establish its objectives, guidelines and requirements through formal rulemaking in compliance with the APA. (Government Code §11340.5(a).)

The APA prohibits state agencies from issuing, utilizing enforcing or attempting to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule which is a "regulation", as defined in Government Code §11342(g), unless the rule has been adopted as a formal regulation. Government Code §11340.5; Union of American Physicians and Dentists v. Kizer, 223 Cal.App.3d 490, 496 (1990). Rulemaking is required whenever an administrative agency creates a new rule for future application, as opposed to applying an existing rule to existing facts. See, Twentieth Century Insurance v. Garamendi; 8 Cal.4th 216, 275 (1994); see also Grier v. Kizer, 219 Cal.App.3d 422, 434 (1990). A "regulation" is defined as "every rule, regulation, order, or standard of general application ... adopted by a state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the state agency." Government Code §11342(b). "House rules" of an agency, promulgated without public notice or an opportunity to be heard, or filing with the Secretary of State, and publication in the California Code of Regulations, are prohibited. Union of American Physicians and Dentists v. Kizer, supra, 223 Cal.App.3d 497.

Government Code §11353(b)(1) specifically provides that "any policy, plan, or guidelines, or any revisions thereof, the State Water Resources Control Board has adopted or that a court determines is subject to this part, after June 1, 1992, shall be submitted to the office [the Office of Administrative Law]."

Our courts have held, and the Board has agreed, that water quality control programs are subject to the Administrative Procedure Act. See, State Water Resources Control Board v.

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RICHARDS, WATSON & GERSON

Ms. Catherine Tyrrell  
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Page 6

Office of Administrative Law, 12 Cal.App.4th 697 (1993). In that case, the court concluded that the regulatory matters contained in water quality control plans were actually regulations. Those regulations are neither expressly nor impliedly exempt from the provisions of the Administrative Procedure Act. On that basis, the court invalidated a water quality control plan. (12 Cal.App.4th at 706) In doing so, the court held that "... if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labelled it." (12 Cal.App.4th at 703) The various procedural steps followed for issuing waste discharge requirements contained in 23 C.C.R. §2200, et seq. are not a substitute for this process.

The principle underlying the APA's requirements is that state agencies are not allowed to adopt or enforce unwritten laws, regulations or policies. When applying for a permit, applicants have a right to know in advance what requirements will be imposed upon them. Applying for a storm water permit, or any other permit, does not give the Board a blank check to impose any requirements it believes are appropriate, no matter how well-intentioned the Board's objectives may be.

Regional Board staff has expressly stated on a number of occasions that the State Water Resources Control Board is attempting to develop and implement permit conditions which will be consistent from one region to the other. Such action is rulemaking in its most basic form. However, no notice of rulemaking was ever issued, nor was any regulatory package submitted to the OAL for approval.

The procedural requirements of the APA serve a very important function of ensuring that the policy, cost and scientific issues raised by a regulatory initiative, such as this, are fully considered. Before adopting a regulation, an agency is required by Government Code § 11346.2 to consider and provide a full statement of the reasons for the regulation, which includes a discussion of the specific purpose of the regulation, "an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the adoption, amendment, or repeal of a regulation...", and "...the alternatives to the regulation considered by the agency and the agency's reasons for rejecting those alternatives...", among other things. That section also allows the Board to

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RICHARDS, WATSON & GERSON

Ms. Catherine Tyrrell  
June 26, 1996  
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"... adopt regulations different from federal regulations contained in the Code of Federal Regulations addressing the same issues upon a finding of one or more of the following justifications:

- (A) The differing state regulations are authorized by law.
- (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment."

In this case, the Board believes that it is only carrying out federal mandates. Under such circumstances, Government Code § 11346.2(c) requires

" (c) ... However, the agency shall comply fully with this chapter with respect to any provisions in the regulation that the agency proposes to adopt or amend that are different from the corresponding provisions of the federal regulation. "

(See, also, Government Code § 11346.5(a)(3)(A).)

Most importantly, Government Code § 11346.5(a) requires the agency to make:

- "(5) A determination as to whether the regulation imposes a mandate on local agencies or school districts and, if so, whether the mandate requires state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4.
- (6) An estimate, prepared in accordance with instructions adopted by the Department of Finance, of the cost or savings to any state agency, the cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4, other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state. For purposes of this paragraph, "cost or savings" means additional costs or savings, both direct and

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RICHARDS, WATSON & GERSON

Ms. Catherine Tyrrell  
June 26, 1996  
Page 8

indirect, that a public agency necessarily incurs in reasonable compliance with regulations."

Government Code § 11346.3(a) also requires the agency to "assess the potential for adverse economic impact on California business enterprises and individuals, avoiding the imposition of unnecessary or unreasonable regulations or reporting, recordkeeping, or compliance requirements." See also, Government Code § 11346.3(c), and Government Code § 11346.9, 11347.3. Government Code § 11346.3(a)(11) requires a determination of the impact of the regulation on housing costs.

The need for the analysis inherent in formal rulemaking under the APA is readily apparent in this case. This permit will have a significant impact not only on the individual Permittee cities, but also on their residents, businesses and industries, and the economy and housing market in Southern California.

The procedures set forth in the APA ensure that the important policy, cost and scientific issues are fully addressed and a proper administrative record is made. In our comments to the December 1995 draft of the permit, we asked that an application be made to the Office of Administrative Law to determine whether the Board first must engage in formal rulemaking to develop the written guidelines which will be applied in this or any other municipal stormwater permit, before attempting to establish the terms of this proposed permit. We reiterate that request. We believe that the failure to institute formal rulemaking early in the process will leave open a means for attacking the Tentative Permit, if adopted, on the ground that the Board failed to comply with the APA.

The Tentative Permit is also exposed to criticism on the ground that it is "unfunded mandate." The Tentative Permit requires numerous new programs which individual cities will have to fund and implement, despite the fact that no funding mechanism, nor any assistance, financial or otherwise, is being provided to the cities. Article XIII B, Section 6 of the California Constitution requires a state agency which mandates a new program or a higher level of service to provide a "subvention" of funds to reimburse local governments for the costs of the program or increased level of service. To our knowledge, the State Board made no such provision for funding the programs which it has proposed in the current draft.

The Board purports to be implementing the requirements of the Clean Water Act ("CWA") and the U.S. Environmental Protection Agency's regulations under the CWA. Article XIII B,

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RICHARDS, WATSON & GERSON

Ms. Catherine Tyrrell  
June 26, 1996  
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Section 6 prevents the state from shifting the cost of government from itself to local agencies. State agencies are not free to shift state costs to local agencies without providing funding merely because those costs were imposed upon the state by the federal government. If the state freely chooses to impose costs upon a local agency as a means of implementing a federal program, then those costs should be reimbursed by the state agency. See, Hayes v. Commission on State Mandates, 11 Cal.App.4th 1564, 1593-1594 (1992). If the state refuses to appropriate money to reimburse a city, the enforcement of the state mandate can potentially be enjoined by a court. See, Lucia Mar Unified School District v. Honig, 44 Cal.3d 830, 833-834 (1988).

The Tentative Permit contains many new programs and mandates which go beyond the specific requirements of either the Clean Water Act or the EPA's regulations implementing the CWA. These are new state programs which are not being specifically required by the federal government, but, instead, have been initiated, formulated and proposed by the Regional Board's and State Board's staff.

While we understand that the Board disagrees with our analysis of this issue, the State Board should nevertheless support the cities in obtaining reimbursement from the state for these programs. If not, we believe that the California Commission on State Mandates should be allowed to hear and determine a test case and to decide whether the programs proposed in the Tentative Permit are reimbursable.

There should be no misunderstanding that our cities fully support the same objectives that the Regional Board and the environmental groups wish to achieve. However, our clients will be signing the checks to pay the costs of these programs. While certainly they will have input in the development of these programs, we believe the Board has to carefully consider the costs and benefits before requiring cities to implement them. With these concerns in mind, we ask that the Board make the changes outlined in the attachment to this letter.

We expect individual city councils of the cities which we represent to consider their position with respect to the Tentative Permit at their meetings in early July. While we are not in a position to tell you what position any individual city may take with respect to the Permit, based upon staff input, each of the cities would expect the changes to the Tentative Permit set forth in the attachment to this letter to be made.

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Enclosure

John J. Harris

*John J. Harris*

Very truly yours,

We will advise you of the response and positions of the individual cities which we represent once we have received direction from them.

Ms. Catherine Tyrrell  
June 26, 1996  
Page 10

RICHARDS, WATSON & GIBSON

...

**SUGGESTED MODIFICATIONS TO MAY 23, 1996 DRAFT  
WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES  
(NPDES NO. CAS061654)**

June 24, 1996

**FINDINGS**

We have reviewed the revised findings contained in the May 23 Tentative Permit. Certainly the organizational structure of the findings has improved greatly over prior drafts. However, we still have a number of concerns regarding the factual and scientific basis for many of the specific findings.

We previously submitted a Public Records Act request under Government Code 6250, et seq., to obtain the factual data upon which the Board relied in support of each of the findings set forth in the December 1995 Draft. While many of the documents identified in the proposed findings were included in the documents provided for our review, we did not receive a complete response to our PRA request. Also, upon reviewing the produced documents, we found that, in many cases, the document itself did not provide a substantial factual basis for the finding.

**Finding No. 5, p.2-**

This finding refers to "periodic water quality assessments" which purportedly identified the impairment of a number of water bodies in Los Angeles County. We have not been provided with these water quality assessments in order to determine whether the information is anecdotal and provides sufficient scientific basis for the programs dictated in the Tentative Permit. Accordingly, the second sentence of this finding should be modified as follows:

"The beneficial uses of certain water bodies specifically identified in these assessments are either impaired or threatened to be impaired..."

*ok* ✓

**Finding No. 6, p.2-**

The epidemiological study referred in Finding No. 6 has been criticized with respect to the scientific methodology employed to reach its conclusions. Also, the study is necessarily limited by its epidemiological focus, as opposed to objective data based upon monitoring, etc. More significantly, the finding states: "The results can be extrapolated to other water bodies in Los Angeles." We do not believe that there is a

*delete last sentence -* ✓

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valid, scientific basis for extrapolating the epidemiological results to other receiving waters in Los Angeles County. Accordingly, we believe Finding No. 6 should be deleted.

Finding No. 8, p.2: Attachment B-1-

Finding No. 8 refers to Attachment B, which is a map of the permitted area in Los Angeles County. That map purports to show geographic boundaries of the individual watersheds. However, for some inexplicable reason, certain cities were moved from one watershed to another without any apparent hydrological basis for the move. For example, the cities of Monrovia, Arcadia, El Monte and South El Monte, which border on the San Gabriel River, were inexplicably moved from the San Gabriel River watershed (where they were located under the current permit) to the Los Angeles River watershed. Similarly, San Marino was moved from the San Gabriel River watershed to the Los Angeles River watershed. We do not understand the basis for this arbitrary unilateral move. While we cannot speak for other cities, we are confident that the cities of San Marino, Monrovia and South El Monte wish to remain in the San Gabriel River watershed and believe that both Attachment A and Attachment B should be modified to reflect their proper hydrological watershed.

*hide in line  
will submit above  
2 cities*

Finding No. 16, p.5-

This finding refers to the State Board's dual annual fee structure and that the intent was to allow permittees to recover the annual fee differential. However, no practical means has been provided by the Board whereby cities could collect that differential and a question is also raised as to whether the statutory and regulatory bases for them to try to collect a storm water fee is available. Accordingly, we believe Finding No. 16 should be deleted.

*delete*

Finding No. 17, p.5-

This finding refers to the fact that the State "may impose more stringent requirements necessary to implement water quality control plans..." However, the Administrative Procedure Act first requires the State to institute formal rulemaking, which neither the State Board nor the Regional Board have. Absent such formal rulemaking, there is no basis for this finding and it should be deleted.

*delete*

Finding No. 20, p.5-

This finding also refers to a "watershed management approach" to addressing water quality protection. As with respect to Finding No. 18, no formal rulemaking was ever instituted by the State or Regional Boards with respect to this regulatory approach to water quality protection. Accordingly, we believe that Finding No. 20 should be deleted.

*no*

Finding No. 21, p.5-6-

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See comments to Finding No. 8.

Finding No. 22, p.6-

This finding refers to the Bay Restoration Plan being developed to serve as the blue print for Santa Monica Bay's recovery. Again, it is clear that this plan is effectively a water quality control plan which required formal rulemaking before the Board utilizes it as a "blueprint for Santa Monica Bay's recovery." Accordingly, this finding should be deleted. *rw*

Finding No. 23, p.26-

The second sentence of this finding should be deleted absent a demonstration of factual support that "industrial and construction sites discharge directly into storm drains..." *ok delete*

Finding No. 25, p.6-

This finding refers to a compliance review which confirms purportedly the USEPA findings with respect to the automotive service sector. That compliance review was not produced in response to our Public Records Act request. Absent being given an opportunity to review the compliance review, we believe this finding should be deleted.

Finding No. 27, p.7-

This finding refers to a "compliance review of restaurants and similar food-handling facilities..." We have not been provided with that compliance review. We believe that it should be deleted.

Finding No. 31, p.7-8-

This finding should be modified as follows:

"Each Permittee is only responsible for the implementation of the appropriate storm water management program developed pursuant to the requirements of this Order in its own city and over such facilities as it has regulatory control..." *ok*

The last sentence of this finding should be modified as follows:

"Each Permittee need only comply with the requirements of this Order applicable to discharges originating from facilities within its boundaries and over which it has regulatory control. A Permittee is not responsible for..." *ok*

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discharges originating outside of its boundaries or those discharges over which it has no realistic regulatory control."

Finding No. 36, p.8-

Delete the second sentence of this finding.

Finding No. 40, p.9-

We believe that this finding, which refers to the lawsuits brought by the Natural Resources Defense Council, should be deleted. We do not believe that the court's ruling in the Caltrans case represents a definitive expression of the law with respect to BMPs or the application of the Clean Water Act to governmental agencies. Moreover, this finding is placed under the title "Enforcement Actions Under the Existing Order." The lawsuits referred to were not enforcement actions by the Water Board or the USEPA, but rather, were brought as private party citizen suits.

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I. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

Section I.B.11, p.16 (Responsibilities of the Permittees)-

Please modify the preface to this section to read, as follows:

"Each Permittee shall, within its geographic jurisdiction and ~~to the maximum extent practicable~~..."

*June*

*NRDC*

Section I.C.g.viii, p. -

Delete this subsection, regarding identification of industrial/commercial sources.

*NRDC*

Section I.E.1, p.18 (Legal Authority)-

Subsections E.1.a through 1.f. should be deleted so that the provision conforms with the provisions of the federal regulations and other permits.

Section I.E.2, p.20-

Subsection 2.a.i. should be modified to read as follows:

"A statement by its legal counsel that the Permittee has obtained all necessary legal authority to comply with Section I.E.1 of this Order, referencing that legal authority with specificity."

*OK*

*June*

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Section I.E.2.b. p. 2

of this subsection.

Section

*SCWRP*

(BMP Substitution)

in F.1.c., as follows:

the proposed BMP identified in this the WMAP is substantially greater alternative, but does not achieve a or improvement in storm water quality."

Section I.G.2.c. (Administrative Review)

Please modify the last sentence of this subsection to add the following:

"A Permittee will not be considered to be in violation of this Order until it is notified by the Regional Board's Executive Officer in writing that the Administrative Review process set forth above has been completed and the specific facts upon which the Executive Officer has based a determination that the Permittee has not fully complied with the SPCA."

*(MP)*

**II. ILLICIT CONNECTIONS AND ILLICIT DISCHARGES**

Section II.A.2. p.25 (Illicit Connections)

This section, as with a number of other sections which require the implementation of programs, sets a time schedule that is not tied to the fiscal and administrative cycles of individual cities. Most cities operate on a fiscal year and their ability to modify and to fund programs in the middle of a fiscal year is limited. Accordingly, the implementation schedules for individual programs should be modified to allow cities to commence implementation of a program developed in the budget year following final approval of a particular program. For example, if a city's fiscal year begins on July 31, its budget formulation process is usually completed months before that. If Executive Officer approval of a program is not issued before the budget for a city is "closed", there is no realistic way of expecting the implementation of the program in the following fiscal year. With these factors in mind, we suggest that the implementation schedules for individual Permittees be modified to provide that implementation will commence in the fiscal year following EO approval of a program, provided that such approval is issued no more than 90 days before the commencement of the individual Permittee's fiscal year.

As an example, Section II.A.2 would be modified as follows:

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Section I.E.2.b. p. -

Delete this subsection. *DL*

Section I.E.1. p.21 (BMP Substitution)-

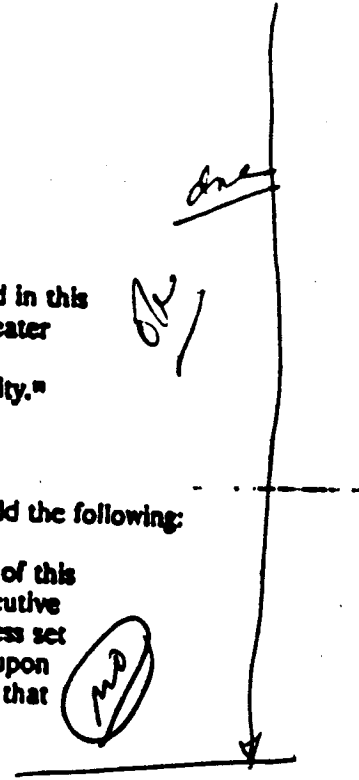
Add a new Subsection F.1.c., as follows:

"Or, the fiscal burden of the proposed BMP identified in this Order, the CSWMP, or the WMAP is substantially greater than the proposed alternative, but does not achieve a substantially greater improvement in storm water quality."

Section I.G.2.c. p.22 (Administrative Review)-

Please modify the last sentence of this subsection to add the following:

"A Permittee will not be considered to be in violation of this Order until it is notified by the Regional Board's Executive Officer in writing that the Administrative Review process set forth above has been completed and the specific facts upon which the Executive Officer has based a determination that the Permittee has not fully complied with the SPCA."



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As an example, Section II.A.2 would be modified as follows:

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"Each Permittee, ... shall develop and implement as appropriate a program to identify and eliminate illicit connections to the maximum extent practicable, not later than four (4) months after the commencement of its next fiscal year following the approval of the model program by the Executive Officer, provided, however, that such approval is issued no later than ninety (90) days prior to the commencement of the Permittee's fiscal year. If such approval is given within ninety (90) days of the commencement of a Permittee's fiscal year, such program shall be implemented in the second fiscal year following approval of the model program by the Executive Officer."

*In as event implementation be later than following permit adoption*

Section II.B.2, p.26 (Illicit Discharges)-

Modify in the same manner as Section II.A.2

Section II.C.2, p.27 (Conditionally Exempted Discharges)-

*fine* Add a new subsection (m), adding "Sidewalk Washing" as a Conditionally Exempt Discharge.

Section II.C.3.a., p.27 (Designated Discharges)-

*no* Delete the first sentence of the first paragraph. *no*

Please modify the first sentence of the third paragraph of this subsection to read, as follows:

"The Permittees will be given the opportunity to review and comment upon the City of Los Angeles report."

Delete the remainder of this section (i.e., Paragraphs 2 and 3).

*no*  
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*public notional*

Section II.D.2, p.29 (Public Reporting)-

This section should be modified to provide the same implementation schedule set forth in Section II.A.2.

Section II.D.4, p.29 (Public Reporting-Hazardous Substances)-

The implementation schedule should be modified in the same manner as Section II.A.2.

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**III. DEVELOPMENT PLANNING AND CONSTRUCTION**

**Section III.A.2.b. p.32 (Exempt Projects)-**

This section should be modified to provide that the six-month period runs from the beginning of the Permittee's next fiscal cycle, and modified in the same manner as Section II.A.2.

**Section III.A.3. p.32 (Planning Control Measures)-**

This section should be modified to provide that the six-month period runs from the beginning of the Permittee's next fiscal cycle, and modified in the same manner as Section II.A.2.

**Section III.A.4.a. p.33 (Planning Process)-**

This section should be modified to provide that the six-month period runs from the beginning of the Permittee's next fiscal cycle, and modified in the same manner as Section II.A.2.

**Section III.A.5. p.34 (Developer Information Program)-**

This section should be modified to provide that the six-month period runs from the beginning of the Permittee's next fiscal cycle, and modified in the same manner as Section II.A.2.

**Section III.B.2.a. p.36 (Construction Control Measures Program)-**

This section should be modified to provide that the six-month period runs from the beginning of the Permittee's next fiscal cycle, and modified in the same manner as Section II.A.2.

**Section III.B.2.b. p.36-37 (Construction Control Procedures)-**

This section should be modified to provide that the six-month period runs from the beginning of the Permittee's next fiscal cycle, and modified in the same manner as Section II.A.2.

**Section III.B.b. p.37 (Construction Site Inspection)-**

This section should be modified to provide that the six-month period runs from the beginning of the Permittee's next fiscal cycle, and modified in the same manner as Section II.A.2.

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**IV. PUBLIC AGENCY ACTIVITIES**

**Section IV.B. p.38 (Permittee Public Agency Programs)-**

The implementation schedule should be modified in the same manner as that discussed with respect to Section II.A.2.

**Section IV.C.1.d. p.39 (Sewage System Operations)-**

Delete the clause "... using techniques such as field screening, sampling, smoke/dye testing, and TV inspection, as appropriate; ..."

**Section IV.C.2.b.v. p.40 (Public Construction Activities Management)-**

Delete this subsection. *no*

**Section IV.C.3.a.ii-iv. p.40 (Vehicle Maintenance)-**

These subsections requiring plans for vehicle maintenance/material storage facilities management which go beyond those typically required for private entities. These requirements should be limited to the equivalent Phase I-type facilities.

**Section IV.C.3.b. p.40 (Vehicle Maintenance)-**

Modify the preface to this subsection to read:

"BMPs for facilities covered under Section IV.C.3.a. to improve site-specific pollutant control ..."

**Section IV.C.4. p.41-42 (Landscape and Recreational Facilities Management)-**

To our knowledge, the requirements set forth in this subject have not been imposed on private facilities, and it would not be equitable to impose them on public facilities under such circumstances. Accordingly, this subsection should be deleted.

**Section IV.C.5.f.iii. and iv. p.42 (Storm Drain Operation and Management)-**

Please delete subsections iii. and iv.

**Section IV.C.5.d. p.43 (Storm Drain Operation and Management)-**

Please delete this subsection.

**Section IV.C.8.a.v. p.44 (Public Industrial Facilities)-**

Please delete this subsection. *no*

*Category 11  
Phase 2 public construction in private construction to the state is negotiated work items*

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**V. PUBLIC INFORMATION AND PARTICIPATION**

**Section V.A.1. p.47 (Immediate Outreach)-**

The implementation schedule for this section should be modified in the same manner as Section II.A.2. to conform with the cities' individual fiscal cycles.

**Section V.A.1.a.iv. p.47 (Immediate Outreach)-**

Please modify the second sentence of this section to read, as follows:

"This list should be updated regularly and as needed, but not more often than once a year." *ok*

**Section V.A.1.a.v. p.47 (Immediate Outreach)-**

Please modify the second sentence of this section to read, as follows:

"This list should be updated regularly and as needed, but not more often than once a year." *ok*

**Section V.A.2. p.48 (Immediate Outreach)-**

The implementation schedule with respect to this section should be modified to commence after the city's fiscal year has commenced, and modified in the same manner as Section II.A.2. *no*

**Section V.A.2.b. p.48 (Immediate Outreach)-**

Modify this section to read:

"Training of the appropriate Permittee employees (those whose jobs or activities directly affect stormwater quality), ..." *✓*

**Section V.B.1.b. p.49 (Identification of Sources)-**

Please modify the first sentence of this section to read, as follows:

"Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its geographic boundaries and submit to the Principal Permittee not later than 1 year after the Principal Permittee provides the Permittee with the database format." *ok*

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Section V.B.2. p.50 (Source Control Measures)-

The prefatory sentence should be modified as follows:

"The principal Permittee, -- , should develop checklists of specific stormwater BMPs for distribution by Permittees to industrial/commercial facilities requiring educational site visits under Part II.V.B.3, not later than ten (10) months after adoption of this order."

Also, the last sentence (following subsection C of this section) should be deleted.

Section V.B.3.b.iii and iv., p.52 (Educational Site Visits)-

We have been waiting for a response from the County of Los Angeles as to whether the County Fire Department or other County agencies will be able to implement the educational site visit program described in this section as a part of existing programs conducted on behalf of contract cities. If the County is not prepared to do so, we believe that most contract cities will oppose the inclusion of Section B.3 in the permit.

Even if the County is prepared to implement such a program, subsections B.3.b.(iii) and (iv) appear to cross the line between a truly educational site visit and an administrative inspection, which would require an administrative subpoena or warrant. Accordingly, to avoid constitutional problems, these subsections should be deleted.

Section V.C.1.b.iv.d., p.53-55 (Five-Year Storm Water Education Strategy)-

Delete this subsection.

VII. PROGRAM REPORTING AND EVALUATION

Section VII.A.2. p.58 (Annual Program Report)-

Please modify the first two sentences of this section to read, as follows:

"The Principal Permittee, in coordination with the Permittees shall submit a Program Annual Report to the Regional ~~Board~~ Board on or before each anniversary date of this Order. ~~The first Annual Report is due one year from the effective date of this Order.~~"

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Section VII.A.2, p.58-59 (Annual Program Report)-

Please modify these subsections to read, as follows:

- "a. The implementation status of program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee; *including test cases*
- (b)** The status of, or statement of completion of all and milestones described in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
- c. Results of program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
- ~~e. Public education activities;~~ *X Program accomplishments by each Permittee; Add language per agreed upon in discussion w/ being drafted*
- f. The names, titles, and telephone numbers of personnel responsible for supervising implementation of the program tasks contained in the Permit, CSWMP, and/or WMAP, as applicable to each Permittee;
- primary* g. Any recommended changes and/or modifications to the Permit, CSWMP, and/or WMAP, as applicable."

Section VII.B. p.59 (Annual Monitoring Report)-

Please modify this section to read, as follows:

"The Principal Permittee shall submit a separate Monitoring Annual Report by the anniversary of the date of this Order. The first Monitoring Annual Report is due one year from the effective date of this Order." *no*

**STANDARD PROVISIONS**

Section II p.60-

Delete the phrase "under penalty of perjury."

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Section III, p.60-

Please modify this section to read, as follows:

"This Order may only be modified, revoked, or reissued, prior to the expiration date, by the Regional Board, in accordance with the procedural requirements of the Water Code and Title 23 of the California Code of Regulations for the issuance of waste discharge requirements, and upon prior notice and hearing, to..." *AK*

Section IV, p.61-

Please modify this section to read, as follows:

*the program*  
"Except for enforcement purposes and applicability to the State of California Department of Transportation (Caltrans), Order No. 90-079 (NPDES Permit No. CA0061654) is hereby superseded and replaced by this Order from the date of the adoption of this Order."

Section V, p.61-

Please modify this section to read, as follows:

"The issuance of this permit is not intended to, and does not, absolve any Permittee of liability for conduct which may have constituted a violation of the previous Board Order 90-079 (CA0061654, CI 6948) adopted by this Regional Board on June 18, 1990, nor is it intended to impose any liability on any Permittee or person for any conduct prior to the adoption of this Order." //

Attachment A, p.A1 (List of Permittees)-

Please move the cities of Monrovia, San Marino and South El Monte from the Los Angeles River Watershed to the San Gabriel River Watershed.

Definitions-

Hazardous Material, p.D-4-

Delete the second sentence of this definition.

*please whole definition  
of HM in  
Chapter 6.95*

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Jurisdiction, p.D-5.

Modify the first sentence of this definition as follows:

"The term 'jurisdiction', when used in connection with a Permittee, means the geographic area within the Permittee's boundaries and under the Permittee's regulatory control."

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*long bond - October 1*  
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*Pilot Project*

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SENT BY:

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RUTAN & TUCKER-

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**Rutan & Tucker, LLP**  
**ATTORNEYS AT LAW**  
 611 ANTON BOULEVARD, 14TH FLOOR  
 COSTA MESA, CALIFORNIA 92626-1998  
 MAILING ADDRESS: Post Office Box 1950, Costa Mesa, California 92628-1950  
 TELEPHONE: (714) 641-5100 FACSIMILE: (714) 546-9035

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 Telephone Number: (213) 266-7500  
 Fax Number: 213-266-7600  
 Transmittal From: Richard Montevideo, Esq.  
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RUTAN & TUCKER, LLP

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

31 ANTON BOULEVARD SUITE 400
COSTA MESA, CALIFORNIA 92626-1000
DIRECT MAIL TO P O BOX 1000
COSTA MESA, CALIFORNIA 92628-1000
TELEPHONE (714) 841-8100
FAX (714) 846-8038

JAMES B. BOGERT
PAUL FREDERIC BARR
WILLIAM B. BIEL
RICHARD A. CURNUTT
LEONARD S. DAMPE
JOHN S. HURDUT JR
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MICHAEL S. BENTON
LISA BARON BRYAN
ERNEST W. MURPHY III
ELIZABETH MARION
AND S. THOMPSON

A. RUTAN 1000-072
JAMES D. TUCKER 1000-000
WILFORD D. BARKER 1000-1000
W. BOGGS 1000-1000

JAYNE TAYLOR
DAVID B. COOPER
MARC VAN LINDEN
STEWART A. ELLIOTT
MATTHEW B. BROWN
JEFFREY WERTZ
ROBERT S. BORN
ROBERT S. YOUNGER
JEFFREY A. WILSON
P. DEVIN BRADY
LARRY W. DEWEE
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MICHAEL S. DEVLIN
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JAMES S. BOEY
CAROL L. DEWITT
PATRICK S. WILSON
DORIS M. WILSON
A. ROYCE BUCHAN
ELLEN S. BARTON
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S. DANIEL BARBETTE
DAVID F. BARBER
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JEFFREY S. GROSS
BRIE LEE COLLINS
NARA S. COLLINS
ERIC L. GUNN

June 26, 1996

VIA FACSIMILE AND U.S. MAIL

California Regional Water Quality Control Board
Los Angeles Region
101 Centre Plaza Drive
Monterey Park, California 92754-2156

Attn: Ms. Catherine Tyrrell
Assistant Executive Director

Re: Tentative NPDES Permit No. CAS14001

Dear Board Members:

The purpose of this letter is to provide comments on behalf of the Cities of Baldwin Park, Lawndale, Signal Hill and West Covina to the Tentative NPDES Permit No. CAS14001 dated May 23, 1996, along with the June 17, 1996 revisions to the same.

We would like to first thank the Board for the opportunity to comment on the Tentative Permit, and hope the comments provided herein prove useful in adopting a Permit that meets the goals and objectives of the Clean Water Act and the concerns of all interested parties.

The following comments correspond with the specific sections of the Tentative Permit, with general comments being provided at the end of the letter.

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I. COMMENTS ON FINDINGS

- A. Page 1, ¶ 4. This finding 4 states that studies have shown that storm water runoff from urban industrial areas typically contained the same general types of pollutants found in wastewater in industrial discharges. The studies it relies upon are, unfortunately, not cited in the finding, and the reference to the federal "Guidance Manual for the Preparation of Part 2 of the NPDES Applications for Discharge from Municipal Storm Sewer Systems, U.S. Environmental Protection Agency," does not address storm water or urban runoff issues within the Los Angeles basin. This finding is thus not supported by any studies and should be modified to reflect the fact that it is not based on studies within Los Angeles. Otherwise, it is an overbroad generalization that will be taken out of context.
- B. Page 2, ¶ 5. This finding refers to beneficial uses of water bodies being impaired or threatened to be impaired; however, it does not identify which water bodies or receiving waters within the County have been impaired and/or are threatened to be impaired, nor does it address the fact that the Tentative Permit calls for a "receiving water study" to determine the impacts, if any, on storm water and non-storm water discharges throughout the County. Accordingly this finding should be revised to identify the specific water bodies and receiving waters it is referring to as being impaired and threatened to be impaired, based on studies that have been completed to date and/or based on any other relevant evidence. It should also refer to the Regional Board's request for further study to determine impacts on other water bodies and receiving waters.
- C. Page 2, ¶ 6. The last paragraph of this finding states that studies performed on the Santa Monica Bay can be extrapolated to other water bodies in Los Angeles County. There are however, very unique problems associated with the pollutants found in Santa Monica Bay, and the results of the studies performed on Santa Monica Bay should not be applied to other water bodies in the County. This finding should therefore be modified to reflect the uncertainties in applying the results of the studies in the Santa Monica Bay to all other water bodies within the County, and additional studies should be conducted and the Permit appropriately revised to incorporate findings and terms based on these additional studies.

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- D. Page 2, ¶ 7. This finding implies that all storm water/urban runoff discharges are significant sources of pollutants, regardless of the location of the runoff and the receiving water bodies in issue. The finding is not supported by the previous findings set forth in the Order, and should be modified to reflect only those areas of the County where the Regional Board's finding supports a determination that storm water urban runoff is a significant source of pollutants impairing the water quality and beneficial uses of the receiving waters in Los Angeles County.

## II. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

- A. Page 18, Part 2, ¶ I.E. ("Legal Authority"). This section requires each Permittee to have demonstrated "legal authority" to comply with the Tentative Permit. The legal authority of the Permittees is limited by state and federal law, and cities may only adopt ordinances and regulations that are consistent with their general police powers and that are not in conflict with controlling state and federal authority. Thus, stating that the Permittees "shall possess" the legal authority to comply with the Permit does not change the authority a local entity otherwise has. For example, the Tentative Permit effectively requires that the City prohibit certain discharges from industrial facilities, regardless of whether these facilities are covered under an existing NPDES General Industrial Activity Permit, which itself may allow for certain non-storm water discharges (if these discharges cannot otherwise be eliminated as certified to the Regional Board). Such a prohibition, therefore, if covered by a separate NPDES Permit is not within the City's legal authority.

Requiring cities to adopt ordinances and/or regulations and/or permits to carry out certain obligations under the Tentative Permit is appropriate, but requiring Permittees to have authority outside of what state and federal law provides is inappropriate. The language within Paragraph I.E. should be modified to state what is intended, i.e., that "each Permittee shall adopt appropriate ordinances, resolutions and/or regulations to ensure compliance with the provisions of the Permit applicable to their jurisdiction, to the extent permitted by state and federal law."

- B. Page 18, Part 2, ¶ I.E.1.a. This provision requires Permittees to control pollutants and the quality of storm

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water discharge from "sites of industrial activity." We propose that this language be made more specific and limited to Industrial Facilities to be defined in the Permit, rather than sites of "industrial activity," which is ambiguous.

- C. Page 18, Part 2, § I.E.1.a(i). This section prohibits the discharge of untreated washwaters from cleaning gas stations, auto repair garages, or similar use facilities. The language is overbroad in that it prohibits washing of any nature on such facilities, including even window washing of the building. The Paragraph should be narrowed to address the specific activities of concern, and to avoid the overbreadth of the existing language. In addition, other provisions of the Permit prohibit any non-storm water discharge to the MS4, treated or untreated, and this provision, therefore, creates an internal ambiguity within the Permit.
- D. Page 19, Part 2, § I.E.1.a(vi). This provision prohibits washing "toxic materials" from paved or unpaved areas, resulting in a discharge to the MS4. A definition of "toxic materials" should be added to avoid any ambiguity.
- E. Page 19, Part 2, § I.E.1.a(vii). This provision prohibits any washing of impervious surfaces in industrial or commercial areas, which may result in a discharge to the MS4. It is plainly overly broad, given that it would prohibit any commercial business, even a card store, office building or any other seemingly innocuous business, from washing sidewalks or walkways. If this is not the intent of the Paragraph, it should be amended to address the issues of concern; otherwise, it will prohibit a business from performing any cleaning of its premises.
- F. Page 19, Part 2, § I.E.1.a(x). This provision, which requires the placement of machinery or equipment "to be repaired or maintained in areas susceptible to or exposed to storm water in a manner where leaks, spills or other maintenance related pollutants are not discharged to the MS4," is broad and ambiguous, and will be nearly impossible to codify in any ordinance to be adopted by the Permittees. We would ask the Regional Board's intent with this provision be clarified.
- G. Page 19, Part 2, § I.E.1.c(ii). This provision prohibits the disposal of leaves, dirt or other landscaping debris into a storm drain. Read literally, it would prohibit leaves from trees from falling into the street, it would prohibit any



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blade of grass from being swept or blown onto roads, and would prohibit any sweeping of sidewalks or streets. We would ask that this provision be modified and tailored with much more specificity to address the issues of concern, or that it be deleted in its entirety. Without change, it is so overbroad that it is unenforceable.

- H. Page 20, Part 2, § I.E.1.C(iv). This provision requires the "proper disposal" of food waste by the food service and food distribution industry. There is however no description or definition of what constitutes "proper disposal" of such waste, creating an ambiguity for Permittees and the regulated industry. We would ask that some definition be provided on what is meant by "proper disposal" or that some alternative language be used in its place.
- I. Page 20, Part 2, § I.E.1.C(v). This provision requires Permittees to adopt ordinances to require the disposal of "hazardous waste" at appropriate disposal sites. Local entities have little, if any, authority to regulate the disposal of hazardous waste, given existing state and federal law governing the collection, treatment, transportation and disposal of hazardous waste. Such a prohibition in a local ordinance would likely be preempted by state and federal law. Thus, we would ask that this provision be deleted.
- J. Page 20, Part 2, § I.E.2.a(i) and (ii). This section requires each Permittee to obtain a "statement by its representative legal counsel" that the Permittee has obtained all necessary legal authority to comply with this Order. First, whether or not the local entity has sufficient legal authority under existing state and federal law cannot be changed by the local entity itself. If the Regional Board is requesting that an appropriate ordinance be adopted to enforce the terms of the Permit, then the Permit should state this. Further, no legal counsel can guarantee and/or certify that "all necessary legal authority to comply with this Order" has been provided. Permittees will be unable to obtain this certification, and this requirement of a certification should be deleted as it will guarantee immediate noncompliance with the Permit.
- K. Page 27, Part 2, § II.C.2. Some of the conditionally exempt discharges include landscape irrigation, water line flushing, potable water sources, air conditioning condensate, irrigation water, lawn watering, [residential] swimming pool discharges, individual residential carwashing, and street washing. All of

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- these conditionally exempt discharges should be classified as "Exempt Discharges" under § II.C.1. unless clear and convincing evidence is presented showing they constitute significant sources of pollutants to receiving waters.
- L. Page 28, Part 2, § II.C.4. It is important that specific time periods be included in this Section in which the Executive Officer has to review and respond to applications made by Permittees for additional categories of Non-Storm Water Discharges. If the Executive Officer has not responded within this time period (we would propose 120 days, see Section II.G.1), the requested exemption should then be deemed approved. In the event the Executive Officer denies the requested exemption, the Permittee should be entitled to a hearing before the Regional Board.
- M. Page 31, Part 2, § IIIA.1.b(vii). This provision requires the Principal Permittee, in consultation with the Permittees, to develop standard plans and guidelines for "hillside-located single-family dwelling(s)." Further definition is needed on the meaning of a "hillside-located single-family dwelling."
- N. Page 51, Part 2, § V.3 "Educational Site Visits." This section requires each Permittee to implement an industrial-commercial Educational Site Visit Program to a number of different types of facilities and operations throughout its jurisdiction. These Educational Site Visit Programs will obviously be extremely time consuming and expensive and will likely amount to nothing other than site inspections. We would suggest that rather than have the Permittees visit each site for educational purposes, that as an alternative, educational training/work shops be made available to the various types of facilities at a designated location to be sponsored by the Permittees. This will allow for a much more efficient educational process with an exchange of questions and answers that may be common to the various facilities in attendance. It will moreover significantly reduce the time and expense to the Permittees.

### III. GENERAL COMMENTS

The sound goals and objectives of the Tentative Permit will ultimately require a number of significant changes in the mind-set and lives of the general public and in the operations of industrial and commercial businesses throughout Los Angeles County. All of the needed changes and measures to be implemented are unfortunately

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not known at this time and, as provided for in the Permit, must be developed over time by the Principal Permittee and the Permittees, along with the Regional Board. One of the primary concerns created by the existing Tentative Permit is that there are countless stringent timeframes, identified below, which are tied to either the adoption of the Order or the adoption of a program by the Principal Permittee. Yet, for a vast majority of these programs, at this time, the depth of the program, the number of businesses covered, and the impact on such businesses and the public at large, are unknown.

Without having more information on the extent of the programs to be adopted, and without more information from the studies yet to be performed, it is literally impossible to commit to the adoption and implementation of the numerous programs called out in the Tentative Permit. Many of the programs are known to be very complex and detailed programs, requiring much more time than provided for under the Tentative Permit.

The following is a list of the numerous programs mandated under the Tentative Permit to be performed by the Permittees, in accordance with the time schedules set forth in the Permit. The following list has been compiled to assist the Board in appreciating the magnitude of the requirements being imposed on the Permittees and the limited timeframes provided under the Permit.

<u>LAST DAY FOR IMPLEMENTATION</u>	<u>DESCRIPTION OF PROGRAM OR REQUIREMENT</u>
A. 3 months from adoption of Order <sup>1</sup>	1. Principal Permittee ("PP") to prepare <u>budget summary format</u> for use for each Permittee to report resources available to implement SWMP. (Part 2, § I.D.1)
	2. Permittees to prepare <u>summary of resources</u> dedicated for storm water program implementation within 60 days after adoption by County. (Part 2, § I.D.2)

<sup>1</sup> The Tentative Permit requires implementation of many programs within a set time period after the "adoption" of the Order. This language should be modified throughout, with implementation to be based on the "Effective Date" of the Order.

Los Angeles Regional Water Quality Control Board  
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Page 8

- B. 120 days from adoption of Order
- C. 6 months from adoption of Order
- D. 8 months after adoption of Order
3. Permittees to adopt ordinances, regulations and other legal authority to control discharges to MS4.  
(Part 2, § I.E.2)
  4. Permittees to implement procedure to not issue grading permit for developments with 5 acres or greater, unless compliance with state construction activities storm water permit is shown, and an SWPPP is prepared.  
(Part 2, III.B.2.b)
  5. PP, in consultation with Permittees, to develop a database for listing industrial/commercial facilities.  
(Part 2, § V.B.1.a)
  6. Individual Permittees to collect information for database, using a format developed by PP within 6 months of data base.  
(Part 2, § V.B.1.b)
  7. PP to develop a Standard Annual Program format for use by Permittees.  
(Part 2, § VII.A.1)
  8. PP, in consultation with Permittees, to develop a County-wide Model Program for elimination of Illicit Connections.  
(Part 2, § II.A.1)
  9. Permittees to develop and implement Program to eliminate Illicit Connections, including inspection schedules, within 4 months after approval of County Program by Executive Officer.  
(Part 2, § II.A.2)

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**LAST DAY FOR  
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**DESCRIPTION OF PROGRAM OR REQUIREMENT**

10. PP, in consultation with Permittees, to develop a County-wide Model Program for elimination of Illicit Discharges.  
(Part 2, § II.B.1)
11. Individual Permittees, based on County-wide program, to develop and implement a Program to identify and eliminate Illicit Discharges within 4 months after approval of County Program by Executive Officer.  
(Part 2, § II.B.2)
12. PP, in consultation with Permittees, to develop a County-wide Standard Program to promote, publicize and facilitate public reporting of Illicit Discharges and Illicit Disposal Practices.  
(Part 2, § II.D.1)
13. Permittees to implement a County-wide Illicit Discharges and Illicit Disposal Reporting Program within 4 months of Executive Officer's approval of County program.  
(Part 2, § II.D.2)
14. PP, in consultation with Permittees, to develop a County-wide Program for reporting incidences of "reportable quantities" of hazardous substances entering MS4.  
(Part 2, § II.D.3)
15. Permittees to implement County-wide Program for reporting "reportable quantities" of hazardous substances within 4 months after Executive Officer approval.  
(Part 2, § II.D.4)

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Los Angeles Regional Water Quality Control Board  
June 26, 1996  
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<u>LAST DAY FOR IMPLEMENTATION</u>	<u>DESCRIPTION OF PROGRAM OR REQUIREMENT</u>
E. 10 months after Order	16. Permittees to have available for distribution or reference, as appropriate, written materials on program objectives, training materials, lists of contractor and developer training programs, checklists and brochures on contractor and developer needs, education materials for business sector, audio material, visual material, etc. (Part 2, § V.A.1)
F. 12 months after Order	17. PP, in consultation with Permittees, to develop a checklist of specific storm water BMPs for <u>each industrial/commercial SIC group</u> requiring Educational Site Visits. (Part 2, § V.B.2)
F. 12 months after Order	18. Permittees to demonstrate that they have undertaken distribution of outreach materials to the general public or targeted audiences, and provide a training to appropriate Permittee employees on storm water management. (Part 2, § V.A.2(a)&(b))
F. 12 months after Order	19. PP, in consultation with Permittees, to develop a five (5) year <u>County-wide Storm Water Education Strategy</u> . (Part 2, § V.C.1)
G. 14 months after Order	20. PP, in consultation with Permittees, to develop <u>minimum recommended Requirements and Best Management Practices</u> for all development project construction activities. (Part 2, § III.B.1)

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June 26, 1996  
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**LAST DAY FOR  
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**DESCRIPTION OF PROGRAM OR REQUIREMENT**

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| H. | 16 months after<br>Order | 21. Permittees to develop a <u>regulatory program for construction activities</u> within 6 months after Executive Officer approval of County-wide Guidelines.<br>(Part 2, § III.B.2)                                |
|    |                          | 22. PP, in consultation with Permittees, to develop a <u>Model Construction Activity</u> inspection program with a checklist.<br>(Part 2, § III.B.3.a)  |
|    |                          | 23. Permittees to <u>implement Model Construction Activity</u> Inspection Program within 6 months of Executive Officer approval of County Model Program.<br>(Part 2, § III.B.3.b)                                   |
|    |                          | 24. PP, in consultation with Permittees, to evaluate existing public agency activities and develop a <u>Model Program to reduce impact of public agency activities</u> on storm water quality.<br>(Part 2, § IV.A.) |
|    |                          | 25. Permittees to develop a public agency program based on County Model Program within 4 months of Executive Officer approval of County program.<br>(Part 2, § IV.B)  |
|    |                          | 26. PP to compile information submitted by each Permittee on <u>database on industrial/commercial facilities</u> .<br>(Part 2, § V.B.1.c)   |

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Los Angeles Regional Water Quality Control Board  
June 26, 1996  
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LAST DAY FOR IMPLEMENTATION	DESCRIPTION OF PROGRAM OR REQUIREMENT
I. 18 months after Order	27. PP, in consultation with Permittees, to develop a <u>list of recommended BMPs (County-wide Guidelines) for use during planning and permitting of all development projects.</u> (Part 2, § III.A.1.a)
	28. PP, in consultation with Permittees, to develop <u>Standard Urban Storm Water Mitigation Plans and Guidelines</u> within 6 months after Regional Board approval of BMPs. (Part 2, § III.A.1.b)
	29. PP, in consultation with Permittees, to develop a <u>Model Documented System</u> , such as a checklist, to determine "potential significant impacts" from development projects. (Part 2, § III.A.2.b)
	30. Permittees to incorporate <u>Model Documented System</u> into their procedures within six (6) months from Executive Officer approval. (Part 2, § III.A.2.b)
	31. Permittees to develop a program to carry out <u>planning control measures for priority projects</u> within 6 months after Executive Officer approval of County Model System. (Part 2, § III.A.3)
	32. PP, in consultation with Permittees, to develop <u>Storm Water Management Guidelines for CEQA documents</u> and for purposes of linking storm water quality mitigation conditions to local discretionary project approvals. (Part 2, § III.A.4.a)

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Los Angeles Regional Water Quality Control Board  
June 26, 1996  
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**LAST DAY FOR  
IMPLEMENTATION**

**DESCRIPTION OF PROGRAM OR REQUIREMENT**

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|  | 33. Permittees to review guidelines and make appropriate modifications on <u>internal procedures</u> within 6 months after Executive Officer approval of County Storm Water Management Guidelines.<br>(Part 2, § III.A.4.a) |
|  | 34. PP, in consultation with Permittees, to develop a <u>Model Program for developers</u> seeking discretionary approvals.<br>(Part 2, § III.A.5)   |
|  | 35. Permittees to implement or develop an <u>information program</u> within 6 months after Executive Officer approval of County Model Program.<br>(Part 2, § III.A.5)   |
| J. 24 months after Order                     | 36. Permittees to implement <u>Educational Site Visit Programs</u> for various Phase 1 Facilities, along with vehicle repair, body, parts and accessory shops, gas stations and restaurants.<br>(Part 2, § V.3.a)           |
| K. 30 months after Order                     | 37. PP to <u>complete Analysis</u> of the general success of <u>outreach materials</u> to residences and businesses.<br>(Part 2, § V.A.3)   |
| L. 36 months after Order                     | 38. Permittees to implement <u>Educational Site Visit Programs</u> for facilities selected by WMCs.<br>(Part 2, § V.3.a.viii)   |
| M. 48 months after Order<br>(April 15, 1997) | 39. PP, in coordination with Permittees, to submit <u>First Annual Program Report</u> .<br>(Part 2, VII.A.2)  |

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Los Angeles Regional Water Quality Control Board  
June 26, 1996  
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<u>LAST DAY FOR IMPLEMENTATION</u>	<u>DESCRIPTION OF PROGRAM OR REQUIREMENT</u>
	40. PP to submit a report on assessment of the <u>effectiveness of BMPs</u> implemented and recommendations on performance standards for each watershed management area.
N. August 15, 1997	41. PP to submit separate <u>Annual Monitoring Report</u> . (Part 2, VII.B)
O. 54 months after Order	42. PP to prepare and submit an <u>Integrated Receiving Water Impact Final Report</u> . (Part 2, VII.D)
P. Annually	43. PP, in consultation with Permittees, to submit <u>Annual Program Reports</u> on April 15 of each year. (Part 2, VII.A.2)
	44. PP, in consultation with Permittees, to submit <u>Annual Monitoring Report</u> on August 15 of each year. (Part 2, VII.B.)

The above illustrates the very extensive requirements of the Tentative Permit imposed on the Permittees, the compact timeframe in which these requirements must be completed, and the necessary multiple tracking of the preparation of all such programs, reports, communications, inspections, monitoring, education, training, etc.

The above also illustrates the extreme difficulties the Permittees will have in complying with these time requirements, particularly given that the magnitude, complexity and detail needed in most of these programs are unknown at this time. These stringent time requirements combined with the sheer volume of programs to implement (44), will likely force Permittees to arrive at programs that are made in haste simply to comply with the mandates of the tentative Order. The result will likely be an overall program that is superficial, ineffective and lacking in substance.

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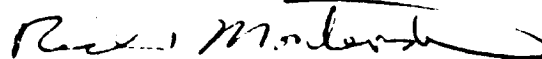
Los Angeles Regional Water Quality Control Board  
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We must strongly urge the Board to reconsider these time requirements and the quantity and detail required in these reports, and ask that the Tentative Permit be sent back to Board staff for further review and revision.

Thank you again for the opportunity to provide these comments. If you have any questions with respect to the above comments, please do not hesitate to contact the undersigned.

Sincerely,

RUTAN & TUCKER, LLP



Richard Montevideo

RM/jb

cc: Mr. Bill Woolard,  
City Manager, Lawndale  
Mr. Len Wood  
Interim City Manager, Signal Hill  
Mr. Jim Starbird  
City Manager, West Covina  
Mr. Sid Mousavi  
Director of Public Works, Baldwin Park  
Mr. Richard Lundahl  
City Engineer, Signal Hill  
Mr. Patrick Glover  
City Engineer, West Covina  
Mr. Tom Mayer  
Principal Planner, West Covina  
Mr. John L. Hunter  
Hunter & Associates  
David J. Aleshire, Esq.  
Robert S. Bower, Esq.  
Elizabeth Hanna Dixon, Esq.  
William W. Wynder, Esq.

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To: Ms. Catherine Tyrrell

From: Rufus C. Young, Jr.

6-26-96 4:25pm p. 2 of 11

LAW OFFICES  
BURKE, WILLIAMS & SORENSEN

VENTURA COUNTY OFFICE  
2210 PONDEROSA DRIVE  
SUITE 1  
CARMARKLE, CALIFORNIA 93010  
909 987-3400

611 WEST SIXTH STREET, SUITE 2500  
LOS ANGELES, CALIFORNIA 90017  
(213) 230-0900

GRAND COUNTY OFFICE  
2200 PARK CENTER DRIVE  
SUITE 750  
COSTA MESA, CALIFORNIA 92626  
(714) 846-8848

TELECOPIER (213) 230-2700

WYATT'S GIBBY BLDG.  
212-220-2001  
FAX: (714) 846-8848  
OUR FILE NO. 88000 070, 00104-001,  
00111 430 & 01001-001

June 26, 1996

BY TELECOPIER TO: (213) 266-7600

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Tentative Waste Discharge Requirements for Municipal Storm Water and  
Urban Runoff Discharges Within the County of Los Angeles (NPDES No.  
CAS614001) (Draft of May 23, 1996)

Dear Ms. Tyrrell:

I write on behalf of the City of Downey regarding the Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) (Draft of May 23, 1996). The City is committed to full compliance with the requirements of the Clean Water Act and to cooperation with the Board and its staff in the development of a workable Permit which will carry out the objectives of the Act. We understand you seek comments on this draft by the close of business on June 26, 1996. This letter provides interim comments and requests extension of the time for submission of comments on the May 23rd draft until July 10, 1996.

Extension of the comment period is necessary only because of the delays by the Board Staff in responding to our several Public Records Act requests. For example, we have yet to receive a meaningful reply to our Public Records Act request of February 15, 1996 and the Board Staff has informed me that it will not be able to have requested materials available for review until Monday, July 1, 1996. Only when we have the Board's response will we be able to provide fully informed comments.

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To: Ms. Catherine Tyrrell

From: Rufus C. Young, Jr.

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Ms. Catherine Tyrrell  
June 26, 1996  
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In the interim, please consider the attached comments in preparing your revisions. The City reserves the right to submit further comments.

Very truly yours,

RUFUS C. YOUNG, JR.  
OF BURKE, WILLIAMS & SORENSEN

cc: City of Alhambra:  
Julio Fuentes, City Manager  
Terry L. James, Assistant City Manager and  
Public Works Director  
Leland C. Dolley, City Attorney

City of Downey:  
Gerald Caton, City Manager  
Richard C. Redmayne, Director of Public Works  
Robert Rugroden, Office Engineer  
Timothy B. McOsker, City Attorney

City of Bellflower:  
Michael J. Egan, Deputy City Administrator  
Michele R. Vadon, City Attorney

City of El Segundo:  
James W. Morrison, City Manager  
Eduard Schroder, Director of Public Works  
Leland C. Dolley, City Attorney

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**June 26, 1996, Interim Comments**  
**Submitted on Behalf of the**  
**City of Downey**  
**on**  
**Tentative Waste Discharge Requirements**  
**for**  
**Municipal Storm Water and Urban Runoff Discharges**  
**Within the County of Los Angeles**  
**(NPDES No. CAS614001) (Draft of May 23, 1996)**

1. In order to strengthen Finding No. 4 of the Tentative Permit, the "studies" referred to should be specifically identified, lest critics attack the Finding as being without factual basis. The following quote illustrates a weakness in the Finding:

Studies have shown that storm water runoff from urban and industrial areas typically contains the same general types of pollutants found in wastewater in industrial discharges.

Contrary to the assertion in the finding, no "studies" are cited as providing a factual basis for this finding. Instead, only the EPA Guidance Manual is cited, and it is not specific to waters in the County of Los Angeles. Unless the Board strengthens this Finding by demonstrating that there are "studies" specific to Los Angeles County on which this proposed finding is based, this "finding" is vulnerable, and, in the interests of strengthening the permit, should be deleted from the permit. If such studies do in fact exist, they should be identified and made available for review by our technical experts.

2. With respect to that portion of Finding No. 5 which refers to the "impairment of a number of water bodies in Los Angeles County, which are either impaired or threatened to be impaired", no studies which are specific to each water body, or which establish the beneficial use of each water body, and the "[p]ollutants found causing impairment" as to each such water body are identified as providing a basis for this finding. To strengthen this Finding, the Board should demonstrate that there are "studies" specific to each water body in Los Angeles County which provide a basis for this sweeping proposed finding. Of course, if there are no such studies, this "finding" should be deleted from the permit. The permit will gain strength by identifying the studies, and making them available for review by technical experts. After that is accomplished, the Tentative permit should be returned to the Board.
3. With respect to proposed Finding No. 6, which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ."

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- No studies which provide a scientific basis for that part of the proposed Finding to the effect that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies in Los Angeles" are cited (or known to exist). For example, some might not agree that the Santa Monica Bay Study has any relevance to the Upper San Gabriel River.
- Until and unless the Board can identify and make available for review and comment those studies which provide a scientific basis for the sweeping proposed "Finding" that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies . . ." this sweeping proposed "Finding" will render this permit vulnerable. We call upon the Board to identify the scientific basis for the "extrapolation" statement, and add it to this finding. Of course, if none exists, it should be deleted from the permit.

4. Proposed Finding No. 7 is based on the extrapolation referred to in item 3, above. As pointed out there, no scientific basis has been provided for that portion of Finding 6 which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ." As Finding 7 rests on Finding 6, and as the "extrapolated" statement in Finding 6 has no demonstrated scientific basis, Finding 7 would be strengthened also if the scientific studies were specifically identified. Unfortunately, the converse is also true: if there are no such studies, Finding 7 must be deleted.

5. In the interests of grammatical clarity and legal accuracy, please revise the second sentence of Proposed Finding 13 to read as follows:

*James OK*

The regulations recognize that certain categories of non-storm water discharges shall not be prohibited unless they have been determined to be significant sources of pollutants.

6. With respect to Finding No. 19, with respect to beneficial uses of water bodies in the County of Los Angeles, the second paragraph clearly permits an inference to be drawn that all of the water bodies in the County have all of the beneficial uses listed, including hydropower generation and ocean commercial fishing, which statement is obviously not true. If it is the intention of the Board to incorporate by reference the Basin Plan, the Board should say so, and saying so would strengthen the permit. Otherwise, the Board should state, for each water body each beneficial use, and should identify and make available for review and comment all documents are relied upon as the basis for such findings. If this Finding is not corrected, it could be argued that the Permittees have violated the Permit if any of the bodies of water in the county fail to

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have any of the beneficial uses listed in this finding. While we believe that such arguments would be completely without merit, the Permittees should not be exposed to potential litigation on this point.

- 7. With respect to Finding No. 25, the Finding refers to, but does not identify . . .

A compliance review of municipal pretreatment and results to date of storm water inspection programs in California [which] confirm the USEPA findings.

No information to identify the "compliance review" or the "results to date" of stormwater inspection programs, or whether they are specific to the County of Los Angeles, or by whom they were conducted or compiled is provided as a basis for this alleged finding. Obviously, to strengthen the permit, the "compliance review" should be identified by author, the methods used, and the peer reviews conducted should be cited. Similarly, the "results to date" should be identified by author, criteria used, peer reviews conducted, where published, etc. Unless the Board does identify the authors, document title and record of determination that the "compliance review" and the "results to date" confirm the EPA findings, and provide a reasonable opportunity for experts to review the "compliance review" and "results to date" and the qualifications of those who conducted/compiled them, this "finding" creates an inappropriate vulnerability in the permit, and it should be deleted.

- 8. With respect to Finding No. 26, please add the following to balance the finding and to reflect other studies:

But studies also demonstrate that for metals, the maximum concentrations of most constituents detected in Retail Gasoline Outlet ("RGO") runoff water samples are lower than U.S. EPA primary and secondary drinking water maximum contaminant levels ("MCLs"). Studies further indicate that VOC concentrations found in stormwater runoff from the pavement at RGOs are below the EPA MCLs. *Service Station Storm Water Runoff Study*, Western States Petroleum Association, October 5, 1993. Contamination from roads and highways is more than twice as great as that from residential and commercial areas. U.S. DOT, 1986, U.S. EPA, 1983. A study of vehicles in the Santa Clara Valley found that vehicles were the source of 67% of the zinc, 50% of the copper and 50% of the cadmium found in runoff. *Santa Clara Valley Nonpoint Source Pollution Control Program*, cited in Weiss, 1993. Nevertheless, Permittees lack authority to control vehicles as sources of pollution. →

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- 9. With respect to Finding 29, as revised on 6/17/96, please add the following in order to strengthen the permit:

The Board recognizes that Permittees have no control over how much rain falls and only limited control over the amount of pollutants within their boundaries which flowing stormwater may pick up. Accordingly, the occurrence of a violation of water quality objective nor a condition of nuisance shall not constitute a violation of this order.

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Failure to incorporate this change could subject the Permittees to litigation seeking to hold them to an impossible "strict liability" standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible or to require absurd results. *Hughey v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

- 10. The second sentence of Finding 31 would be clarified and strengthened if it were revised as follows:



Each Permittee is required to comply only with the requirements of the Order applicable to those discharges which originate from those places within its boundaries over which it has authority to enforce the requirements of this Order, and not those discharges ~~outside its boundaries, nor discharges within its boundaries over which it has no authority.~~

- 11. In Part 1.1, Discharge Prohibition, in order to strengthen and clarify the first sentence, please revise it to read as follows:

Each Permittee shall prohibit non-storm water discharges into its municipal storm sewer system (MS4) and into watercourses within its jurisdiction except where such discharges are . . . .

- 12. In Part 1.1, Discharge Prohibition, in order to strengthen and clarify this provision, please add the following new last sentence:

The Board recognizes that Permittees have only limited control over those who may unlawfully or inadvertently dump pollutants into a storm drain inlet. Accordingly, the occurrence of a non-storm water discharge, per se, shall not constitute a violation of this Order.

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Failure to incorporate this change could subject the Permittees to litigation seeking to hold them to an impossible "strict liability" standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible, or to require absurd results. *Hughey v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

- 13. We understand that Part 1.II has been changed in its entirety as reflected in the Board's letter of June 17, 1996.
- 14. Part 2.I.E. Legal Authority is inconsistent with the remainder of the permit and creates doubts as to the intended scope of the remainder of the Permit. In addition, it is inconsistent with, and exceeds the provisions of 40 CFR 122.26(d)(2)(i)(D) and the EPA Guidance Manual For The Preparation of Part 2 Of The NPDES Permit Applications For Discharges from Municipal Separate Storm Sewer Systems (EPA 833-B-92-002, November, 1992), Section 3-3, page 3-4. This section of the Tentative Permit should be revised accordingly.
- 15. Part 2.I.E.1.a.i, under Legal Authority, uses a vague term where precision is required. It states that each Permittee is to possess the authority to do the following:

Prohibit the discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned.

As no definition of "similar use facilities" is provided in the order, and "similar use facilities" is obviously too vague to serve as a basis for prosecution. Please specify, by SIC numbers, just what is meant by the term "similar use facilities" so that we will be able to include all such facilities in appropriate ordinances.

- 16. Part 2.I.E.1.c.iii, under Legal Authority, is obviously and unnecessarily redundant, and possibly futile, as it requires Permittees to enact ordinances in an area already arguably fully occupied by federal and state legislation. It would require Permittees to prohibit conduct already prohibited by the federal and state governments. It states that each shall:

Prohibit the use of any pesticide, fungicide, or herbicide, the use of which is prohibited by the USEPA or the California Department of Pesticide Regulation.

No useful purpose would be served by prohibiting that which is already prohibited. Moreover, for the Board to require a redundant local prohibition might well be counterproductive: it could well be that a local ordinance would be held to have been preempted by virtue of the preexisting federal and state prohibitions. See, e.g., the

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Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. §§ 136-136y. For these reasons, this provision should be deleted from the permit.

- 17. Part 2.I.E.1.a.iv, under Legal Authority, uses a vague term where precision is required. It states that each Permittee is to possess the authority to do the following:

Require *proper disposal* of food wastes by the food service and food distribution industry.

As no definition of "*proper disposal*" is provided in the order, and as "*proper disposal*" might be regarded as too vague to serve as a basis for prosecution, please specify, just what is meant by the term "*proper disposal*" to assist in the drafting of appropriate ordinances to cover the "*proper disposal*" of food wastes.

- 18. Part 2.I.E.1.c.v, under Legal Authority, is obviously and unnecessarily redundant, and possibly futile, as it would require Permittees to legislate in an area already occupied, and almost certainly preempted, by federal and state legislation. It states that each Permittee shall:

Require disposal of hazardous wastes at appropriate disposal sites and not in trash containers used for municipal trash disposal.

The proper disposal of hazardous waste is already subject to elaborate statutory and regulatory schemes on the federal and state levels. See, e.g., the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.* and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.* No useful purpose would be served by attempting to regulate and prohibit that which is already regulated. Moreover, this requirement in the Order may well prove to be counterproductive: a redundant local prohibition might well be held to have been preempted by virtue of the preexisting federal and state prohibitions which appear to have occupied the field. For these reasons, this provision should be deleted from the permit.

- 19. Part 2.I.E.2.a.i, under Legal Authority, would require each Permittee to provide:

A statement by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, referencing that legal authority with specificity . . . .

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As pointed out above, there is considerable doubt as to whether local regulations called for by this order would be void for vagueness (what is meant by "similar use facilities" and "proper disposal").

It further appears that others, such as the provisions regarding pesticides and hazardous waste disposal, are preempted as a matter of law.

Moreover, this Order is replete with provisions calling for programs which are yet to be developed but which have significant legal implications. (See Part 2.II.A.1.e, regarding an as yet undeveloped program for "enforcement procedures to terminate illicit connections." Just how a "representative legal counsel" could possibly certify that the permittee has "all necessary legal authority" for programs which have yet to be developed, is not entirely clear.

For these reasons, to require a statement by the "representative legal counsel" that the permittee has "all necessary legal authority" given malpractice liability implications, is to require the impossible. We recommend that this matter be referred to Mr. Leon, and invite him to work with attorneys for the cities and the County to develop appropriate language.

- 20. Part 2.I.G. Administrative Review, which provides a system for administrative resolution for questions as to the adequacy of a Permittee's program, falls short of implementing a system adequate to the task of achieving clean water rather than expensive lawsuits. For this reason, we strongly recommend the addition of a new subsection 2.I.G.2.d, to read as follows:

- d. A Permittee shall not be in violation of any term or condition of this permit until completion of all of the foregoing steps.

- 21. General Comment: Effective Date vs. Date of Adoption. Although the Order sets compliance dates in terms of a time period after the date of adoption of the order, the Order provides that it does not take effect upon adoption. Instead, the Order

- shall take effect at the end of 15 days from the dated of its adoption, provided the Regional Administrator of the U.S. Environmental Protection Agency, Region IX, has no objections.

We point out that the order might not take effect at all if it is appealed to the State Water Resources Control Board. Some might question whether the Board has the authority to set a compliance period to begin with the date of adoption, fifteen days before the Order becomes effective. We recommend that a global search be performed with the word processor used for the preparation of the order. The search should be conducted for

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"after adoption of this order" and that should be replaced with "after the effective date of this Order." In this manner, in each instance in which the Order prescribes a compliance date, the date would be described as running from the effective date of the order, as follows: "... not later than [x] months after the effective date of this order."

22. **General Comment: Budget Cycles.** In numerous places throughout the Order, compliance dates have been set for implementation of programs dependent of findings of studies yet to be conducted, and without regard to municipal budget cycles. As a result, there appears to be a substantial risk that a Permittee might be required by the Order to implement a program for which no provision had, or reasonably could have, been made in the Permittee's municipal budget. The permit should be revised to correct this problem.

Should there be any questions regarding the foregoing comments, please to not hesitate to call.

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**LAW OFFICES  
BURKE, WILLIAMS & SORFENSEN**

611 WEST SIXTH STREET, SUITE 7500  
LOS ANGELES, CALIFORNIA 90017  
(213) 236-0000

VENTURA COUNTY OFFICE  
2210 POCANILUSA DRIVE  
SUITE 1  
CARMEL, CALIFORNIA 93008  
(805) 887-3600

ORANGE COUNTY OFFICE  
3200 PAUL CENTER DRIVE  
SUITE 750  
COSTA MESA, CALIFORNIA 92626  
(714) 818-0000

TELEFAX: (213) 236-2700

IRVINE OFFICE  
7100 NORTH FREEDOM STREET  
SUITE 401  
IRVINE, CALIFORNIA 92714-2020  
(949) 261-9100

BURKE, WILLIAMS, SORFENSEN & BARR  
LIGHTS PLAZA  
7300 COLLEGE BOULEVARD  
SUITE 200  
OVERLAND PARK, KANSAS 66210  
(913) 330-0700

**FOR ASSISTANCE PLEASE CALL: (213) 236-2730  
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To: Ms. Catherine Tyrrell

Date: 6-26-96

From: Rufus C. Young, Jr.

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**BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES**

821 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012

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QUALITY CONTROL BOARD  
LOS ANGELES REGION

MEMBERS OF THE BOARD  
GLORIA MOLINA  
YVONNE BRATHWAITE BURKE  
ZEV YAROSLAVSKY  
DEANE DANA  
MICHAEL D. ANTONOVICH

SEV YAROSLAVSKY  
812 974 2288

June 14, 1996

Mr. Michael Keston, Chair  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Chairman Keston:

I am writing to express my support for the new stormwater permit for Los Angeles County. This permit will call upon the 88 cities within Los Angeles County, as well as Los Angeles County itself, to adopt practices that will reduce urban runoff.

Over the last twenty years, urban runoff has increased and now accounts for over fifty percent of water pollution. Not only does this pollution account for the debris that poisons our coastal waters, contaminates fish and afflicts marine mammals, it also has caused illness in many of the thousands of people who swim near storm drains.

Over fifty percent of the Plan to restore the Santa Monica Bay depends on the implementation of the stormwater permit. Without this permit to spur correction actions, the water quality in the Santa Monica Bay and along the Southern California coast will continue to deteriorate. Furthermore, our economic vitality is dependent on a clean Santa Monica Bay as coastal tourism amounts to billions of dollars a year for Southern California businesses.

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**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone (818) 458-3100

HARRY W. STONE, Director

ADDRESS ALL CORRESPONDENCE TO  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91803-1460

July 15, 1996

IN REPLY PLEASE  
REFER TO FILE

EP-3

Mr. Eugene Bromley  
United States  
Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105-3919

COMMUNICATIONS  
SECTION  
JUL 19 1996

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Dear Mr. Bromley:

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT  
NO. CA0061654 (CI6948) - YEAR SIX ANNUAL REPORT**

The following report is provided to you at the request of the California Regional Water Quality Control Board. It provides a status report on the performance of permit-mandated tasks from July 1, 1995 to June 30, 1996. Information submitted by each Permittee and the Principal Permittee which highlights their Permit compliance effort is enclosed.

If you have any questions, please contact me at (818) 458-5948, Monday through Thursday, 7:00 a.m. to 5:30 p.m.

Very truly yours,

HARRY W. STONE  
Director of Public Works

GARY W. HILDEBRAND  
Supervising Civil Engineer III  
Environmental Programs Division

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cc: All Co-Permittees

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COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (818) 458-3100

HARRY W. STONE, Director

ADDRESS ALL CORRESPONDENCE TO:  
P O BOX 1440  
ALHAMBRA, CALIFORNIA 91802-1440

June 26, 1996

IN REPLY PLEASE  
REFER TO FILE EP-3

Dr. Robert Ghirelli  
California Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention Carlos Urrunaga

Dear Dr. Ghirelli:

COUNTY OF LOS ANGELES (PRINCIPAL PERMITTEE)  
COMMENTS ON MAY 23, 1996 DRAFT NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM STORMWATER PERMIT (TENTATIVE ORDER)

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LOS ANGELES REGIONAL WATER CONTROL BOARD

We have reviewed the Draft Permit and have a number of remaining concerns that are detailed in the enclosure.

Our remaining major concerns cover the following areas:

- Illicit discharges. The Permit covers an area of over 3,000 square miles. Illicit discharges can occur from numerous diffuse sources. It is more cost effective to have municipal employees be observant of illicit discharges during the performances of their work as opposed to creating a separate program for this.
- Public Agency Program. We do not agree that a formal evaluation of all public agency activities is necessary. Performing a limited evaluation where needed as part of developing the model program would be more cost effective.
- Public Education. Requiring an analysis of the success of the education program 2-1/2 years into the Permit is too premature. To accurately gauge success, more time should be allowed for implementation.
- Performance Standards. Development and implementation of the Countywide Storm Water Management Plan during the five-year permit term will be an ambitious undertaking. Developing Performance Standards, a good concept, is beyond the scope of what can successfully be accomplished during this Permit.

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Dr. Robert Ghirelli  
June 26, 1996  
Page 2

- Streamlining Reporting Requirements. Evaluating the effectiveness of BMPs should be included as part of the final permit report (Report of Waste Discharge) as opposed to a separate report.
- Monitoring Program. The Permit contains various changes to the previously agreed-upon monitoring program that could significantly expand the resources needed for the program and therefore are not acceptable.
- Reauthorization of the Clean Water Act. The Permit should include language that the Permit shall be modified to comply with any reauthorization of the Clean Water Act.

On June 12, 1996, Gary Hildebrand met with Winnie Jesena and Carlos Urrunaga of your staff to discuss our concerns. At this meeting, your staff felt that our concerns could be satisfactorily addressed prior to the July 15, 1996, Regional Board meeting. Upon resolution, we will be able to fully support the Permit.

If you have any questions, please contact me at (818) 458-4014 or Gary Hildebrand at (818) 458-5948.

Very truly yours,

HARRY W. STONE  
Director of Public Works

  
DONALD L. WOLFE  
Deputy Director

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LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS  
COMMENTS ON MAY 23, 1996  
DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
STORMWATER PERMIT (TENTATIVE ORDER)

**Findings**

#9. Modify wording to read "Federal, State, regional or local entities within the Permittees...". An example of a local entity over which the Permittees have no control would be a school district.

**Receiving Water Limitations**

We have reviewed the changes to this section as described in your June 17, 1996 letter and find them acceptable.

**I. PROGRAM MANAGEMENT**

**G. Administrative Review**

We have reviewed the changes to this section as described in your June 17, 1996 letter and find them acceptable.

**R. Legal Authority**

**R.d.** To the end of the last sentence, add the following wording: "through the implementation of the requirements of this Order." This should allow the Permit to serve as an "inter-jurisdictional agreement" and satisfy this requirement.

**II. ILLICIT CONNECTIONS AND ILLICIT DISCHARGES**

**B.l.c.** This item should read "Methods to prioritize problem areas of ..."

**B.l.d.** Establishment of a separate surveillance program would not be practical or cost effective given the large County area and the diffuse sources for illicit discharges. The program described in B.l.e. using existing field staff would be far more effective. Therefore B.l.d. should be deleted.

**B.l.g.** This item is redundant with B.l.a. and should be deleted.

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**III. DEVELOPMENT PLANNING AND CONSTRUCTION**

**A.1.** For clarity, the first two sentences in the first paragraph should be modified to read: "Each Permittee shall develop a program to carry out planning control measures for priority projects (Part 2.III.A.2.a.) consistent with the programs developed under III A.1. and .2. The program shall be implemented not later than six months after approval of the programs developed under III A.1 and .2 by the Executive Officer.

**B.1.h.** Reword this item to say "Require, to the maximum extent practicable, containment of runoff from equipment and..."

**IV. PUBLIC AGENCY REQUIREMENTS**

**A.** The County will not commit to performing a formal evaluation of the Permittees existing practices and procedures. This would be a very costly and time-consuming effort. This wording must be deleted. In developing the model program, if we elect to conduct a limited or focused assessment of existing activities, that should be at our discretion.

**C.1.c.** Delete the words "follow-up tests" since they do not apply in the context of responding to a sewer overflow.

**V. PUBLIC INFORMATION AND PARTICIPATION**

**A.1.** Requiring an analysis of the success of the education program only 2-1/2 years into the Permit is too premature. At this point in time, the Permittees will be using the Immediate Outreach materials plus beginning to implement the five-year education strategy. It would be far more productive to allow the five-year education strategy to be implemented for the course of this Permit and then gauge the success of the strategy. Therefore, have this assessment completed 54 months after adoption of the Order, so this information can be included in the Report of Waste Discharge (ROWD).

**VII. PROGRAM REPORTING AND EVALUATION**

**C.** Development and implementation of the Countywide Storm Water Management Plan (CSWMP) during the five-year permit term will be an ambitious undertaking. Developing Performance Standards, a good concept, is beyond the scope of what can successfully be accomplished during this Permit. Also, evaluating the effectiveness of the

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Best Management Practices (BMP) should be submitted along with the ROWD so as to allow maximum time for BMP implementation.

Therefore, the wording for this item should be revised to state that 54 months from Permit adoption, the Principal Permittee, in consultation with the Permittees shall report on

- a) the effectiveness of the CSWMP components; and
- b) Identify CSWMP components for which performance standards would be developed under the next Permit.

D. We will not agree to conduct receiving water impact monitoring beyond the term of this Permit, as is suggested by this item. Therefore, we request that all the language after "feasible environmental indicators" be stricken.

**PART 3 Standard Provisions**

**III.C.** This item should be modified to read: "Comply with any applicable requirements, guidelines, and/or regulations issued or approved pursuant to the Clean Water Act (CWA), Section 402(p) or from any reauthorization of the CWA; and/or".

**Attachment C - Monitoring Program Requirements.**

Various changes have been made to the previously agreed-upon monitoring program that could significantly expand the resources need for the program and are therefore not acceptable. Please see the attached portions of Attachment C which indicate the required changes to return the program to what was previously agreed-upon.

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06-25-96

Attach.

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Los Angeles County Municipal Storm Water Permit  
Order No. 96-XXX

*Existing land use stations under Order No. 90-079 which do not reflect land use categories recommended for monitoring under the cost-benefit analysis of which are duplicative of other stations will be decommissioned.*

1. Upon completion of Step 6 of the reevaluation process, but not later than September 1, 1996, the Principal Permittee shall submit a report to the Executive Officer outlining the steps taken in the reevaluation process, and recommend land use categories to be monitored. Based on results of the reevaluation process, existing land use stations established pursuant to Order 90-079, may be moved to monitor recommended land use categories for monitoring.

- b. Upon approval of the report by the Executive Officer, the Principal Permittee shall complete Steps 7-8 of the reevaluation process in Attachment C-1.
- c. The Principal Permittee shall monitor land use stations according to the following schedule provided there are sufficient storm events during the season:

Storm Season	Number of Station Events/Storm Season
1996-97	100
1997-98, and thereafter	200

A station event is defined as one sampling event per station.

The land use stations shall be monitored during the term of this Order or until such time that event mean concentrations (EMC) are derived, at the 25% error rate, for the following constituents of concern:

PAHs (total)	Chlordane	Cadmium
Copper	Nickel	Lead
Chromium	Silver	Zinc
Selenium	Mercury	Total Nitrogen
Total Phosphorus	Total Suspended Solids	Diazinon
Chlorpyrifos	Malathion	Simazine
Total DDT	Total PCBs	

The Executive Officer may add or delete constituents of concern.

All samples for land use station monitoring may be taken with the same type of automatic sampler used under Order 90-079. The samplers shall be set to monitor storms totalling 0.25 inches or greater of rainfall. The constituents to be analyzed are listed in Attachment C-3. The Principal Permittee, for land use sites, may exclude constituents from the list that require grab sampling.

In addition, the Principal Permittee shall, as a pilot study, set one land use sampler to monitor storms from 0.1 inch of rainfall. Based upon an assessment of: 1) the

*however, for constituents added after the commencement of the second rainy season under the Order, the Principal Permittee will not derive an EMC at an error rate of 25% prior to closing a station.*

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*a decision will be made as to whether to set some or all of the remaining land use* CAS814001

operational effectiveness of the sampler, 2) the feasibility and effectiveness of sample retrieval and transport, and 3) the ability to reprogram and maintain the 0.1 inch setting at other samplers. ~~Five other samplers may be set to monitor storms from 0.1 inch of rainfall.~~

- e. If a constituent is not detected at the method detection limit (MDL) for its respective test method listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern. The Principal Permittee will also conduct annual confirmation sampling for non-detected constituents at each station for as long as the station is monitored.

2. Mass Emission Station Monitoring

- a. The Principal Permittee shall monitor a total of four mass emission stations. During the 1995-96 storm season, monitoring shall be conducted only at the Ballona Creek and Malibu Creek monitoring stations established under Order 90-079. During the 1996-97 storm season, monitoring shall begin at the San Gabriel River and Los Angeles River (downstream of Wardlow Road) stations. The Principal Permittee shall monitor at the Ballona Creek and Malibu Creek monitoring stations during the 1995-1996 storm season up to ten station events per year including dry weather sampling. Thereafter, monitoring shall be reduced at all stations to a maximum of five events per year. Mass emission station monitoring frequency will be evaluated after the 1998-1999 storm season. However, regardless of the results, monitoring shall not exceed five storm events per station for the 1999-2000 storm season.
- b. Samples for mass emission station monitoring shall be taken with the same type of automatic sampler used under Order 90-079, as well as through grab sampling. The samplers shall be set to monitor storms from 0.25 inches of rainfall. The constituents to be analyzed for samples taken at mass emission stations are listed in Attachment C-3. The Principal Permittee may elect not to sample Volatile Organic Compounds from the list of constituents for mass emission stations.
- c. If a constituent is not detected at the method detection limit for its respective test method listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern.
- d. With the exception of the stations noted in (2)(a) above, monitoring at other mass emission stations installed under Order 90-079 shall be discontinued and the stations decommissioned.

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3. Critical Source/Best Management Practice Monitoring

The Principal Permittee shall conduct a program for monitoring critical sources to characterize sources of storm water pollutants and assess effectiveness of BMPs. The program shall be consistent with the following:

- a. Selection of Critical Sources: The Principal Permittee will select critical sources for monitoring based on the methodology described in Attachment C-4 (Critical Source/BMP Monitoring). A total of five (5) critical sources will be monitored over six rainy seasons commencing with the 1996-97 rainy season, subject to the provisions of (3)(d) below.
- b. Not later than September 1, 1996, the Principal Permittee shall submit a report to the Executive Officer for approval on the critical source selection process and recommend critical sources for evaluation. Upon approval of the report, the Principal Permittee shall proceed to conduct the activities set forth in (3)(e-f).
- c. Characterization of Critical Sources: Commencing with the 1996-97 rainy season, the Principal Permittee shall commence the characterization of critical sources. A total of six (6) examples of each critical source will be characterized through analysis of flow runoff. Fewer examples may be selected due to distance considerations and/or the unavailability of sufficient source locations willing to participate in the program. A total of at least five (5) storms will be used to characterize the critical source runoff. Samples will be analyzed for those pollutants anticipated to be found in the critical source ~~storm water discharges~~ storm water discharges and such analytes will be partitioned, as appropriate, to determine the dissolved and undissolved portions.
- d. Evaluation of BMPs: In the year after a critical source has been characterized, a BMP or BMPs appropriate to the critical source will be selected and installed at up to half of the critical source examples (the "test sites"). Flow from the remaining source examples (the "control sites") will continue to be analyzed. A total of ten (10) targeted storm events will be monitored to assess the effectiveness of the BMPs. If there are insufficient storm events during the year, the evaluation may be continued during the next storm season. The Principal Permittee's monitoring of critical sources and evaluation of BMPs will be concluded by the end of the sixth full rainy season after the adoption of this Order, provided that sufficient number of storms have occurred.
- e. Additional Evaluation: After the third full rainy season following the adoption of the Order, the Principal Permittee will reevaluate, using the same process described in Attachment C-4, the progress made by other public entities in the State to evaluate critical sources and BMPs. If after the evaluation, the Principal Permittee

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City of Alhambra

June 24, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

95 JUN 25 AM 10:55  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

SUBJECT: COMMENTS TO MAY 23, 1996 TENTATIVE NPDES MUNICIPAL PERMIT ORDER NO. 96-XXX (NPDES No. CAS614001)

Dear Ms. Tyrrell:

The City of Alhambra, Utilities Division is responsible for developing, implementing and assisting with the enforcement of the NPDES permit requirements mandated by the Federal Clean Water Act. We have been active participants in all outreach and other committee meetings related to the past and current NPDES permit. Our City has been very proactive in working to prevent and avoid pollution from entering the storm drains.

The current Tentative Order is a much improved version from the original December 18, 1995 draft permit. We recognize that many different groups and agencies have worked long and hard to revise this permit and create one that can be accepted by all. The City of Alhambra has reviewed the May 23, 1996 Tentative Order and has the following comments:

1. The tentative waste discharge order ("order") contains conflicting provisions which, if not corrected, could impede or prevent effective compliance, exposing cities to citizen law suits.
2. Finding 4 and 5 are too general and should be explained to justify the program requirement. The permit should prioritize research and emphasize the need for plans to be developed following results from studies and scientific analysis.

LOGGED IN BY  
TECHNICAL SUPPORT

Name: P. Emyer

Date: 6-26-96

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Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

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South First Street  
Alhambra  
California  
91801

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3. More legal clarification on the issues of federal storm water provisions statutory exceedance of the Clean Water Act is necessary.
4. The order's receiving water limitations would place the City into a state of instant non-compliance, exposing itself to citizen law suits. The City suggests using language similar to that used in the Santa Clara permit.
5. Street washing is listed under conditionally exempted discharges and designated discharges.
6. It is not clear if the cities will be required to implement a county-wide storm water management plan or the watershed management plan or both. The content of these plans should be outlined.
7. Legal clarification is necessary to explain why cities should establish legal authority to control pollutants into MS4 when this is to be regulated by the regional board.
8. The tentative order contains a provision which, contrary to what has been asserted by the regional board, would require site visits of industrial activities and commercial facilities, for the purpose of inspection and enforcement, in addition to providing public education. Clarification and a statement in the permit outlining what the regional board staff has been verbalizing - "...education only, no emphasis on enforcement..." is necessary.
9. The tentative order contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, without any explanation anywhere in the permit, including the findings, as to why potable water discharges are a problem. This is another example of an area where research should be conducted first before implementing a program that may be ineffectual and expensive (in addition to a threat to public health).
10. Several terms, such as "proper disposal" or "hardscape" are not defined in the draft.
11. Many plans to be developed by the Permittee are to be done so "in consultation with Co-Permittees." Each representative from the Watershed Management Committee should have voting power to approve plans based on majority approval.

The City of Alhambra is committed to continuing its efforts to prevent pollution of our water ways and oceans. We would like to see an emphasis in the permit on team work from ALL involved groups to come up with creative and practical solutions via research and studies, to actually meet our goal of cleaning up the pollution threatening our watersheds and beaches.

We appreciate your time to note our comments. Please feel free to contact me at (818) 570-3274 or Uzi Daniel, Environmental Compliance Specialist, at (818) 570- 3259 with any questions. Thank you.

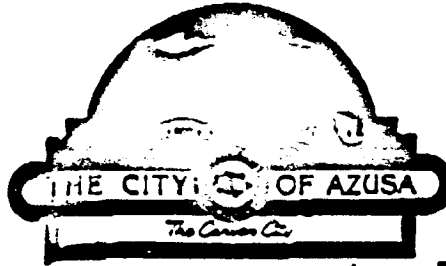
Sincerely,  
City of Alhambra - Utilities Division

  
Manny J. Magana  
General Manager - Utilities

cc: Julio J. Fuentes, City Manager  
Terry L. James, Assistant City Manager/Public Works  
Leland Dolley, City Attorney  
Dr. Robert Ghirelli, California Regional Water Quality Control Board  
Donald L. Wolfe, Deputy Director, Department of Public Works, County of  
Los Angeles  
Uzi Daniel, City of Alhambra, Environmental Compliance Specialist

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FAX TRANSMITTAL

Azusa Fax No. (818)812-9517

Please Deliver the Following Pages To:

Name: Ms. Catherine Tyrrell  
 Company: R. W. A. C. Board  
 Fax No.: (2) 266-7600 Subject: \_\_\_\_\_

From: Nasser Abbaszadeh Dept: Engineering

Total Number of Pages (including transmittal sheets): 4

- For Your Review  Per Your Request  F.Y.I.  For Your Files

Comments/Message: Comments on the May 23rd Tentative Order.

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Hard Copy to Follow Via:

- First-Class Mail  Messenger  Federal Express  Will Not Follow

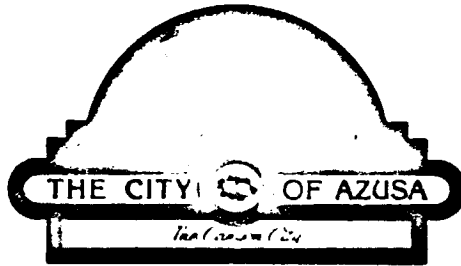
If you encounter any difficulty in receiving the total number of pages indicated above, PLEASE CALL (818) 812-5761

Transmitted by: N.A.

Date: 6/25/96

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QUALITY CONTROL POINT  
LOS ANGELES REGION

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June 25, 1996

Ms. Catherine Tyrrell  
C.R.W.Q.C.B.  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: COMMENTS ON THE MAY 23RD, 1996, TENTATIVE ORDER

Dear Ms. Tyrrell:

Following are the areas of our concern with the May 23rd, 1996 tentative order.

I would like to address some general areas first and then look at specific issues:

**GENERAL COMMENTS**

**1. The Tentative Order is a work-in-process document**

One of our major complaints in the past has been to the fact that we have never had a final document to review. New changes, as handed out in the June 18th workshop, were introduced after the issuance of the Tentative Order.

While I can appreciate the fact that you are trying to work with permittees to make the necessary adjustments, it makes it difficult to review and comment on a yet-to-be-finished document.

It is incumbent upon the State to issue a final document and not alter it significantly mid-stream. Or, if changes are necessary, reissue a new document.

**2. The review period was inadequate**

The review period was too short to review the Order properly.

**3. Unknown requirements will be imposed in the future.**

**4. Compliance dates are not realistic.**

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5. The permit indicates lack of understanding for local government decision making and budgeting process.

6. The permit exceeds clean water act authority.

7. Our comments to the last draft permit were not adequately responded to.

8. As we objected to "inspections" in the previous permit, we are opposed to "site visits". If the goal is to disseminate educational materials, why not leave the method to the discretion/capabilities of each municipality?

9. The permit language is poorly constructed, it needs to be fine-tuned (specifics will be cited later in this letter).

Finally,

10. AB 1857 requires a state agency, prior to adopting any major regulations, to evaluate alternatives to the proposed regulation and consider whether there is a less costly alternative that would ensure full compliance. Has the Board developed such alternate strategies?

**SPECIFIC COMMENTS**

**Findings**

Findings numbered 4, 5, 6, 19, 25, 26, and 27 are not supported by hard data, nor scientific studies; they should be deleted.

Finding numbered 23 is self-serving and should be deleted.

**Receiving Water Limitations**

The word "prohibition" anytime associated with discharges should not be utilized.

As written in the Order, the Receiving Water Limitations are unachievable and the permittees could be in violation from day one.

**Program Management**

The Executive Advisory Committee should be in the Program

11-22-83

Management portion of the Order and have its role defined. Each watershed should elect its representatives.

In this section, as well as other parts of the permit, it is repeated that, "...the principal permittee, in consultation with other permittees, shall..." This statement is not acceptable to the cities and needs to be re-written as "with approval" or "with the general consensus of permittees".

The Board should bear the burden of proof to disallow any substitution of BMPs.

The legal authority requirements and the need for inter-agency agreements are too specific. Agencies should be allowed to achieve the same results in their customary manners.

**Illicit Connections**

This will be a costly item for many agencies; alternate, more cost-effective, methods should be investigated.

**Public Information and Participation**

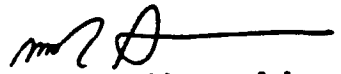
The requirements of this section are not acceptable to us, as stated above, site visits should be eliminated from the permit.

**Over all evaluation of the permit:**

The permit needs to be much shorter, concise, and allow the cities to achieve the stipulated objectives locally. .

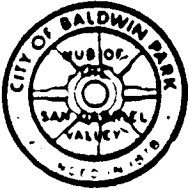
The Board should evaluate the proscribed programs for their effectiveness.

Sincerely,



Nasser Abbaszadeh  
City Engineer

202208



# City of Baldwin Park

CIVIC CENTER  
14403 EAST PACIFIC AVENUE • BALDWIN PARK CALIFORNIA 91706  
TELEPHONE 960.4011

Sid Jalal Mousavi, P.E.  
Director of Public Works

May 28, 1996

Dr. Robert P. Ghirelli  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Center Plaza Drive  
Monterey Park, CA 91754-2156

RECEIVED  
96 JUN -4 PM 12:52  
QUALITY CONTROL DIVISION  
LOS ANGELES REGION

**SUBJECT: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
MUNICIPAL STORM WATER DISCHARGE PERMIT FOR  
LOS ANGELES COUNTY AND CO-PERMITTEES  
(NPDES NO. CA0061654, CI 6948)**

Dear Dr. Ghirelli:

The City of Baldwin Park is a co-permittee under the Los Angeles County for NPDES Permit No. CA0061654. The City of Baldwin Park is implementing and will continue to implement existing BMPs for construction sites, residential, commercial, and industrial sites and illegal discharge/illicit disposal practices. Such practices include:

- Cleaning all catch basins twice a year.
- Sweeping all residential street twice a month; downtown and commercial areas once a week.
- Requiring all consultants to include notes on drawings regarding the prevention of storm water pollution.

In addition, during FY1995-96, the City of Baldwin Park conducted the following activities with respect to NPDES:

- Adopted Ordinance No. 1105 to improve water quality and control urban pollutants into stormwater runoff.
- Participated in the County's exhibit at the Los Angeles County Fair in Pomona.
- Published numerous stormwater related articles in the City's newsletter.

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National Pollutant Discharge Elimination System  
May 28, 1996  
Page 2

- Addressed various businesses at a City-sponsored environmental workshop discussing NPDES, AB939, and used oil recycling, as well as, BMPs.
- As part of National Public Works Week, an open house was held at the City's Maintenance Yard. Attending were school age children from local schools who watched a video (public serve announcement) on NPDES, received NPDES posters and NPDES temporary tattoos simulating the stenciling of catch basins.
- At 4:00PM on April 13, 1996, City crews responded to a fuel spill at the ARCO Station on Francisquito Avenue and Ramona Boulevard. Several gallons of fuel were spilled due to a customer driving away while the fuel dispenser was still attached to the vehicle. Sand was used to control the spill then picked up and eventually hauled away for disposal as hazardous waste. No catch basins or storm drain were affected by the spill.

If you have any questions for this matter please contact Arjan Idrani at (818) 960-4011, extension 254.

Sincerely,

DEPARTMENT OF PUBLIC WORKS



Sid Jalal Mousavi  
Director of Public Works

SJM/Alw

cc: Gary Hildebrand, Los Angeles County Department of Public Works

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**CITY OF BELL GARDENS  
PUBLIC WORKS DEPARTMENT**

8327 GARFIELD AVE., BELL GARDENS, CA 90201-6122  
(310) 806-7770 FAX (310) 806-7789

June 26, 1996

Ms Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91734-2156

QUALITY CONTROL BOARD  
LOS ANGELES REGION

96 JUN 26 AM 10:21

**Subject: City of Bell Gardens' Comments on the Tentative NPDES Permit**

**Dear Ms Tyrrell:**

We have reviewed the tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles transmitted to this City on May 23, 1996. The following are our comments, stated in the order as presented by Permit Sections, on the cited document:

**FINDINGS**

1. Findings Nos. 4, 5, 6, 19, 25, 26, and 27 should be deleted. We base this on our concern that these findings were made based on specifics found on one particular water shed not necessarily appropriate for the L.A. River watershed. Assuming that the required monitoring of the watershed will be undertaken once the permit is issued, specific pollutants will be reported and acted upon by all cities within the L.A. River watershed.
2. Finding No. 23 should be deleted. We feel that the finding is too confusing especially with regards to intent. If anything, the finding should just state that local agencies should not be involved in any oversight of the State General Permit.

**DISCHARGE PROHIBITION AND RECEIVING WATER LIMITATIONS**

1. This section should be removed from the permit. If not mandated by Federal regulation it should not be included.

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**PROGRAM MANAGEMENT**

1. All plans and programs should include an active role of all permittees in their development and approval.
2. Failure to comment on any submittal by the Permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal. The state should respond to all submittals in a timely manner just as it is incumbent for all permittees to initiate requirements of the permit within a prescribed time limit.
3. Unless proven detrimental to water quality, more exemptions for non-stormwater discharges should be given. Specifically, street and sidewalk washing, dechlorinated residential swim pool discharges, and potable water line flushing.
4. Delete Part 2, Section II.B.1.d of the tentative order. To further minimize the cost of the NPDES program, municipal employees should be allowed to be observant of illicit discharges during their normal course of performing their daily assignments rather than establishing separate illicit discharge surveillance program.

We appreciate the opportunity to comment on the tentative permit. We would also like to express our appreciation to the negotiating team for reducing the original document down to its present form. A job well done, and it is my hope that our comments will contribute towards a more cost-efficient permit which would facilitate attaining our common goal of a cleaner and more liveable environment.

Yours very truly,

CITY OF BELL GARDENS



William C. Pagett  
City Engineer

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# CITY OF COMMERCE

Department of Public Works  
Samuel S. Johnson  
Director / City Engineer

June 25, 1996

Ms. Catherine Tyrrell  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2158

RECEIVED  
95 JUN 27 PM 1:09  
QUALITY CONTROL DIVISION  
LOS ANGELES REGION

**SUBJECT: Comments Regarding Tentative Waste Discharge Order**

Dear Ms. Tyrrell:

The City of Commerce is in receipt of the revised permit bearing the date of May 23, 1996, which authorizes the reissuance of the NPDES municipal storm water permit for Los Angeles County (now referred to as the tentative permit). It is also in receipt of revisions made thereto in a letter from you dated June 17, 1996, in re: findings, receiving water limitations, and administrative review issues.

The City was very pleased to find that the revised permit is written much more clearly than your December 18, 1995, draft version. Also gratifying is the resolution of several problems regarding the permit's programmatic requirements that were called to your attention during the comment period by this City and a number of other cities. You and your staff deserve substantial credit for devoting so much time and energy to improving the clarity and reasonability of the permit.

Nevertheless, we note that the tentative permit still contains problems that we and other cities found in the December 18th draft permit that were called to your attention by way of our comments. In addition, we note that the tentative permit contains provisions that are either new or revised and, therefore, warrant a response. We are confident, however, that with your continued open-mindedness and sensitivity to City needs, these outstanding problems can be easily corrected.

The following problem areas require attention:

1. The tentative permit contains conflicting provisions which, if not corrected, could impede or prevent effective compliance, that could expose the City to citizen lawsuits.
2. Findings 4, 5, and 6 are either too general or inaccurate for the purpose of justifying current and future requirements under the tentative permit and, therefore, should be explained more fully or deleted.

2535 Commerce Way • Commerce, California 90040 • (213) 722-4805 • FAX# (213) 888-6841

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3. The tentative permit contains provisions, which if adopted, would impose requirements on the City that exceed federal storm water provisions of the Clean Water Act (hereinafter "CWA"). In many cases these requirements are redundant. Furthermore, the Ninth Circuit Court is now leaning toward the judicial belief that state-mandated requirements contained in an NPDES permit are covered under the Clean Water Act. Therefore, any violation of such requirements could expose the City to citizen lawsuits. In order words, local ordinance requirements could literally be transformed into federal issues.
4. The revised tentative permits receiving water limitations, if adopted, would still place the City into a state of non-compliance, thereby exposing it to citizen lawsuits. The reason: Permittees can only be excused from receiving water violations if the discharges are allowed under the tentative permit. Regional board staff should consider using the same receiving water limitation language used in the Santa Clara permit--notwithstanding that it has been reputed by the USEPA as being the most stringent permit in the state.
5. The tentative permit still contains provisions that are unclear and confusing which, if not corrected, would lead the City into partial or non-compliance, thereby causing the City's exposure to citizen lawsuits.
6. Street washing is listed under conditionally exempted discharges and designated discharges.
7. The tentative permit, as in the case of the December 18th permit still contains provisions that call for the development and implementation of a county-wide storm water management plan and/or a watershed management plan, neither of which is adequately defined. Furthermore, it is not clear which of the two plans cities will be required to comply with: The county-wide plan or the watershed management plan--or both?
8. The tentative permit is redundant in that it requires the City to prohibit littering (even if the litter does not enter to the MS4), and the disposal of leaves, dirt, or other landscape debris into a storm drain. However, it overlooks the fact that the permit also prohibits illicit discharges, which broadly includes the discharge of any material other than storm water to the MS4, unless such discharge is exempted by an NPDES permit.
9. The tentative permit calls for the "proper" disposal of food wastes by the food service and food distribution industry, but it does not define what "proper disposal" means; nor does it provide a definition of food service or food service distribution industry.

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10. The tentative permit contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, even if such water does not cause the delivery of refuse or other pollutants into the MS4 (includes streets, alleys, curbs, catch basins, and other conveyances.)
11. The tentative permit requires the City to establish legal authority to control the pollutants to the MS4 by discharges associated with industrial activity. These facilities are already regulated by the regional board. Therefore, cities should not have to establish legal authority to control pollutants from these facilities.
12. The tentative permit, under legal authority requirements, contains provisions which contradict your assertion that industrial/commercial site visits for the purpose of inspection have been eliminated in deference to public education visits.
13. The tentative permit contains legal authority requirements (mandated by the federal storm water regulations), that are still vague and offer no guidance on how to achieve compliance with them.
14. The tentative permit contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, without any explanation as to why potable water discharges are a problem.
15. Several terms that are contained in the permit such as "proper disposal" and hazardous waste are not defined.
16. The tentative permit refers to a document prepared by the American Water Works Association relevant to the conditional discharge of potable water, but is not appended to it. In order to understand and evaluate this requirement, it is important that we see it.
17. The tentative permit, because of comment #16 and other reasons, is incomplete and is still being revised by the regional board staff (most recently, on June 17, 1996).

We also concur with many of the concerns identified by the Executive Advisory Committee.

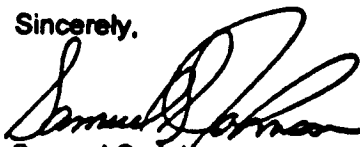
It should also be noted that the City is concerned about the short time frame it has been given to comment on the revised permit. Thirty (30) days really is not enough to fully evaluate and respond to its provisions, especially since the permit is not complete. Beyond this, the City is concerned about how the regional board intends to respond to its comments, given that the tentative permit is scheduled for adoption on July 15th—about two weeks from now. Will the regional board, in response to the cities'

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comments, continue issuing revisions to the tentative permit right up until the July 15th regional board meeting? Clearly, cities should have sufficient time to comment on a full permit instead of an incomplete one that is still in the process of evolving. Therefore, the City recommends that the adoption date be extended to a time mutually agreed upon between the cities and the regional board.

We look forward to the opportunity of discussing and resolving these problems with you and/or staff as soon as possible. Their correction will further improve the quality of permit and facilitate compliance with its requirements—a goal that we all share. To that end, if you or your staff require any assistance, please let us know.

Sincerely,



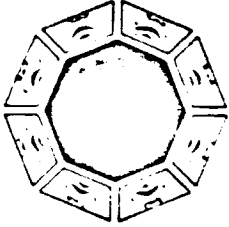
Samuel S. Johnson  
Public Works Director/City Engineer

SSJ:mdg

A8:L305M008

File: '96 P.W. Outgoing Correspondence  
NPDES File

002-1-00



# CITY OF CERRITOS

CIVIC CENTER • 18125 BLOOMFIELD AVENUE • P.O. BOX 3130  
CERRITOS, CALIFORNIA 90703-3130 • FAX: (310) 916-1371  
PHONE: (310) 860-0311 • (714) 523-3710

June 28, 1996

CITY OF CERRITOS  
LOS ANGELES REGION

96 JUL -5 PM 1:53

RECEIVED

Ms. Catherine Tyrrell  
Assistant Executive Officer  
Surface Water Programs  
CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

Dear Ms. Tyrrell:

RE: COMMENTS TO THE MAY 26, 1996 DRAFT OF THE WASTE DISCHARGE  
REQUIREMENTS FOR THE DISCHARGE OF STORM WATER IN LOS  
ANGELES COUNTY

By memorandum dated May 23, 1996, the California Regional Water Quality Control Board requested comments on the tentative NPDES permit for Los Angeles County. The City has reviewed the draft permit and is concerned with discharge prohibition and receiving water limitations. In addition, the City concurs with the concerns raised by the Executive Advisory Committee (EAC), a copy of which is attached.

Please contact the undersigned at (310) 916-1219 should you have any questions.

Sincerely,

*Hal Arbogast*  
Hal Arbogast,  
Assistant City Engineer

cab  
enclosure  
cc Vince Brar, Director of Public Works

R0031099

SHERMAN KAPPE  
MAYOR

BRUCE W. BARROWS  
MAYOR PRO TEM

PAUL BOWLEN  
COUNCILMEMBER

JOHN F. CRAWLEY  
COUNCILMEMBER

GRACE HU  
COUNCILMEMBER

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**EAC CONCERNS ON TENTATIVE ORDER NO. 96-XXX  
(NPDES NO. CAS614001)**

**Findings (Nature of Discharges and Source of Pollutants)**

- Statements on the impairment of receiving waters, water quality data, and extrapolation of data to other water bodies (Findings Nos. 4, 5, 6, 19, 25, 26, and 27) are not supported by hard data nor scientific studies and should be deleted.
- Finding No. 23 regarding duplication of regulatory efforts clearly suggests that local agencies should not be involved in oversight of the State General Permit, this finding is confusing and should be deleted.

**Discharge Prohibition and Receiving Water Limitations**

- This section will put Permittees into non-compliance immediately upon the issuance of the Permit. It serves limited purpose and is not mandated by the Federal regulation. It should, therefore, be removed from the Permit.

**Program Management**

- Permittees should be given a more active role in developing and approving all the plans and programs under the Permit. Merely soliciting their input is not sufficient.
- Legal authority requirements and the need for inter-agency agreements for cooperative efforts are written too specific in the Permit. Each agency handles legal issues in a different manner and should be allowed to deal with legal authorities more in-line with their current practices provided it is in compliance with Federal regulations.
- The Water Board should bear the burden of proof to disallow any substitution of BMPs and/or their modifications.
- Failure to comment on any submittal by the Permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal.

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**Illicit Connection and Illicit Discharge**

- Exemptions for non-stormwater discharges are not sufficiently inclusive. Examples, such as street and sidewalk washing, residential swimming pool discharging, and reclaim and potable water line flushing should be allowed unless evidence can indicate that it causes major adverse impact on the receiving water.
- Program should allow municipal employees to be observant of illicit discharges during their routine assignments and initiate follow-up actions rather than establishing completely separate illicit discharge surveillance program. Part 2, Section II.B.1.d of the tentative order should be deleted.

**Public Agency Activities**

- Formal evaluation of all public agency activities as part of developing the model program for public agency activities is not needed.

**Public Information and Participation**

- Site visit requirements which also require follow-up visits are no different than inspections. Such visits should only be for public information purposes. Perhaps utilizing a check list for self assessment would be appropriate. Such visits should not involve any follow-up activities which will likely require enforcement actions.
- Requirement to analyze the success of public information programs in only 2-1/2 years upon the initiation of the program is too short. Such evaluation should be at the end of the five-year program.

**Monitoring Program**

- The focus of the program should be on developing baseline data.
- The Permit should clearly state that the water quality monitoring program shall satisfy the requirements of monitoring for all parties to this Permit.

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Others

- Compliance dates, for many of the programs, are too short and do not fit into the budget cycle. This will make it virtually impossible for many local agencies to implement the programs. Implementation of approval programs is not required until Permittees are able to include them in the next available budget cycle.
- Permit compliance date should be tied to the effective date of the order and not the date of adoption.
- Development and implementation of Countywide Storm Water Management Plan during the five-year Permit term will be an ambitious undertaking. Developing Performance Standards, a good concept, is beyond the scope of what can successfully be accomplished during this Permit.
- Evaluation of effectiveness of BMPs should not be separately reported, but should be a part of the end of permit report (Report of Waste Discharge).

FK:pl\P:\...\MEMOS\PRMTCRNS  
EP-3/06/17/96

02-1-4



# CITY OF COVINA

125 East College Street • Covina, California 91723-2199

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Environmental Services Department  
(818) 858-7252 • (818) 858-5556 FAX

June 20, 1996

Mr. Frank Kuo  
Los Angeles County Department of Public Works  
Waste Management Division  
Storm Water Discharge Program  
P.O. Box 1460  
Alhambra, CA 91802-1460

RECEIVED  
96 JUN 26 PM 12:38  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

Dear Mr. Kuo:

We have reviewed the May 23, 1996 draft of the new NPDES permit. As a Permittee we have the following specific comments:

1. Page 15, table 1: Correct the headings of columns three and four.
2. Page 15, par. 2: Insert the word "of" after "update."
3. Page 18, par. 2: Delete this requirement to report on resources in the budget that support the program. Someone will try to use this information to judge the effectiveness of a city's storm water program and it is not a valid indicator.
4. Page 25, par. 2: Delete the requirement to inspect for and identify illicit connections. This is a very expensive procedure which cities cannot afford.
5. Page 27, par. j: Remove "and" from the end of the paragraph and place it at the end of par. k.
6. Page 32, par. 2.b: Replace "impact" with "effect" in the last line to be consistent with the previous paragraph.
7. Page 47, par. i: Clarify the phrase in the parentheses. Where is "listed below"? Do you mean the next sentence or in following paragraphs?
8. Page 47, par. iv: Having each Permittee assemble the training program listing is not very efficient. The Principal Permittee should have this responsibility.
9. Page 48, par. B: The industrial/commercial site visit program is an expensive burden on the cities which they cannot afford.
10. Page 52, par. 3.a.iv: Place a comma after "visit" in the first line on this page.

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Mr. Frank Kuo  
Los Angeles County Department of Public Works  
June 20, 1996  
Page 2.

If there are any questions about these comments, please contact Charles Redden at (818) 858-7204.

Sincerely,

*Wayne B. Dowdey*  
Wayne B. Dowdey  
Environmental Services Director

WBD:crr

cc: Catherine Tyrrell, Assistant Executive Officer, California Regional Water Quality Control Board--Los Angeles Region  
Mary McMaster, Oliver, Vose, Sandifer, Murphy & Lee  
Fran Delach, City Manager  
Vince Mastrosimone, Public Works Director  
Charles Redden, Administrative Analyst

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2000-1-17



# City of Cudahy, California

P.O. Box 1007  
5220 Santa Ana Street  
Cudahy, CA 90201  
213 • 773 • 5143

Incorporated November 10, 1960

96 JUN 26 AM 11:53  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

June 24, 1996

Catherine Tyrrell  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject: Tentative Municipal Storm Water Permit

Comments on Tentative Municipal Storm Water Permit for the County of Los Angeles (CAS614001), dated 5/23/96:

1. The Acceptable Requirements outlined in the "Alternative Countywide Storm Water Management Program", as endorsed by the Executive Advisory Committee by letter of April 23, 1996 to Catherine Tyrrell, should be incorporated into the Tentative Storm Water Permit.
2. Compliance dates, for many of the programs, are too short and do not fit into the budget cycle. This will make it virtually impossible to implement the programs. Implementation of approved programs should not be required until Permittees are able to include them in the next budget cycle.
3. Permit compliance date should be tied to the effective date of the order and not the date of adoption.
4. Development and implementation of Countywide Storm Water Management Plan during the five-year Permit term is an ambitious undertaking. Developing Performance Standards is beyond the scope of what can be successfully accomplished during this Permit term.

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5. Evaluation of effectiveness of BMPs should not be separately reported, but should be a part of the end of permit report.
6. Statements on the impairment of receiving waters, water quality data, and extrapolation of data to other water bodies (Findings Nos. 4, 5, 6, 19, 25, 26, and 27) are not supported by hard data nor scientific studies and should be deleted.
7. Finding No. 23, regarding duplication of regulatory efforts, is not a finding and should be deleted from the permit.
8. The Receiving Water Limitations section will put Permittees into non-compliance immediately upon the issuance of the Permit. It serves limited purpose and is not mandated by the Federal regulation. It should, therefore, be removed from the Permit.
9. Permittees should be given a more active role in developing and approving all the plans and programs under the Permit. Merely soliciting their input is not sufficient.
10. Legal authority requirements and the need for inter-agency agreements for cooperative efforts are written too specific in the Permit. Each agency handles legal issues in a different manner and should be allowed to deal with legal authorities more in-line with their current practices provided it is in compliance with Federal regulations.
11. The Water Board should bear the burden of proof to disallow any substitution of BMPs and/or their modifications.
12. Failure to comment on any submittal by the Permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal.
13. Exemptions for non-stormwater discharges are not sufficiently inclusive. Examples, such as street and sidewalk washing, residential swimming pool discharging, and reclaim and potable water line flushing should be allowed unless evidence indicates that it causes major adverse impact on the receiving water.
14. Program should allow municipal employees to be observant of illicit discharges during their routine assignments and initiate follow-up actions rather than establishing completely separate illicit discharge surveillance program.
15. Formal evaluation of all public agency activities as part of developing the model program for public agency activities is not needed.
16. Site visit requirements which also require follow-up visits are no different than inspections. Such visits should only be for public information purposes.
17. Requirement to analyze the success of public information programs in only 2-1/2 years upon the initiation of the program is too short. Such evaluation should be at the end of the five-year program.

18. The focus of the Monitoring Program should be on developing baseline data.
19. The Permit should clearly state that the Monitoring Program by the Principal Permittee shall satisfy the Monitoring Program requirements for all parties to this Permit.

Very truly yours,



MAS NAGAMI  
City NPDES Contact

cc: Jack Joseph, City Manager  
Nick Mull, Assistant City Manager

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02-1-99





PUBLIC WORKS ADMINISTRATION

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-5635

FAX (310) 253-5626

96 JUN 26 AM 11:14

QUALITY CONTROL BOARD  
LOS ANGELES REGION

JAMES S. DAVIS  
Public Works Director  
and City Engineer

June 24, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
Los Angeles Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

RE: Comments On the Tentative Municipal NPDES Permit

Dear Ms. Tyrrell:

The City of Culver City staff has reviewed the tentative Municipal NPDES Permit (draft permit) submitted on May 23, 1996, and the revisions to the draft permit submitted on June 17, 1996. A draft of this letter was presented to the City of Culver City Council on June 24, 1996, for its review and comment. The Council supports the comments and concurs with the issues and concerns presented below.

Culver City appreciates the efforts you and your staff have made to improve the December 1995 draft permit. However, we believe additional changes to the draft permit are required to ensure the adopted Permit includes clear language which states the intent of the principles expressed by the LARWQCB. The following comments are provided for your consideration in an attempt to accomplish this goal:

Receiving Water Limitations

The draft permit remains open to interpretation regarding when Permittees may be determined non-compliant with receiving water limitations. The City staff asks for clarification of the draft permit consistent with the comments presented by the Regional Board's legal council.

Program Management

If the LARWQCB alleges the substitution BMPs are substandard, then they should be required to prove they are sub-standard, rather than putting the burden of proof on the Permittees. This is fundamental due process.

The City staff has concerns regarding the legal authority requirements of the draft permit and continues to evaluate how the requirements may be implemented.

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Illicit Connections and Illicit Discharge

Exemptions for non-storm water discharges are not sufficiently inclusive. Street and sidewalk washing, residential swimming pool discharging, and reclaimed and potable water line flushing should be allowed unless evidence indicates adverse impacts on the receiving waters. Discharge of reclaim or potable water can be the result of an accident or may be required for maintenance or public safety or health.

Municipal employees should be allowed to observe illicit discharges during their routine duties and initiate follow-up actions rather than establishing a completely separate illicit discharge surveillance program. Part 2, Section II.B.1.d of the draft permit should be deleted.

Public Information and Participation

Site visits of commercial/industrial facilities which require follow-up visits are no different than site inspections. If the intent of the site visit is for educational purposes only, then follow-up activities which may require enforcement actions should not be required.

The requirement to analyze the success of the public information programs should be at the end of the five-year program. This would allow enough time to develop, initiate, modify (if necessary) and analyze the effectiveness of these programs.

Monitoring Program

The draft permit does not clearly state that the water quality monitoring program shall satisfy the requirements for all Permittees of the Permit.

General Permit Issues

Overall, the draft permit is vague and does not clearly state the reported principles of the LARWQCB. The draft permit allows a wide variety of interpretations and can expose the Permittees to civil lawsuits.

Compliance deadlines are not attainable due to budget cycle constraints and availability of resources. The draft permit requires the development of several programs after its adoption. Many Permittees began their budget planning for Fiscal Year 1996-97 in January 1996, shortly after the first full draft permit was submitted. Consequently, Permittees were not able to reliably estimate the fiscal impact of the draft permit.

The draft permit requires unwarranted restrictions on businesses within the city jurisdictions including restaurants, gas stations, and auto repair, parts, body shops, and other undefined categories of industries.

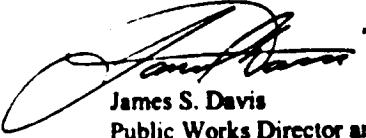
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Page 3

Many of these comments were submitted to the LARWQCB during the comment period for the December 1995 draft permit. While City staff realize many modifications have been made to improve the December 1995 draft permit, there remains several issues that should be addressed. The legal counsel's comments to the LARWQCB have been most helpful; however, those comments should be incorporated into the draft Permit to ensure those current interpretations are not changed by future and different interpretations.

Sincerely,



**James S. Davis**  
Public Works Director and City Engineer

copies      Jody Hall-Esser, Chief Administrative Officer  
                 Norman Herring, City Attorney  
                 Pam Keyes, Associate Engineer

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# City of Downey

FUTURE UNLIMITED

June 26, 1996

QUALITY CONTROL  
LOS ANGELES REGION  
96 JUN 27 PM 1:32

Ms. Catherine Tyrrel  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

SUBJECT: City of Downey  
May 23rd Draft NPDES Permit

Dear Ms. Tyrrel:

This letter is in response to the most recent draft (May 23, 1996) NPDES Stormwater Permit. The following comments, by the City of Downey, are in addition to the interim comments by Burke, Williams and Sorensen.

Discharge Prohibitions and Receiving Water Limitations:

- This section will place Permittees into non-compliance as soon as the Permit has been issued. Modify or remove this section from the Permit.

Program Management:

- The legal authority requirements and the inter-jurisdictional agreements for control of pollutant discharge are too specific. The methodology used in dealing with legal issues should be left up to the individual Permittees. Each agency has their own current practices in working with legal authorities.
- Substitution or modification of BMP's or requirements in this Order by a Permittee should be allowed without petitioning the Regional Board. The burden of proof to disallow any substitution should be borne by the Board.
- Failure to comment on Permittee submittals within the set period of time should automatically be considered approved by the Water Board.

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Ms. Catherine Tyrrel  
June 26, 1996  
Page 2

Public Information and Participation:

- The public outreach site visit requirements are just a colored version of the inspection visits as called out in the September 18, 1995, draft Permit. These educational visits should only be used for public information purposes.

General:

- The compliance dates for many of the programs are too short, thereby placing a large burden on many of the Permittees. Implementation of these programs will be out of reach for agencies short on staff and/or funds. There needs to be sufficient lead time to include many of these programs in the agency's budget.

Thank you for the opportunity to respond with our comments. We look forward to an even better permit for all concerned.

Sincerely,



Robert M. Brace  
City Engineer

RAB/

TO: CATHERINE TYRRELL

FROM: RUFUS C. YOUNG, JR.

D-20-90 8:42AM P. 1 OF 11

**LAW OFFICES  
BURKE, WILLIAMS & SORENSEN**

611 WEST SIXTH STREET, SUITE 2500  
LOS ANGELES, CALIFORNIA 90017  
(213) 236-0600

VENTURA COUNTY OFFICE  
2310 PEACOCKS DRIVE  
SUITE 1  
CAMARILLO, CALIFORNIA 93018  
(805) 837-3449

ORANGE COUNTY OFFICE  
2200 PAUL CENTER DRIVE  
SUITE 200  
COSTA MESA, CALIFORNIA 92626  
(714) 978-8888

TELECOPIER: (213) 236-2700

DENVER OFFICE  
1700 NORTH PEACOCK STREET  
SUITE 601  
DENVER, CALIFORNIA 80202 2838  
(303) 281-0183

BURKE, WILLIAMS, SORENSEN & GAAR  
LIGHTEN PLAZA  
7300 COLLEGE BOULEVARD  
SUITE 200  
OVERLAND PARK, KANSAS 66210  
(913) 236-8200

FOR ASSISTANCE PLEASE CALL: (213) 236-2730  
OUR TELECOPIER NUMBER IS: (213) 236-2700

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To: Catherine Tyrrell

Date: 6-26-96

From: Rufus C. Young, Jr.

Page 1 of 11

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Extension of the comment period is necessary only because of the delays by the Board Staff in responding to our several Public Records Act requests. For example, we have yet to receive a meaningful reply to our Public Records Act request of February 15, 1996 and the Board Staff has informed me that it will not be able to have requested materials available for review until Monday, July 1, 1996. Only when we have the Board's response will we be able to provide fully informed comments.

I write on behalf of the City of Downey regarding the Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) (Draft of May 23, 1996). The City is committed to full compliance with the requirements of the Clean Water Act and to cooperation with the Board and its staff in the development of a workable Permit which will carry out the objectives of the Act. We understand you seek comments on this draft by the close of business on June 26, 1996. This letter provides interim comments and requests extension of the time for submission of comments on the May 23rd draft until July 10, 1996.

Dear Ms. Tyrrell:

Re: Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) (Draft of May 23, 1996)

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

BY TELECOPIER TO: (213) 266-7600

June 26, 1996

LAW OFFICES  
BURKE, WILLIAMS & SORENSEN  
611 WEST 5TH STREET, SUITE 2500  
LOS ANGELES, CALIFORNIA 90017  
(213) 238-0800  
TELECOPIER (213) 238-2700

VERLINDA COLVIN - OFFICE  
1310 FONDRECOLE DRIVE  
SUITE 1  
CARMELITO, CALIFORNIA 93016  
4081 887 3488

GRANDES COUNTY OFFICE  
2188 MAIN CALIFORNIA DRIVE  
SUITE 708  
CORTE REAL, CALIFORNIA 93076  
(774) 545 8855  
MONTGOMERY COUNTY OFFICE  
210 129-1871  
MONTGOMERY COUNTY OFFICE  
210 129-1871  
OUR OFFICE: 20000 878, 80144-0971  
80111 430 & 81801-081

6-26-96 8:01pm p. 2 of 11

From: Rufus C. Young, Jr.

To: Catherine Tyrrell

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To: Catherine Tyrrell

From: Rufus C. Young, Jr.

6-26-96 8:01pm p. 3 of 11

Ms. Catherine Tyrrell  
June 26, 1996  
Page 2

In the interim, please consider the attached comments in preparing your revisions. The City reserves the right to submit further comments.

Very truly yours,

RUFUS C. YOUNG, JR.  
OF BURKE, WILLIAMS & SORENSEN

cc: City of Alhambra:  
Julio Fuentes, City Manager  
Terry L. James, Assistant City Manager and  
Public Works Director  
Leland C. Dolley, City Attorney

City of Downey:  
Gerald Caton, City Manager  
Richard C. Redmayne, Director of Public Works  
Robert Rugroden, Office Engineer  
Timothy B. McOsker, City Attorney

City of Bellflower:  
Michael J. Egan, Deputy City Administrator  
Michele R. Vadon, City Attorney

City of El Segundo:  
James W. Morrison, City Manager  
Eduard Schroder, Director of Public Works  
Leland C. Dolley, City Attorney

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**June 26, 1996, Interim Comments  
Submitted on Behalf of the  
City of Downey  
on  
Tentative Waste Discharge Requirements  
for  
Municipal Storm Water and Urban Runoff Discharges  
Within the County of Los Angeles  
(NPDES No. CAS614001) (Draft of May 23, 1996)**

1. In order to strengthen Finding No. 4 of the Tentative Permit, the "studies" referred to should be specifically identified, lest critics attack the Finding as being without factual basis. The following quote illustrates a weakness in the Finding:

Studies have shown that storm water runoff from urban and industrial areas typically contains the same general types of pollutants found in wastewater in industrial discharges.

Contrary to the assertion in the finding, no "studies" are cited as providing a factual basis for this finding. Instead, only the EPA Guidance Manual is cited, and it is not specific to waters in the County of Los Angeles. Unless the Board strengthens this Finding by demonstrating that there are "studies" specific to Los Angeles County on which this proposed finding is based, this "finding" is vulnerable, and, in the interests of strengthening the permit, should be deleted from the permit. If such studies do in fact exist, they should be identified and made available for review by our technical experts.

2. With respect to that portion of Finding No. 5 which refers to the "impairment of a number of water bodies in Los Angeles County, which are either impaired or threatened to be impaired", no studies which are specific to each water body, or which establish the beneficial use of each water body, and the "[p]ollutants found causing impairment" as to each such water body are identified as providing a basis for this finding. To strengthen this Finding, the Board should demonstrate that there are "studies" specific to each water body in Los Angeles County which provide a basis for this sweeping proposed finding. Of course, if there are no such studies, this "finding" should be deleted from the permit. The permit will gain strength by identifying the studies, and making them available for review by technical experts. After that is accomplished, the Tentative permit should be returned to the Board.
3. With respect to proposed Finding No. 6, which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ."

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- No studies which provide a scientific basis for that part of the proposed Finding to the effect that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies in Los Angeles" are cited (or known to exist). For example, some might not agree that the Santa Monica Bay Study has any relevance to the Upper San Gabriel River.
  - Until and unless the Board can identify and make available for review and comment those studies which provide a scientific basis for the sweeping proposed "Finding" that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies . . ." this sweeping proposed "Finding" will render this permit vulnerable. We call upon the Board to identify the scientific basis for the "extrapolation" statement, and add it to this finding. Of course, if none exists, it should be deleted from the permit.
4. Proposed Finding No. 7 is based on the extrapolation referred to in item 3, above. As pointed out there, no scientific basis has been provided for that portion of Finding 6 which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ." As Finding 7 rests on Finding 6, and as the "extrapolated" statement in Finding 6 has no demonstrated scientific basis, Finding 7 would be strengthened also if the scientific studies were specifically identified. Unfortunately, the converse is also true: if there are no such studies, Finding 7 must be deleted.
5. In the interests of grammatical clarity and legal accuracy, please revise the second sentence of Proposed Finding 13 to read as follows:
- The regulations recognize that certain categories of non-storm water discharges shall not be prohibited unless they have been determined to be significant sources of pollutants.
6. With respect to Finding No. 19, with respect to beneficial uses of water bodies in the County of Los Angeles, the second paragraph clearly permits an inference to be drawn that all of the water bodies in the County have all of the beneficial uses listed, including hydropower generation and ocean commercial fishing, which statement is obviously not true. If it is the intention of the Board to incorporate by reference the Basin Plan, the Board should say so, and saying so would strengthen the permit. Otherwise, the Board should state, for each water body each beneficial use, and should identify and make available for review and comment all documents are relied upon as the basis for such findings. If this Finding is not corrected, it could be argued that the Permittees have violated the Permit if any of the bodies of water in the county fail to

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have any of the beneficial uses listed in this finding. While we believe that such arguments would be completely without merit, the Permittees should not be exposed to potential litigation on this point.

- 7. With respect to Finding No. 25, the Finding refers to, but does not identify . . .

A compliance review of municipal pretreatment and results to date of storm water inspection programs in California [which] confirm the USEPA findings.

No information to identify the "compliance review" or the "results to date" of stormwater inspection programs, or whether they are specific to the County of Los Angeles, or by whom they were conducted or compiled is provided as a basis for this alleged finding. Obviously, to strengthen the permit, the "compliance review" should be identified by author, the methods used, and the peer reviews conducted should be cited. Similarly, the "results to date" should be identified by author, criteria used, peer reviews conducted, where published, etc. Unless the Board does identify the authors, document title and record of determination that the "compliance review" and the "results to date" confirm the EPA findings, and provide a reasonable opportunity for experts to review the "compliance review" and "results to date" and the qualifications of those who conducted/compiled them, this "finding" creates an inappropriate vulnerability in the permit, and it should be deleted.

- 8. With respect to Finding No. 26, please add the following to balance the finding and to reflect other studies:

But studies also demonstrate that for metals, the maximum concentrations of most constituents detected in Retail Gasoline Outlet ("RGO") runoff water samples are lower than U.S. EPA primary and secondary drinking water maximum contaminant levels ("MCLs"). Studies further indicate that VOC concentrations found in stormwater runoff from the pavement at RGOs are below the EPA MCLs. *Service Station Storm Water Runoff Study*, Western States Petroleum Association, October 5, 1993. Contamination from roads and highways is more than twice as great as that from residential and commercial areas. U.S. DOT, 1986, U.S. EPA, 1983. A study of vehicles in the Santa Clara Valley found that vehicles were the source of 67% of the zinc, 50% of the copper and 50% of the cadmium found in runoff. *Santa Clara Valley Nonpoint Source Pollution Control Program*, cited in Weiss, 1993. Nevertheless, Permittees lack authority to control vehicles as sources of pollution.

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- 9. With respect to Finding 29, as revised on 6/17/96, please add the following in order to strengthen the permit:

The Board recognizes that Permittees have no control over how much rain falls and only limited control over the amount of pollutants within their boundaries which flowing stormwater may pick up. Accordingly, the occurrence of a violation of water quality objective nor a condition of nuisance shall not constitute a violation of this order.

Failure to incorporate this change could subject the Permittees to litigation seeking to hold them to an impossible "strict liability" standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible or to require absurd results. *Hugley v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

- 10. The second sentence of Finding 31 would be clarified and strengthened if it were revised as follows:

Each Permittee is required to comply only with the requirements of the Order applicable to those discharges which originate from those places within its boundaries over which it has authority to enforce the requirements of this Order, and not those discharges outside its boundaries, nor discharges within its boundaries over which it has no authority.

- 11. In Part 1.1, Discharge Prohibition, in order to strengthen and clarify the first sentence, please revise it to read as follows:

Each Permittee shall prohibit non-storm water discharges into its municipal storm sewer system (MS4) and into watercourses within its jurisdiction except where such discharges are . . . .

- 12. In Part 1.1, Discharge Prohibition, in order to strengthen and clarify this provision, please add the following new last sentence:

The Board recognizes that Permittees have only limited control over those who may unlawfully or inadvertently dump pollutants into a storm drain inlet. Accordingly, the occurrence of a non-storm water discharge, per se, shall not constitute a violation of this Order.

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Failure to incorporate this change could subject the Permittees to litigation seeking to hold them to an impossible "strict liability" standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible, or to require absurd results. *Hugley v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

- 13. We understand that Part 1.II has been changed in its entirety as reflected in the Board's letter of June 17, 1996.
- 14. Part 2.I.E. Legal Authority is inconsistent with the remainder of the permit and creates doubts as to the intended scope of the remainder of the Permit. In addition, it is inconsistent with, and exceeds the provisions of 40 CFR 122.26(d)(2)(i)(D) and the EPA Guidance Manual For The Preparation of Part 2 Of The NPDES Permit Applications For Discharges from Municipal Separate Storm Sewer Systems (EPA 833-B-92-002, November, 1992), Section 3-3, page 3-4. This section of the Tentative Permit should be revised accordingly.
- 15. Part 2.I.E.1.a.i, under Legal Authority, uses a vague term where precision is required. It states that each Permittee is to possess the authority to do the following:

Prohibit the discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned.

As no definition of "similar use facilities" is provided in the order, and "similar use facilities" is obviously too vague to serve as a basis for prosecution. Please specify, by SIC numbers, just what is meant by the term "similar use facilities" so that we will be able to include all such facilities in appropriate ordinances.

- 16. Part 2.I.E.1.c.iii, under Legal Authority, is obviously and unnecessarily redundant, and possibly futile, as it requires Permittees to enact ordinances in an area already arguably fully occupied by federal and state legislation. It would require Permittees to prohibit conduct already prohibited by the federal and state governments. It states that each shall:

Prohibit the use of any pesticide, fungicide, or herbicide, the use of which is prohibited by the USEPA or the California Department of Pesticide Regulation.

No useful purpose would be served by prohibiting that which is already prohibited. Moreover, for the Board to require a redundant local prohibition might well be counterproductive: it could well be that a local ordinance would be held to have been preempted by virtue of the preexisting federal and state prohibitions. See, e.g., the

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Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. §§ 136-136y. For these reasons, this provision should be deleted from the permit.

- 17. Part 2.I.E.1.a.iv, under Legal Authority, uses a vague term where precision is required. It states that each Permittee is to possess the authority to do the following:

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As no definition of "*proper disposal*" is provided in the order, and as "*proper disposal*" might be regarded as too vague to serve as a basis for prosecution, please specify, just what is meant by the term "*proper disposal*" to assist in the drafting of appropriate ordinances to cover the "*proper disposal*" of food wastes.

- 18. Part 2.I.E.1.c.v, under Legal Authority, is obviously and unnecessarily redundant, and possibly futile, as it would require Permittees to legislate in an area already occupied, and almost certainly preempted, by federal and state legislation. It states that each Permittee shall:

Require disposal of hazardous wastes at appropriate disposal sites and not in trash containers used for municipal trash disposal.

The proper disposal of hazardous waste is already subject to elaborate statutory and regulatory schemes on the federal and state levels. See, e.g., the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.* and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.* No useful purpose would be served by attempting to regulate and prohibit that which is already regulated. Moreover, this requirement in the Order may well prove to be counterproductive: a redundant local prohibition might well be held to have been preempted by virtue of the preexisting federal and state prohibitions which appear to have occupied the field. For these reasons, this provision should be deleted from the permit.

- 19. Part 2.I.E.2.a.i, under Legal Authority, would require each Permittee to provide:

A statement by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, referencing that legal authority with specificity . . . .

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As pointed out above, there is considerable doubt as to whether local regulations called for by this order would be void for vagueness (what is meant by "similar use facilities" and "proper disposal").

It further appears that others, such as the provisions regarding pesticides and hazardous waste disposal, are preempted as a matter of law.

Moreover, this Order is replete with provisions calling for programs which are yet to be developed but which have significant legal implications. (See Part 2.II.A.1.e, regarding an as yet undeveloped program for "enforcement procedures to terminate illicit connections." Just how a "representative legal counsel" could possibly certify that the permittee has "all necessary legal authority" for programs which have yet to be developed, is not entirely clear.

For these reasons, to require a statement by the "representative legal counsel" that the permittee has "all necessary legal authority" given malpractice liability implications, is to require the impossible. We recommend that this matter be referred to Mr. Leon, and invite him to work with attorneys for the cities and the County to develop appropriate language.

- 20. Part 2.I.G. Administrative Review, which provides a system for administrative resolution for questions as to the adequacy of a Permittee's program, falls short of implementing a system adequate to the task of achieving clean water rather than expensive lawsuits. For this reason, we strongly recommend the addition of a new subsection 2.I.G.2.d, to read as follows:

- d. A Permittee shall not be in violation of any term or condition of this permit until completion of all of the foregoing steps.

- 21. General Comment: Effective Date vs. Date of Adoption. Although the Order sets compliance dates in terms of a time period after the date of adoption of the order, the Order provides that it does not take effect upon adoption. Instead, the Order shall take effect at the end of 15 days from the dated of its adoption, provided the Regional Administrator of the U.S. Environmental Protection Agency, Region IX, has no objections.

We point out that the order might not take effect at all if it is appealed to the State Water Resources Control Board. Some might question whether the Board has the authority to set a compliance period to begin with the date of adoption, fifteen days before the Order becomes effective. We recommend that a global search be performed with the word processor used for the preparation of the order. The search should be conducted for

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To: Catherine Tyrrell

From: Rufus C. Young, Jr.

6-26-96 8:01pm p. 11 of 11

"after adoption of this order" and that should be replaced with "after the effective date of this Order." In this manner, in each instance in which the Order prescribes a compliance date, the date would be described as running from the effective date of the order, as follows: " . . . not later than [x] months after the effective date of this order."

22. **General Comment: Budget Cycles.** In numerous places throughout the Order, compliance dates have been set for implementation of programs dependent of findings of studies yet to be conducted, and without regard to municipal budget cycles. As a result, there appears to be a substantial risk that a Permittee might be required by the Order to implement a program for which no provision had, or reasonably could have, been made in the Permittee's municipal budget. The permit should be revised to correct this problem.

Should there be any questions regarding the foregoing comments, please to not hesitate to call.

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To: Ms. Catherine Tyrrell

From: Rufus C. Young, Jr.

6-26-96 4:05pm p. 2 of 11

**LAW OFFICES  
BURKE, WILLIAMS & SORENSEN**

VENTURA COUNTY OFFICE  
1310 FENDEROSA DRIVE  
SUITE 1  
CAMARILLO, CALIFORNIA 93010  
(805) 887-3400

611 WEST SIXTH STREET, SUITE 2000  
LOS ANGELES, CALIFORNIA 90017  
(213) 230-0800

GRANDE COUNTY OFFICE  
2100 PARK CENTER DRIVE  
SUITE 700  
BOYTA HIGHLAND, CALIFORNIA 92008  
(714) 644-0400

TELECOPIER (213) 230-2700

WESTERN DIRECT MAIL  
312-128-1001  
FAX: (714) 644-0400  
CLIP FILE NO. 80000-01L 00100-001  
00111-430 & 01001-001

June 26, 1996

BY TELECOPIER TO: (213) 266-7600

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Tentative Waste Discharge Requirements for Municipal Storm Water and  
Urban Runoff Discharges Within the County of Los Angeles (NPDES No.  
CAS614001) (Draft of May 23, 1996)

Dear Ms. Tyrrell:

I write on behalf of the City of Downey regarding the Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) (Draft of May 23, 1996). The City is committed to full compliance with the requirements of the Clean Water Act and to cooperation with the Board and its staff in the development of a workable Permit which will carry out the objectives of the Act. We understand you seek comments on this draft by the close of business on June 26, 1996. This letter provides interim comments and requests extension of the time for submission of comments on the May 23rd draft until July 10, 1996.

Extension of the comment period is necessary only because of the delays by the Board Staff in responding to our several Public Records Act requests. For example, we have yet to receive a meaningful reply to our Public Records Act request of February 15, 1996 and the Board Staff has informed me that it will not be able to have requested materials available for review until Monday, July 1, 1996. Only when we have the Board's response will we be able to provide fully informed comments.

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To: Ms. Catherine Tyrrell

From: Rufus C. Young, Jr.

6-26-96 4:05pm p. 3 of 11

Ms. Catherine Tyrrell  
June 26, 1996  
Page 2

In the interim, please consider the attached comments in preparing your revisions. The City reserves the right to submit further comments.

Very truly yours,

RUFUS C. YOUNG, JR.  
OF BURKE, WILLIAMS & SORENSEN

cc: City of Alhambra:  
Julio Fuentes, City Manager  
Terry L. James, Assistant City Manager and  
Public Works Director  
Leland C. Dolley, City Attorney

City of Downey:  
Gerald Caton, City Manager  
Richard C. Redmayne, Director of Public Works  
Robert Rugroden, Office Engineer  
Timothy B. McOsker, City Attorney

City of Bellflower:  
Michael J. Egan, Deputy City Administrator  
Michele R. Vadon, City Attorney

City of El Segundo:  
James W. Morrison, City Manager  
Eduard Schroder, Director of Public Works  
Leland C. Dolley, City Attorney

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**June 26, 1996, Interim Comments**  
**Submitted on Behalf of the**  
**City of Downey**  
**on**  
**Tentative Waste Discharge Requirements**  
**for**  
**Municipal Storm Water and Urban Runoff Discharges**  
**Within the County of Los Angeles**  
**(NPDES No. CAS614001) (Draft of May 23, 1996)**

1. In order to strengthen Finding No. 4 of the Tentative Permit, the "studies" referred to should be specifically identified, lest critics attack the Finding as being without factual basis. The following quote illustrates a weakness in the Finding:

Studies have shown that storm water runoff from urban and industrial areas typically contains the same general types of pollutants found in wastewater in industrial discharges.

Contrary to the assertion in the finding, no "studies" are cited as providing a factual basis for this finding. Instead, only the EPA Guidance Manual is cited, and it is not specific to waters in the County of Los Angeles. Unless the Board strengthens this Finding by demonstrating that there are "studies" specific to Los Angeles County on which this proposed finding is based, this "finding" is vulnerable, and, in the interests of strengthening the permit, should be deleted from the permit. If such studies do in fact exist, they should be identified and made available for review by our technical experts.

2. With respect to that portion of Finding No. 5 which refers to the "impairment of a number of water bodies in Los Angeles County, which are either impaired or threatened to be impaired", no studies which are specific to each water body, or which establish the beneficial use of each water body, and the "[p]ollutants found causing impairment" as to each such water body are identified as providing a basis for this finding. To strengthen this Finding, the Board should demonstrate that there are "studies" specific to each water body in Los Angeles County which provide a basis for this sweeping proposed finding. Of course, if there are no such studies, this "finding" should be deleted from the permit. The permit will gain strength by identifying the studies, and making them available for review by technical experts. After that is accomplished, the Tentative permit should be returned to the Board.
3. With respect to proposed Finding No. 6, which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ."

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- No studies which provide a scientific basis for that part of the proposed Finding to the effect that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies in Los Angeles" are cited (or known to exist). For example, some might not agree that the Santa Monica Bay Study has any relevance to the Upper San Gabriel River.
  - Until and unless the Board can identify and make available for review and comment those studies which provide a scientific basis for the sweeping proposed "Finding" that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies . . ." this sweeping proposed "Finding" will render this permit vulnerable. We call upon the Board to identify the scientific basis for the "extrapolation" statement, and add it to this finding. Of course, if none exists, it should be deleted from the permit.
4. Proposed Finding No. 7 is based on the extrapolation referred to in item 3, above. As pointed out there, no scientific basis has been provided for that portion of Finding 6 which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ." As Finding 7 rests on Finding 6, and as the "extrapolated" statement in Finding 6 has no demonstrated scientific basis, Finding 7 would be strengthened also if the scientific studies were specifically identified. Unfortunately, the converse is also true: if there are no such studies, Finding 7 must be deleted.
5. In the interests of grammatical clarity and legal accuracy, please revise the second sentence of Proposed Finding 13 to read as follows:
- The regulations recognize that certain categories of non-storm water discharges shall not be prohibited unless they have been determined to be significant sources of pollutants.
6. With respect to Finding No. 19, with respect to beneficial uses of water bodies in the County of Los Angeles, the second paragraph clearly permits an inference to be drawn that all of the water bodies in the County have all of the beneficial uses listed, including hydropower generation and ocean commercial fishing, which statement is obviously not true. If it is the intention of the Board to incorporate by reference the Basin Plan, the Board should say so, and saying so would strengthen the permit. Otherwise, the Board should state, for each water body each beneficial use, and should identify and make available for review and comment all documents are relied upon as the basis for such findings. If this Finding is not corrected, it could be argued that the Permittees have violated the Permit if any of the bodies of water in the county fail to

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have any of the beneficial uses listed in this finding. While we believe that such arguments would be completely without merit, the Permittees should not be exposed to potential litigation on this point.

- 7. With respect to Finding No. 25, the Finding refers to, but does not identify . . .

A compliance review of municipal pretreatment and results to date of storm water inspection programs in California [which] confirm the USEPA findings.

No information to identify the "compliance review" or the "results to date" of stormwater inspection programs, or whether they are specific to the County of Los Angeles, or by whom they were conducted or compiled is provided as a basis for this alleged finding. Obviously, to strengthen the permit, the "compliance review" should be identified by author, the methods used, and the peer reviews conducted should be cited. Similarly, the "results to date" should be identified by author, criteria used, peer reviews conducted, where published, etc. Unless the Board does identify the authors, document title and record of determination that the "compliance review" and the "results to date" confirm the EPA findings, and provide a reasonable opportunity for experts to review the "compliance review" and "results to date" and the qualifications of those who conducted/compiled them, this "finding" creates an inappropriate vulnerability in the permit, and it should be deleted.

- 8. With respect to Finding No. 26, please add the following to balance the finding and to reflect other studies:

But studies also demonstrate that for metals, the maximum concentrations of most constituents detected in Retail Gasoline Outlet ("RGO") runoff water samples are lower than U.S. EPA primary and secondary drinking water maximum contaminant levels ("MCLs"). Studies further indicate that VOC concentrations found in stormwater runoff from the pavement at RGOs are below the EPA MCLs. *Service Station Storm Water Runoff Study*, Western States Petroleum Association, October 5, 1993. Contamination from roads and highways is more than twice as great as that from residential and commercial areas. U.S. DOT, 1986, U.S. EPA, 1983. A study of vehicles in the Santa Clara Valley found that vehicles were the source of 67% of the zinc, 50% of the copper and 50% of the cadmium found in runoff. *Santa Clara Valley Nonpoint Source Pollution Control Program*, cited in Weiss, 1993. Nevertheless, Permittees lack authority to control vehicles as sources of pollution.

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- 9. With respect to Finding 29, as revised on 6/17/96, please add the following in order to strengthen the permit:

The Board recognizes that Permittees have no control over how much rain falls and only limited control over the amount of pollutants within their boundaries which flowing stormwater may pick up. Accordingly, the occurrence of a violation of water quality objective nor a condition of nuisance shall not constitute a violation of this order.

Failure to incorporate this change could subject the Permittees to litigation seeking to hold them to an impossible "strict liability" standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible or to require absurd results. *Hughey v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

- 10. The second sentence of Finding 31 would be clarified and strengthened if it were revised as follows:

Each Permittee is required to comply only with the requirements of the Order applicable to those discharges which originate from those places within its boundaries over which it has authority to enforce the requirements of this Order, ~~and not those discharges outside its boundaries, nor discharges within its boundaries over which it has no authority.~~

- 11. In Part 1.1, Discharge Prohibition, in order to strengthen and clarify the first sentence, please revise it to read as follows:

Each Permittee shall prohibit non-storm water discharges into its municipal storm sewer system (MS4) and into watercourses within its jurisdiction except where such discharges are . . . .

- 12. In Part 1.1, Discharge Prohibition, in order to strengthen and clarify this provision, please add the following new last sentence:

The Board recognizes that Permittees have only limited control over those who may unlawfully or inadvertently dump pollutants into a storm drain inlet. Accordingly, the occurrence of a non-storm water discharge, per se, shall not constitute a violation of this Order.

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No useful purpose would be served by prohibiting that which is already prohibited. Moreover, for the Board to require a redundant local prohibition might well be counterproductive: It could well be that a local ordinance would be held to have been preempted by virtue of the preexisting federal and state prohibitions. See, e.g., the

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Moreover, this Order is replete with provisions calling for programs which are yet to be developed but which have significant legal implications. (See Part 2.II.A.1.e, regarding an as yet undeveloped program for "enforcement procedures to terminate illicit connections." Just how a "representative legal counsel" could possibly certify that the permittee has "all necessary legal authority" for programs which have yet to be developed, is not entirely clear.

For these reasons, to require a statement by the "representative legal counsel" that the permittee has "all necessary legal authority" given malpractice liability implications, is to require the impossible. We recommend that this matter be referred to Mr. Leon, and invite him to work with attorneys for the cities and the County to develop appropriate language.

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- d. A Permittee shall not be in violation of any term or condition of this permit until completion of all of the foregoing steps.

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- shall take effect at the end of 15 days from the dated of its adoption, provided the Regional Administrator of the U.S. Environmental Protection Agency, Region IX, has no objections.

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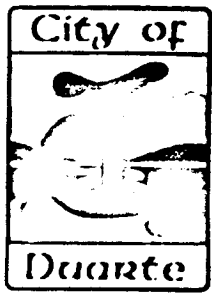
Should there be any questions regarding the foregoing comments, please to not hesitate to call.

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# City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010 - (818) 357-7931

June 12, 1996

California Regional Water  
Quality Control Board  
101 Centre Plaza Dr.  
Monterey Park, Ca. 91754-2156  
Attn. Mr. Carlos Urrunaga

RECEIVED  
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LOS ANGELES REGION

Re: Permit Comments

Dear Mr. Urrunaga:

Once again, following my review of the latest proposed permit, I am amazed by the amount of requirements mandated on cities with no resources attached to minimize the impact. While my reaction does nothing to change the federal mandate or will generate any funding sources, perhaps organizations outside the government can assist the cities in accomplishing some of these requirements.

Environmental groups have been active participants in the long permit process. Now that a final draft is about to be approved, I wonder what their role will be. My observation is that at least one of them has been more adversarial than anything else. Are they going to be looking over our shoulder, or do they plan to have a more positive impact on the process?

Certainly the life blood of any non-profit organization is their ability to market their product. This, of course, involves the publicizing of information about the valuable work they are performing and, in the case of environmental groups, their impact on our natural resources.

I'm sure that for many, their marketing strategies include the production of videos, brochures, newspaper articles, mail-inserts, etc. (You can probably tell where I'm headed.) These products are exactly what we are required to produce according to the Public Information and Participation portion of the permit. Why not utilize their technical and marketing expertise to help us comply with the new permit?

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page 2 of 2  
CRWQCB  
Permit Comments

The environmental groups have good reason to want to participate in some portion of the permit. First, this is their business. I'm sure they want their name associated with the cleaning of the of the rivers, streams and beaches. With the cities logo plastered all over brochures and door hangers, they'll get none of the credit when this program becomes successful. That translates into fewer dollars coming into their coffers. Secondly, a cooperative effort between municipalities and environmental groups might lend credibility to both organizations and what we are trying to accomplish.

Selfishly, I would hope that by utilizing their marketing contacts, technical expertise, and incoming contributions, the cities could reduce their costs for funding this phase of the permit. Additionally, if speakers were available to make presentations to schools and community groups... well this task is beyond what a 2 person engineering department can effectively handle. Believe me, we already have our hands full, and with this new permit it isn't going to get any easier.

Please let me know your thoughts on this matter. If this is a strategy that has already been considered, I would appreciate any information available.

Sincerely,

  
Steve Esbenshade  
Public Works Coordinator

0247



**CITY OF EL MONTE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
 CITY HALL WEST  
 11333 VALLEY BOULEVARD • 2ND FLOOR  
 EL MONTE CALIFORNIA 91731-3293  
 FAX (818) 580-2293

**HAROLD O. JOHANSON**  
 DIRECTOR OF  
 COMMUNITY DEVELOPMENT  
 (818) 580-2090

**JUAN D. MIRELES**  
 ASSISTANT DIRECTOR OF  
 COMMUNITY DEVELOPMENT  
 (818) 580-2056

June 26, 1996

California Regional Water  
 Quality Control Board  
 Attn: Catherine Tyrrell  
 101 Centre Plaza Dr.  
 Monterey Park, CA 91754-2156

6/26/96  
 JUN 27 PM 1:15  
 U.S. DEPARTMENT OF  
 CONSTRUCTION  
 LOS ANGELES REGION  
 AP

**Subject: WASTE DISCHARGE REQUIREMENTS**

**Dear Ms. Tyrrell:**

Enclosed are the City of El Montes comments on the Waste Discharge Requirements for Municipal Storm water and URBAN runoff discharges.

If you have any questions please contact me at (818) 580-2056.

Very truly yours,

Victor Mendez  
 Construction Inspector

cc: Kev Tcharkhoutian, City Engineer  
 Donald L. Wolfe, L.A. County, Dept. of Public Works

VM:tan

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These are El Montes comments on the tentative order of Waste Discharge Requirements for Municipal Storm water and URBAN runoff discharges within the County of Los Angeles.

El Monte stands that finding No. 4, 5, 6, 19, 25, 26, and 27 should be deleted since they are not supported by hard data. That No. 23 is confusing and should also be deleted.

Discharge Prohibition and Receiving Water Limitations

If it is not mandated by the Federal Regulations we should remove it from the permit.

Program Management

Legal authority requirements and the need for a inter-agency agreement for cooperative efforts are written too specific in the tentative permit. Each agency should be allowed to deal with legal authorities in-line with their current practices.

Illicit Connection and Illicit Discharge

Reclaim and potable water line flushing should be allowed as well as sump pump discharges.

Program should allow municipal employees to report discharges during routine assignments. Part 2, Section II.B.1.d & e of the tentative order should be deleted.

Proper scheduling to comply with cities budget cycle should be of consideration.

Development Planning and Construction

Permit requirements with respect to development and construction activity is an intrusion of the cities LAND USE POWERS and are not needed, it should be left to cities own discretion.

Public Agency Activities

Again this is infringing on City matters, Cities know what has to be done to control activities within their means to prevent pollution.

Public Information and Participation

Program requirements of how a city is to educate their citizens should also be left up to the City. Evaluation should be longer then 2 ½ yrs. more like 4 years or longer.

Monitoring Program

This program should be a developing baseline and if any spikes arise they should be investigated and possibly corrected.

WASTGENWSTDSCHQ.MEM

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JUN 12 '96 10:35 No.006 P.01

Los Angeles County Municipal Storm Water Permit Order No. 96-XXX

To	Carlos O.	From	Ed Schroeder
Co		Co	
Dept		Phone	310 6072230
Fax	313 266-7606	Fax	

1. Identification of Sources

a. The Principal Permittee in consultation with the Permittees shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers not later than 6 months after adoption of this Order. This database will serve as a reference resource for the public, business, industry, local government, the Regional Board, and other public agencies on storm water program participation. The initial accuracy of the database will be dependent on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the industrial/commercial site visit program. No legal import is to be attributed to the database developed by the Permittees. The database format shall include at a minimum:

- i. Facility name;
- ii. Site address;
- iii. Watershed;
- iv. Applicable SIC code(s), and
- v. NPDES storm water permit coverage status, if applicable

b. Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its jurisdiction and submit to the Principal Permittee not later than six months after the Principal Permittee provides the database format to the Permittees. The list of facilities shall include, at a minimum:

- i. All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities);
- ii. Motor vehicle repair shops, motor vehicle body shops, motor vehicle parts and accessories facilities, gas stations, and restaurants; and
- iii. Additional SIC Industrial/commercial groups identified as priorities by each WMC pursuant to this Order.

c. The Principal Permittee shall compile the information submitted by each Permittee into a database of industrial/commercial facilities not later than 16 months after adoption of this Order. ~~This database shall include:~~

d. Based on the <sup>49</sup> information collected, <sup>6/23/96</sup> the Principal Permittee shall develop educational material for ~~the~~ selected SIC Industry Numbers. This educational material shall include

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- i. For each four digit SIC Industry Number, ~~primary activities that might impact runoff discharges (from national or commercial database sources), and~~ *self-evaluation*
- ii. For each four digit SIC Industry Number, ~~primary materials that might impact runoff discharges (from national or commercial database).~~ *distribution*

2. Source Control Measures

The Principal Permittee, in consultation with the Permittees, shall develop a checklist of specific storm water BMPs for use by Permittees for each industrial/commercial SIC group requiring educational site visits under Part 2.V.B.3. not later than 10 months after adoption of this Order. The BMPs shall:

- a. Address multiple pollutants;
- b. Initially focus on pollutant source minimization, education, good housekeeping, and site design alternatives; and
- c. Target source areas and activities with the highest potential to generate substantial pollutant loads.

After the BMP lists are developed by the Principal Permittee and approved by the Regional Board, each Permittee shall use the checklists as part of the outreach measures conducted during industrial/commercial site visits.

*self-evaluation*

*distribution*

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Carlos:  
As we discussed,  
I think this helps  
clarify the intent.  
These are the only  
changes I am proposing  
for this section. Fed

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COMMUNITY DEVELOPMENT DEPARTMENT  
CITY HALL WEST  
11333 VALLEY BOULEVARD • 2ND FLOOR  
EL MONTE CALIFORNIA 91731-3293  
FAX (818) 580 2293

HAROLD O. JOHANSON  
DIRECTOR OF  
COMMUNITY DEVELOPMENT  
(818) 580-2090

JUAN D. MIRELES  
ASSISTANT DIRECTOR OF  
COMMUNITY DEVELOPMENT  
(818) 580-2056

VALLEY CONTROL REGION  
LOS ANGELES REGION

MAY 31 PM 12:53

May 28, 1996

CA. Regional Water Quality Control Bd.  
Los Angeles Region  
101 Centre Plaza Dr.  
Monterey Park, CA 91754-2156

Robert P. Ghirelli, D. Env.  
Executive Officer

LOGUE  
TECHNICAL REPORT  
NAME: D. Engler  
Date: 6-4-96

RE: National Pollutant Discharge Elimination System Municipal Storm (NPDES) Permit No CA0061654, Compliance Report

The purpose of this letter is to provide you with an update on El Monte's efforts to implement the BMPs. The City of El Monte has continued to implement BMPs in the following areas:

- Existing Best Management Practices on Illegal Discharges/Illicit disposal practices for construction sites, residential, commercial and industrial areas.
- Early Action Best Management Practices Illegal Discharges/Illicit disposal practices for construction sites, residential, commercial and industrial areas.
- Additional Best Management Practices Illegal Discharges/Illicit disposal practice, for construction sites, residential, commercial and industrial areas.

On August 24, 1995, Mr. Mark Pumford, Environmental Specialist IV and Mr. Phillip Terrazas, Environmental Specialist II of the CRWQCB conducted a compliance audit of the City's 13 Best Management practices. Their evaluation of the City's compliance was favorable.

Their audit revealed a number of non stenciled catch basins on Peck Road and Lower Azusa Ave. It was determined that these catch basins were the property of the County of Los Angeles. The County responded favorably to our request and installed "NO DUMPING" emblems at those particular locations.

CONUSN

BUILDING DIVISION (818) 580-2050	CODE ENFORCEMENT DIVISION (818) 580-2080	HOUSING DIVISION (818) 580-2070	PLANNING DIVISION (818) 580-2090	PUBLIC WORKS ADMIN & ENGINEERING DIVISION (818) 580-2058	PUBLIC WORKS MAINTENANCE (818) 580-2250
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Some of El Monte's noteworthy accomplishments in connection with NPDES Compliance are:

1. We invited speakers from Heal-the-Bay, L.A. Co., & the California Regional Water Quality Control Board to speak at community club meetings (i.e. Rotary Club & Kiwanis).
2. We have regularly published NPDES messages using the stormwater mascot in the local newspaper, the "Mid Valley News".
3. We organized a gutter patrol program. The purpose of this program is to regularly inspect the gutters in residential & commercial zones and to make the public aware of any violations of NPDES requirements.
4. The City of El Monte, has distributed posters on "Good Cleaning Practices" and copies of the El Monte Municipal Code, chapter 8 entitled "Stormwater Management/and Discharge Control" to local restaurants.

Very truly yours,



Kev Tcharkhoutian  
City Engineer

cc: Gary Hildebrand - Los Angeles County  
Public Works Department  
Harold O. Johanson  
Victor Mendez  
Juan Mireles

NPDES COMPLIANCE RPT

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CITY OF

# Glendale CALIFORNIA

613 E. Broadway, Suite 220, Glendale, CA 91206-4394  
June 26, 1996

Tel: (818) 548-2080  
Fax: (818) 547-3402

Office of the  
CITY ATTORNEY

VIA FACSIMILE AND MAIL

Dr. Robert Ghirelli  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

56 JUN 23 PM 1:10  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

Re: May 23, 1996 Draft NPDES Permit--Comments

Dear Dr. Ghirelli:

We appreciate the opportunity offered us as a co-permittee to review and comment on the draft permit. We have reviewed the draft, and, while the May 23, 1996 Tentative Order ("Draft Permit") contains a number of improvements over the previous December 18, 1995 Draft Permit, we continue to have serious concerns with the details.

As will be more fully explained below, the Draft Permit still contains sections which are problematic and unnecessarily expensive to implement. The following is a summary of the most critical areas of concern to permittees.

(1) Fiscal Resources. The Draft Permit gives insufficient attention to funding issues in establishing and maintaining the BMPs and the mandated programs that will be developed in the future. Estimates of costs to the permittees and, ultimately, to the taxpayer range from \$2 million (Long Beach) annually to \$15-20 million (Los Angeles County). More funding will be necessary to comply with the as-yet undefined mandated programs. Therefore, it is recommended that the Draft Permit be given close scrutiny in order to: (1) eliminate duplicative efforts with the State Board such as inspections of industrial/commercial facilities already permitted by the State and (2) develop cost-effective BMPs that have proven effectiveness in reducing storm water pollution downstream.

(2) Informal Rule Making. The process by which the Draft Permit is being developed does not appear to be consistent with basic principles of California Administrative Law. The EPA has general requirements for NPDES permit applications but it does not set forth specific requirements for the contents of such permits. 40 C.F.R.



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Dr. Robert Ghirelli  
June 26, 1996  
Page 2

§§122.26, 122.41. The Board staff has attempted to provide more specific requirements by importing excerpts from different guidance manuals, reports, portions of other permits and suggestions and ideas generated by Board staff. However, in so doing, the Board staff may have violated the California Administrative Procedure Act, California Government Code §§11340, et seq. ("APA").

"Regulation" is defined as "every rule, regulation, Permit, or standard of general application ... adopted by a state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the state agency." Government Code §11342(g). The APA prohibits state agencies from utilizing any rule which is a regulation, as defined herein, unless the rule has been adopted as a formal regulation. Union of American Physicians and Dentists v. Kizer (1990) 223 C.A.3d 490. Rulemaking is required whenever an administrative agency creates a new rule for future application, as opposed to applying an existing rule to existing facts. See Twentieth Century Insurance v. Garamendi (1994) 8 C.4th 216, 275; Grier v. Kizer (1990) 219 C.A.3d 422, 434.

State water quality control programs such as that proposed in the Draft Permit are subject to the APA. Government Code §11353(b)(1) requires that "any policy, plan, or guidelines, or any revisions thereof, the State Water Resources Control Board has adopted or that a court determines is subject to this part, after June 1, 1992, shall be submitted to" the Office of Administrative Law. In State Water Resources Control Board v. Office of Administrative Law (1993) 12 C.A.4th 697, a water quality control plan was held to be a regulation which must comply with the APA. The Court remarked "... if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labelled it." Id. at 703.

Board staff legal counsel, Jorge A. Leon, asserts that "the fact that the draft permit makes use of materials not previously subjected to the APA does not . . . impose upon any group, any perceived requirements in those materials and documents. That would be rulemaking subject to the APA." However, upon review of the Draft Permit it appears

that such studies and other materials were incorporated into the document and are the basis for the imposed requirements. Two separate Public Records Act requests for disclosure of documents pursuant to Government Code §§ 6250 et seq. were made to the Board. After a delay of over a month, the Board responded by making available four boxes of unmarked, unindexed materials. There was no indication as to which box or boxes contained the documents responsive to the items requested. No attempt was made to determine whether there were any documents which could be identified in response to the specific requests. Because there was insufficient information to identify each record, the party making the request deemed the Board non-responsive. Without a review of such documents, a determination as to whether the requirements constitute rulemaking in violation of the APA would be impossible.

Mr. Leon essentially contends that even if the process can be construed as rulemaking, the permittees have had the benefit of "safeguards not unlike the APA's procedural requirements." Mr. Leon did not provide any statutory or case law authority for his contention that the APA may be by-passed by a "similar" procedure without filing notice with the Secretary of State and publication in the California Code of Regulations. The procedure used by the Board staff for developing the Draft Permit was insufficient in that it consisted of meetings on short notice in which only a select few permittees were invited, a failure to report the results of such special meetings, contradictory statements between staff personnel which tended to mislead and confuse the permittees, and general inconsistencies among the Board staff as to how the review process would proceed and how notices would be given to permittees.

(3) Unfunded Mandate. The Draft Permit will require numerous programs which the cities will have to fund and implement with no funding for said programs or provisions for financial assistance. These programs and mandates go beyond the specific requirements of the Clean Water Act or EPA regulations. Article XIIB, Section 6 of the California Constitution requires a state agency which mandates a new program or a higher level of service to provide a subvention of funds to reimburse local governments for the costs of the program or increase in

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Dr. Robert Ghirelli  
June 26, 1996  
Page 4

level of service. The Board has not provided for such funding.

Mr. Leon asserts that because the state is implementing a federal mandate pursuant to federal laws, it is exempt from the requirement for reimbursement. He claims that "the permit requirements are intended to require the minimal programs and activities necessary to carry out the intent of the Clean Water Act, which is to assure reduction to the maximum extent practicable the discharge or pollutants in storm water." However, the Draft Permit states that the Board is imposing "more stringent requirements" than required by the Clean Water Act. Therefore, reimbursement should be required.

Furthermore, in many cases, the programs in the Draft Permit are duplicative of those which the State Board has the responsibility to fund and implement. Article XIII B, Section 6 prevents the state from shifting the cost of government from itself to local agencies without providing funding or reimbursement therefor.

(4) Undefined Programs. Certain requirements of the Draft Permit have not yet been developed. For example, Table 2, page 24 and Table 3, page 30 contain timelines for development of model programs which will require mandatory City compliance. Performance standards will be developed at a later time after which implementation by the permittees will be mandatory. This uncertainty makes it impossible for permittees to plan, budget and fund the mandatory programs and locks permittees into a mandate without procedural safeguards against excessive regulation.

The City of Glendale recommends that before any model program or other requirements are incorporated into the permit they be subject to a public hearing before the Board.

(5) Cities' Scope of Control. It may not be possible for one permittee to comply with all requirements of the Draft Permit that affect all permittees. Individual permittees only have the responsibility and ability to prohibit non-storm water discharges within their jurisdiction. 40 C.F.R. §122.26(b)(1) (a "co-permittee" is a "permittee to a NPDES permit that is only responsible for permit

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Dr. Robert Ghirelli  
June 26, 1996  
Page 5

conditions relating to the discharge for which it is operator.") Thus, enforcement of the Draft Permit without proof of causation for individual permittees may be considered excessive.

(6) The Draft Permit Improperly Shifts Responsibility from State. As indicated above, the Draft Permit attempts to shift the Board's own statutory responsibilities for industrial and commercial sources of pollution to the permittees without providing any funds to carry out those burdens. Inspections for state general industrial/commercial permits are the role of the State Board. The Draft Permit attempts to shift this duty to the permittees by requiring site visits to ensure that storm water pollution from these facilities is controlled, check to see the facility has a notice of intent ("NOI") and a storm water pollution prevention plan ("SWPPP")--all requirements of the state permit. Furthermore, the shift of responsibility raises the issue of informal rulemaking in that the state permitting and enforcement requirement for general industrial businesses and commercial developments over 5 acres is established by state law.

(7) Findings Lack Scientific Bases. The Findings section of the Draft Permit are intended to present the qualitative and scientific bases for specific requirements within the Draft Permit. However, the Findings fail to establish a scientific basis for the stringent controls over some discharges compared to federal standards. Further, federal regulations, 40 C.F.R. §122.26(d)(2)(iv)(B)(1), provide that certain identified discharges in excess of the federal standards are to be addressed only when the municipality identifies the discharges as a source of pollution. Therefore, Draft Permit requirements should allow the permittees to determine which non-storm water discharges should be regulated. The findings should focus on facts verified by sound scientific studies appropriate to the areas in question. Accordingly, Findings 4, 5, 6, 19, 25, 26 and 27 should be deleted.

Finding No. 29 should be modified to read as follows:  
"The Board recognizes that Permittees have no control over how much rain falls and only limited control over the amount of pollutants within their boundaries which flowing storm water may pick up. Accordingly, the occurrence of a

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Dr. Robert Ghirelli  
June 26, 1996  
Page 6

violation of water quality objective nor a condition of nuisance shall not constitute a violation of this order."

(8) Receiving Water Limitations. The permittees may be found in non-compliance as a result of the language establishing water quality objectives and water quality standards contained in the Basin Plan which establishes receiving water limitations which are non-attainable. Accordingly, the City of Glendale requests that the receiving water limitations be deleted or, at a minimum, the use of the Basin Plan for water quality standards be deleted.

(9) Inspections Mischaracterized As Educational "Site Visits". In the previous Draft Permit, dated December 18, 1995, the Board required permittees to establish and implement an inspection program for all industrial and commercial facilities. The new Draft Permit recharacterizes the site inspection requirements as educational "site visits" while retaining enforcement language such as mandating that Permittees verify permits, make return visits to evaluate compliance, and refer apparent non-compliance to other agencies.

If the intent of the Draft Permit is to require permittees to provide educational information as to how to prevent storm water pollution, the permittees should be allowed to disseminate such information by alternative means without site visits. For example, such information may be given by mail, telephone, video tapes and television announcements. Records containing NOIs and SWPPs should be able to be verified through state records and can be checked without site visits. Again, the State Board should shoulder this responsibility.

As drafted, the inspection/site visit program is more than mere education. Cities do not have the authority to inspect without a search warrant or a finding of probable cause of a violation. The program should be a public education program and eliminate specific requirements, such as mandatory site visits, as to how the information should be disseminated.

(10) Excessive and Inappropriate Reporting Requirements. The Draft Permit requires "all reports or submittals made directly to the Regional Board or through the Principal



Permittee shall be signed under penalty of perjury by the principal executive officer or the ranking elected official of the Permittee . . . " Requiring such an officer to sign under penalty of perjury is excessive and inappropriate in this context.

(11) Program Development Should not Rest Solely with the County. Too much responsibility and authority is placed with L. A. County. Watershed Management Committees (WMC's) or the EAC should be given more responsibility to plan, oversee, and approve all studies. The WMC's do not have staff and should not be held responsible for any work items.

(12) Insufficient Administrative Review Process. The Draft Permit fails to provide an adequate administrative review and appeals process in the event the Board intends to proceed with enforcement efforts against one or more permittees. The review process, as drafted in the Draft Permit pages 13-14, generally provides evaluation by the Executive Officer of the Regional Board but no further administrative appeals process. Mr. Leon stated that the provisions were drafted to create "an informal dispute resolution process for the benefit of the cities." The Draft Permit provides "As appropriate, any determination under . . . [the terms of the Draft Permit] may be considered by the Regional Board in a public hearing." However, this provision does not go far enough. Because of the fiscal and practical impact of the requirements of the Draft Permit and in order to adequately address compliance issues, it is recommended that a formal appeals process be established beyond the level of Executive Officer to allow full notice and opportunity to be heard at an administrative hearing by the Regional Board and State Board, if necessary. Such an administrative appeals process would be more cost effective and would reduce the likelihood of litigation.

(13) Conditionally Exempted Discharges. The draft permit should include reclaimed water line flushing, residential swimming pool discharges, and sidewalk washing as conditionally exempted discharges.

(14) Implementation Schedules. As written, the implementation schedules are too short and out of sync with the permittees normal budgeting cycle. The

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Dr. Robert Ghirelli  
June 26, 1996  
Page 8

implementation schedules should be flexible enough to allow the cities the opportunity to budget for the necessary activities required to implement those programs.

(15) Monitoring Program. Los Angeles County recently settled a federal lawsuit with the environmental group, NRDC, for failure to control storm water polluting Santa Monica Bay. As part of the settlement, the County agreed to embark on a comprehensive monitoring program to determine where the pollution is coming from and to target how to effectively remove the pollution. The Draft Permit contains a monitoring program and it is likely that the program will be an outgrowth of the monitoring plan required by the settlement. This situation appears to present a conflict of interest in that the County will be driven by the terms of the settlement rather than establishing a monitoring plan which is the result of a collaborative effort by all permittees. This being the case, the permittees not had a fair opportunity for comment and input into the plan. Since the monitoring plan required by the Tentative Order impacts all the co-permittees, it is only fair that they have input into the plan.

Conclusion. The Draft Permit does not achieve the goal of targeting and addressing identifiable, controllable pollutants in a cost-effective manner which complies with state and federal law while taking into account the practical difficulties which cities face in trying to develop effective programs. The new Draft Permit should be adopted only after full compliance with proper administrative procedures. Full public participation should be allowed and the permit should realistically reflect the cities' individual capabilities.

This letter is intended to provide interim comments only. The City of Glendale requests an extension of time for submission of final comments on the May 23, 1996 Draft Permit until documentation establishing the scientific bases of the Findings, see Paragraph (7) herein, are identified. The City of Glendale further requests the

Dr. Robert Ghirelli  
June 26, 1996  
Page 9

Board to provide such documentation by July 1, 1996 after which the City will provide final comments by July 10, 1996.

Very truly yours,

SCOTT H. HOWARD, CITY ATTORNEY

By Christina R. Sansone  
Christina R. Sansone  
Deputy City Attorney

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# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3885

DATE: June 26, 1996

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LOS ANGELES REGION

Ms. Catherine Tyrrell  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Center Plaza Drive  
Monterey Park, CA 91754-2156

Subject: Comments In Re: Tentative Waste Discharge Order

Dear Ms. Tyrrell:

The City of Hermosa Beach is pleased to find that the revised permit is written much more clearly than the December 18, 1995 draft version. The Regional Board and Executive Advisory committee deserve substantial credit for devoting so much time and energy to improving the clarity of the permit.

Several issues that were identified in the December 18 draft permit have not been addressed yet. In addition, we note that the tentative order contains provisions that are either new or revised and, therefore, warrant a response. We are confident, however, that with your cooperation open-mindedness and sensitivity to City needs, these outstanding problems can be easily corrected.

1. Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
2. Delete Receiving Water Limitations as permit requirements;
3. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question;
4. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfounded mandate;
5. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees;
6. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the tentative order.
7. Street washing is listed under conditionally exempted discharges and designated discharges.

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8. The tentative order, as in the case of the December 18, permit still contains provisions that call for the development and implementation of a county-wide storm water management plan and/or a watershed management plan, neither of which is adequately defined. Furthermore, it is not clear which of the two plans cities will be required to comply with: the county-wide plan or the watershed management plan -- or both?
9. The tentative order is redundant in that it requires the City to prohibit littering (even if the litter does not enter to the MS4), and the disposal of leaves, dirt, or other landscape debris into a storm drain, but is unmindful of the fact that the order also prohibits illicit discharges, which broadly includes the discharge of any material other than storm water to the MS4, unless such discharge is exempted by the order or an NPDES permit.
10. The tentative order calls for the proper disposal of food wastes by the food service and food distribution industry, it does not define what "proper disposal" means; nor does it provide a definition of food service or food service distribution industry.
11. The tentative order contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, even if such water does not cause the delivery of refuse or other pollutants into the MS4 (includes streets, alleys, curbs, catch basins, and other conveyances).
12. The tentative order requires the City to establish legal authority to control the pollutants to the MS4 by discharges associated with industrial activity. These facilities are already regulated by the regional board. Therefore, cities should not have to establish legal authority to control pollutants from these facilities.
13. The tentative order contains a provision which, contrary to what has been asserted by the regional board, would require site visits of industrial activity and commercial facilities, for the purpose of inspection and enforcement, in addition to providing public education.
14. Several terms that are contained in the permit such as "proper disposal" and hazardous waste are not defined.
15. The permit refers to a document prepared by the American Water Works Association relevant to the conditional discharge of potable water, but is not appended to it. In order to understand and evaluate this requirement, it is important that we see it.

We also concur with many of the concerns identified by the Executive Advisory Committee.

We look forward to the opportunity to discussing these problems with you and/or staff as soon as possible. Their correction will further improve the quality of permit and facilitate compliance with its requirements. If you or your staff require any assistance, please let us know.

Sincerely,

*Amy Amirani*

Amy Amirani  
Director of Public Works

002594



# CITY OF INDUSTRY

Incorporated June 18, 1957

June 25, 1996

56 JUN 27 PM 1:18

OFFICE OF THE CITY CLERK  
CITY OF INDUSTRY  
101 CENTRE PLAZA DRIVE  
MONTEREY PARK, CA 91754-2156

Catherine Tyrrell, Assistant Executive Director  
California Water Quality Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject: Tentative Order (Draft NPDES Stormwater Permit) Comments

Dear Ms. Tyrrell:

The City of Industry finds the Tentative Draft Order to be acceptable with the exception of two issues that need clarification and resolution. The following comments should be considered and used to amend the Tentative Draft Order.

### Section III. Development Planning and Construction, Planning Control Measures, page 32.

Private development of large Industrial Parks typically subdivide and develop large parcels of land through mass grading and the installation of roads and related infrastructure. This work is often performed after the issuance of a *rough* grading permit. The requirement for a Urban Storm Water Mitigation Plan (USWMP) at this point is premature. Since the Urban Storm Water Mitigation Plan addresses specific details such as the percentage of permeable surfaces, parking lot pollution and locations of buildings, it is not appropriate to the project applicant to submit this plan. The applicant is simply preparing lots for later resale and development.

The requirement to file a NOI and submit a SWPPP to the Regional Water Board is reasonable and will better serve to list pre-construction and post-construction BMPs. At such time when a new owner of the subdivided land wishes to develop and perform a *precise* grading, he would be required to submit an Urban Storm Water Mitigation Plan for his post-construction BMPs and be issued a new grading permit. Upon purchasing a parcel, the new owner is required to submit a USWMP in addition to an new NOI and SWPPP.

Therefore when the issuance of a rough grading permit is considered, projects over five acres need not submit a USWMP since it is expected that a NOI and SWPPP will be submitted anyway. Later the requirement to submit a USWMP will be imposed upon the construction of the site improvements.

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Tentative Order (Draft NPDES Storm Water Permit) Comments  
June 25, 1996  
Page Two

**Section I. Program Management, Legal Authority, page 19.**

It is the City's experience that many industrial facilities store fuels, oils and hazardous waste materials in above ground storage tanks, drums, etc. within proximity to their main buildings. For safety and fire reasons these materials are not placed within any structures or enclosures. Berms are used to contain any accidental spills. These storage areas can be considerably large in size depending upon the type of facility.

"The prohibition of storm water discharge to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, etc.", is interpreted as no storm water shall be allowed to be released from any bermed area to the MS4 regardless of the storm water quality.

The response to the comments on page 24 of the Response To Comments Received on the December 18, 1995 Draft Permit states, " *The language requires storage away from areas that may come in contact with storm water, and repair in areas which are not exposed*". Since storm water is defined as atmospheric rainfall that falls onto other surfaces that include storage drums, tanks and other containers, this response implies that all of these tanks, drums and containers must be covered. If this prohibition is interpreted as such, then this restriction is unreasonable as it will impose additional requirements upon individuals to cover all hazardous materials from rain water beyond the current laws and regulations for the storage of such materials.

In our letter dated January 29, 1996, in response to the December 18th Draft permit, we had addressed this matter and your response did not result in any change to this section. The above section needs to be clarified in such a way to state that storm water runoff containing grease, oil, or other hazardous substances from storage areas of such materials, is prohibited from discharging to the MS4.

Once again, we are grateful for the opportunity to review and comment upon this final Draft Order. Your efforts and cooperation in this matter is greatly appreciated. If you should have any questions, please contact Mr. John Kao, NPDES Program Coordinator, of C & C Engineering, Inc. at (818) 333-0336.

Sincerely,

  
John D. Ballas  
City Engineer

JDB:jk

c: Chris Rope, City Manager  
Carl Burnett, Executive Agency Director  
John Kao, C & C Engineering, Inc.  
Donald L. Wolfe, Chairman, Executive Advisory Committee, LACDPW

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Mayor  
John W. Hastings  
Mayor Pro Tem  
Juan C. Escobedo  
City Council  
James T. Edwards  
Carmel Liu  
David A. Spence

July 10, 1996

Board of Directors  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
LOS ANGELES REGION

56 JUL 11 PM 1:18

RE: Storm Water Permit

Dear Board,

You are now considering adoption of a permit which will require cities in Los Angeles County to help you carry out provisions of the Clean Water Act. Our City always has been environmentally responsible and we fully intend to comply with the spirit of the Clean Water Act. Having said that though, I think it is important to get to the truth of our objections, city objections, to the tack you are taking.

The truth is that you are latching on to city police powers - the power to jail and fine people for breaking the law - in order to do your job. In her letter to us of July 5, 1996, Catherine Tyrrell states "The permit breaks away from the traditional command-and-control model of regulation(.) allowing the principal permittee, along with municipalities, to develop the programs they will implement." The dirty little secret here, however, is that you are forcing us to adopt a law to implement programs you dictate, programs that will put people in jail for up to six months and fine them up to \$1,000 for washing their sidewalks, washing their cars in their driveway, or sweeping leaves or dirt into the gutter. Business owners are regulated even more severely.

The truth is that you, the State agents of Federal rulemakers, could just as well implement the provisions of the Clean Water Act, and do so even more effectively than we can. You could provide educational programs and hire inspectors to monitor homes and streets and businesses. You could hire and train officers to patrol for littering and for illicit gray water discharges. You could monitor runoff and cite offending sites much better than we can. But you don't want to because you don't want to use "command and control" measures. Instead, you are forcing local governments to use the force you don't want to employ.

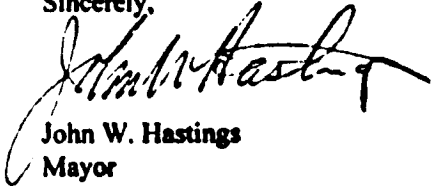
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Our City Council understands the crucial importance of a clean and healthy environment and we will enforce the law we pass in such a way that our government is seen as credible and effective. We would hope that you would think a little more about your credibility, about the credibility of State and Federal government. We hope you will go through the draft permit again and remove from it all threats of lawsuits, overly vague regulations enforced only by whim of government inspectors, "educational" site visits which may be seen as visits by government spies, calls for curricula that border on government indoctrination, and mandates to meet a standard for clean stormwater which neither you nor nature has defined.

Sincerely,



John W. Hastings  
Mayor

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# CITY OF LA VERNE CITY HALL

3660 "D" Street, LaVerne, California 91750

June 26, 1996

LOS ANGELES REGION  
JUN 27 PM 1:19

Dr. Robert Ghirelli, Executive Officer  
Attn: Carlos Urrunaga  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

re: Comments of May 23 1996 Tentative Order  
NPDES No. CA8614001

Dear Dr. Ghirelli:

After many months of negotiation and much debate, we were happy to receive a copy of the Tentative Order (dated May 23, 1996) for "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles." We would like to commend the efforts of your staff at addressing our earlier concerns about the December 18, 1995 draft.

Although this Tentative Order is much improved over the initial draft, it still contains many ambiguities and goes well beyond federal Clean Water Act requirements. Please find our comments enclosed as requested in your letter of May 23, 1996. The City of La Verne also endorses the comments submitted by the Executive Advisory Committee.

We look forward to your response to our comments as well as those submitted by other affected agencies and groups. If you should have any questions or require additional information, please feel free to call me Monday through Thursday between 8:00 a.m. and 6:00 p.m. at (909) 596-8741.

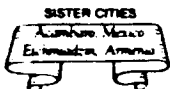
Respectfully,

Daniel W. Keesey  
Administrative Superintendent

LTR15WP(dan)

cc: Mayor and City Council  
City Manager  
Director of Public Works

VOL 5  
02599



General Administration 909/596-8726 • Water Customer Service 909/596-8744 • Parks & Community Services 909/596-8708  
Public Works 909/596-8741 • Finance 909/596-8716 • Planning 909/596-8706 • Building 909/596-8713  
Fax 909/596-8737

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**GENERAL COMMENTS**

1. The time lines for the development and implementation of the many items required under this order are unrealistic. This is a very complex, time consuming, and costly program which is well beyond the means of nearly every affected agency within Southern California. Suggest that development and implementation dates be staggered and extended.
2. Although a model program is expected to be developed by the County for many tasks, it will require some modifications to fit into a specific agency's requirements. Such programs will require review by local planning commissions and city councils. The four month period allotted for the development and implementation of the model programs is unattainable. Suggest minimum of eight months for permittees to revise, adopt, and implement.
3. The permit contains too many program levels including the 'Storm Water Management Program', 'County Wide Storm Water Management Plan', 'Watershed Management Area Plan', and should be structured with less bureaucracy.
4. Use of the term "maximum extent practicable" is difficult to measure as well as enforce.
5. Permittees should not be required to conduct inspections nor identify facilities lacking SWPPPs or NOIs as these are Board related responsibilities. All references to permittees undertaking responsibilities of the Board should be removed from the permit.
6. Permittees must be allowed greater control/input in developing and approving the various plans and programs required under the permit. Development of such plans by the principal permittee will always be in the best interest of the county and may conflict with permittee objectives.  
  
The tentative order contains many paper producing tasks which will have no impact on improving the quality of storm water. These programs should be deleted, or at least scaled back immensely so that our limited resources can be aimed at the original objectives of the program, reducing stormwater pollution.
7. 'In consultation with permittees' is not an adequately defined task of the principal permittee. Please clarify what this means and to what degree the principal permittee must consult or listen to permittees.

PERMIT SPECIFIC COMMENTS

PART 1. Discharge Prohibitions and Receiving Water Limitations

8. Page 11, Item II: Do the causes identified on page 12, item 1.A, reelect those in the Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties. We would like the opportunity to review and comment on the receiving water limitations referred to in that report if different from those shown on page 12 of the tentative order.

PART 2. Storm Water Management Program Requirements

9. Page 17, Item I.C.3.g: Collection of SIC information is not readily available to most agencies and can be difficult to obtain. The information will provide little, if any, usefulness in reducing stormwater pollution. Suggest that the requirement be stricken from the proposed permit.  
  
The identification of additional SIC groups by the WMA is not appropriate given previous levels of participation and differences among agencies within the watershed. Suggest that any additional SIC groups be determined by individual agencies.
10. Page 18, Item I.D: The submission of fiscal information to the Regional Board will in no way affect the quality of stormwater and lessen the impact of available funds and programs. Suggest that this requirement be eliminated from the permit.
11. Page 20, Item I.E.1.f: This task requires permittees to determine compliance with permit conditions; which permit conditions? Please clarify.
12. Page 21, Item I.G.1: Regional Board staff are allowing themselves too much time (120 days) to review and approve/deny an agency's program documents. This delays and in some cases may cost an agency valuable time and money for programs it is implementing and are subsequently denied by the Board. Review periods by the Board should be limited to 60 days maximum and should be considered approved if no response is received from the Board within 60 days.

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The Executive Officer should not have the authority to require changes or otherwise alter an approved program document as provided for in this section. Authority should be deleted.

13. Page 22, Item I.G.2.b: Review period by Board too long at 120 days. Revise to reflect 60 days maximum. See previous comment.
14. Page 23, Item I.H.2: Refer to previous comment.
15. Page 26, Item II.B.1.d: Define 'standardized surveillance program'.
16. Page 26, Item II.C.1: Expand exempted discharges to include all such discharges listed in the Clean Water Act.
17. Page 27, Item II.C.3: This section should include a 60 day maximum review period by the Board for requested exemptions.
18. Page 31, Item III.A.1.b.vii: Define a 'hillside located single family home'.
19. Page 31, Item III.A.2.a: What criteria will the Building Official use to determine significance? How is significance decided Please identify.
20. Page 32, Item III.A.2.b: See previous comment.
21. Page 47, Item V.A.1.a.i: A minimum of three written outreach/educational materials is arbitrary and wasteful. A single, well developed item will better promote our message than three simple, basics items. Development of the number and types of such materials should be left to the individual permittees.
22. Page 47, Item V.A.1.a.vi: See previous comment.
23. Page 48, Item V.A.1.c: Maintenance schedules need not be a part of our catch basin labeling program and should be deleted from this section. Maintenance of catch basins is regulated under prior sections of the proposed permit.
24. Page 48, Item V.B: Site visits or inspections, such tasks are well beyond the means of permittees. Such facilities may be educated with mailed materials developed under V.A. The section should be deleted from the permit.

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25. Page 49, Item V.B: Development of a data base of SIC information is not readily available to most agencies and can be difficult to obtain. The information will provide little, if any, usefulness in reducing stormwater pollution. Suggest that the requirement be stricken from the proposed permit. Permittee efforts should be pointed toward achievable, measurable reductions in storm water pollution, not in developing mounds of paper.
26. Page 51, Item V.B.3: Refer to comment No. 25.

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4-7-96



**CITY COUNCIL**

DAVID ALBERT  
MARGARET ESTRADA  
ROBERT T. HARGRAVE  
LAWSON PEDIGO  
BEN TRAINA

**ADMINISTRATION**

WALKER J. RITTER  
CITY ADMINISTRATOR  
  
DAWN TOMITA  
CITY CLERK

**CITY OF LOMITA**

June 26, 1996

Ms. Catherine Tyrell  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

96 JUN 27 PM 1:11  
QUALITY CONTROL BOARD  
LOS ANGELES REGION  
CITY OF LOMITA

Subject: Comments In Re: Tentative Waste Discharge Order

Dear Ms. Tyrell:

The City received the revised permit bearing the date of May 23, 1996, which authorizes the reissuance of the NPDES municipal storm water permit for Los Angeles County (now referred to as the tentative permit).

The City was very pleased to find that the revised permit is written much more clearly than your December 18, 1995 draft version. Also gratifying is the resolution of several problems regarding the permit's programmatic requirements that were called to your attention during the comment period by this City and a number of other cities. You and your staff deserve substantial credit for devoting so much time and energy to improving the clarity and reasonability of the permit.

Nevertheless, we note several problems that we and other cities identified in the December 18 draft permit that have not been addressed and, as a consequence, have been carried-over to the tentative permit we received on May 27, 1996. In addition, we note that the tentative waste discharge order contains provisions that are either new or revised and, therefore, warrant a response. We are confident, however, that with your continued open-mindedness and sensitivity to City needs, these outstanding problems can be easily corrected.

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The following problem areas require attention:

1. The tentative waste discharge order ("order") contains conflicting provisions which, if not corrected, could impede or prevent effective compliance that could expose the City to citizen law suits.
2. Findings 4,5, and 6 are too general and need to be explained more if they are to be used to justify current and future permit requirements.
3. The tentative order contains provisions which, if adopted, would impose requirements on the City that exceed federal storm water provisions of the Clean Water Act (hereinafter "CWA"). In many cases these requirements are redundant. Furthermore, the Ninth Circuit Court is now leaning toward the judicial belief that state-mandate requirements contained in an NPDES permit are covered under the Clean Water Act. Therefore, any violation of such requirements could expose the City to citizen law suits. In other words, local ordinance requirements could literally be transformed into a federal issue.
4. The revised tentative orders receiving water limitations would, if adopted, still place the City into a state of non-compliance, thereby exposing it to citizen law suits. Regional board should consider using the precise receiving water limitation language used in the Santa Clara permit, notwithstanding that it has been reputed by the USEPA as being the most stringent permit in the state.
5. The tentative order contains several provisions which, if adopted, would do little to improve the quality of storm water and urban runoff while imposing a substantial cost to City residents and businesses as taxpayers.
6. The tentative order contains provisions that are written in a manner that is unclear and confusing which, if not corrected, would lead the City into partial or non-compliance, thereby causing the City's exposure to citizen law suits.
7. Street washing is listed under conditionally exempted discharges and designated discharges.
8. The tentative order, as in the case of the December 18 permit still contains provisions that call for the development and implementation of a county-wide storm water management plan and/or a watershed management plan, neither of which is adequately defined. Furthermore, it is not clear which of the two plans cities will be required to comply with: the county-wide plan or the watershed management plan -- or both?

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9. The tentative order is redundant in that it requires the City to prohibit littering (even if the litter does not enter to the MS4), and the disposal of leaves, dirt, or other landscape debris into a storm drain, but is unmindful of the fact that the order also prohibits illicit discharges, which broadly includes the discharge of any material other than storm water to the MS4, unless such discharge is exempted by the order or an NPDES permit.
10. The tentative order calls for the proper disposal of food wastes by the food service and food distribution industry, it does not define what "proper disposal" means; nor does it provide a definition of food service or food service distribution industry.
11. The tentative order contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, even if such water does not cause the delivery of refuse or other pollutants into the MS4 (includes streets, alleys, curbs, catch basins, and other conveyances).
12. The tentative order requires the City to establish legal authority to control the pollutants to the MS4 by discharges associated with industrial activity. These facilities are already regulated by the regional board. Therefore, cities should not have to establish legal authority to control pollutants from these facilities.
13. The tentative order contains a provision which, contrary to what has been asserted by the regional board, would require site visits of industrial activity and commercial facilities for the purpose of inspection and enforcement, in addition to providing public education.
14. The tentative order contains legal authority requirements (mandated by the federal storm water regulations), that are still vague and offer no guidance on how to achieve compliance with them.
15. The tentative order contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, without any explanation anywhere in the permit, including the findings, as to why potable water discharges are a problem.
16. Several terms that are contained in the permit such as "proper disposal" and "hazardous waste" are not defined.
17. The permit refers to a document prepared by the American Water Works Association relevant to the conditional discharge of potable water, but is not appended to it. In order to understand and evaluate this requirement, it is important that we see it.

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We also concur with many of the concerns identified by the Executive Advisory Committee.

It should also be noted that the City is concerned about the short time frame we have been given to comment on the revised permit - 30 days really is not enough to fully evaluate and respond to its provisions. Beyond this, there is concern about how the regional board intends to respond to its comments, given that the tentative permit is scheduled for adoption on July 15 -- about two weeks from now. Will the City receive subsequent revisions to the tentative order as it recently had with regard to receiving water limitations. The City's concern is that the revised permit may not be complete and subject to continuing revisions until July 15.

We look forward to the opportunity to discuss these problems with you and/or staff as soon as possible. Their correction will further improve the quality of permits and facilitate compliance with its requirements -- a goal that we all share. If you or your staff require any assistance, please let us know.

Sincerely,

GARY D. IRWIN  
INTERIM CITY ADMINISTRATOR

GDI/mm

Post-It Fax Note	7671	Date	6/26	# of pages	4
To	Colton	From	Gary D. Irwin		
Co./Dept.		Co.			
Phone #	266-7600	Phone #	315-325-7110		
Fax #		Fax #			

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**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FRMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (818) 458-3100

HARRY W. STONE, Director

ADDRESS ALL CORRESPONDENCE TO  
P O BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 26, 1996

IN REPLY PLEASE  
REFER TO FILE EP-3

Dr. Robert Ghirelli  
California Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention Carlos Urrunaga

Dear Dr. Ghirelli:

RECEIVED  
96 JUN 26 PM 5:03  
LOS ANGELES REGION  
WATER CONTROL BOARD

**COUNTY OF LOS ANGELES (PRINCIPAL PERMITTEE)  
COMMENTS ON MAY 23, 1996 DRAFT NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM STORMWATER PERMIT (TENTATIVE ORDER)**

We have reviewed the Draft Permit and have a number of remaining concerns that are detailed in the enclosure.

Our remaining major concerns cover the following areas:

- **Illicit discharges.** The Permit covers an area of over 3,000 square miles. Illicit discharges can occur from numerous diffuse sources. It is more cost effective to have municipal employees be observant of illicit discharges during the performances of their work as opposed to creating a separate program for this.
- **Public Agency Program.** We do not agree that a formal evaluation of all public agency activities is necessary. Performing a limited evaluation where needed as part of developing the model program would be more cost effective.
- **Public Education.** Requiring an analysis of the success of the education program 2-1/2 years into the Permit is too premature. To accurately gauge success, more time should be allowed for implementation.
- **Performance Standards.** Development and implementation of the Countywide Storm Water Management Plan during the five-year permit term will be an ambitious undertaking. Developing Performance Standards, a good concept, is beyond the scope of what can successfully be accomplished during this Permit.

62-27-8

Dr. Robert Ghirelli  
June 26, 1996  
Page 2

- *Streamlining Reporting Requirements.* Evaluating the effectiveness of BMPs should be included as part of the final permit report (Report of Waste Discharge) as opposed to a separate report.
- *Monitoring Program.* The Permit contains various changes to the previously agreed-upon monitoring program that could significantly expand the resources needed for the program and therefore are not acceptable.
- *Reauthorization of the Clean Water Act.* The Permit should include language that the Permit shall be modified to comply with any reauthorization of the Clean Water Act.

On June 12, 1996, Gary Hildebrand met with Winnie Jesena and Carlos Urrunaga of your staff to discuss our concerns. At this meeting, your staff felt that our concerns could be satisfactorily addressed prior to the July 15, 1996, Regional Board meeting. Upon resolution, we will be able to fully support the Permit.

If you have any questions, please contact me at (818) 458-4014 or Gary Hildebrand at (818) 458-5948.

Very truly yours,

HARRY W. STONE  
Director of Public Works

  
DONALD L. WOLFE  
Deputy Director

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LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS  
COMMENTS ON MAY 23, 1996  
DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
STORMWATER PERMIT (TENTATIVE ORDER)

**Findings**

- #9. Modify wording to read "Federal, State, regional or local entities within the Permittees...". An example of a local entity over which the Permittees have no control would be a school district.

**Receiving Water Limitations**

We have reviewed the changes to this section as described in your June 17, 1996 letter and find them acceptable.

**I. PROGRAM MANAGEMENT**

**G. Administrative Review**

We have reviewed the changes to this section as described in your June 17, 1996 letter and find them acceptable.

**E. Legal Authority**

- E.d. To the end of the last sentence, add the following wording: "through the implementation of the requirements of this Order." This should allow the Permit to serve as an "inter-jurisdictional agreement" and satisfy this requirement.

**II. ILLICIT CONNECTIONS AND ILLICIT DISCHARGES**

- B.1.c. This item should read "Methods to prioritize problem areas of ..."
- B.1.d. Establishment of a separate surveillance program would not be practical or cost effective given the large County area and the diffuse sources for illicit discharges. The program described in B.1.e. using existing field staff would be far more effective. Therefore B.1.d. should be deleted.
- B.1.g. This item is redundant with B.1.a. and should be deleted.

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**III. DEVELOPMENT PLANNING AND CONSTRUCTION**

- A.3. For clarity, the first two sentences in the first paragraph should be modified to read: "Each Permittee shall develop a program to carry out planning control measures for priority projects (Part 2.III.A.2.a.) consistent with the programs developed under III A.1. and .2. The program shall be implemented not later than six months after approval of the programs developed under III A.1 and .2 by the Executive Officer.
  
- B.1.h. Reword this item to say "Require, to the maximum extent practicable, containment of runoff from equipment and..."

**IV. PUBLIC AGENCY REQUIREMENTS**

- A. The County will not commit to performing a formal evaluation of the Permittees existing practices and procedures. This would be a very costly and time-consuming effort. This wording must be deleted. In developing the model program, if we elect to conduct a limited or focused assessment of existing activities, that should be at our discretion.
  
- C.1.c. Delete the words "follow-up tests" since they do not apply in the context of responding to a sewer overflow.

**V. PUBLIC INFORMATION AND PARTICIPATION**

- A.1. Requiring an analysis of the success of the education program only 2-1/2 years into the Permit is too premature. At this point in time, the Permittees will be using the Immediate Outreach materials plus beginning to implement the five-year education strategy. It would be far more productive to allow the five-year education strategy to be implemented for the course of this Permit and then gauge the success of the strategy. Therefore, have this assessment completed 54 months after adoption of the Order, so this information can be included in the Report of Waste Discharge (ROWD).

**VII. PROGRAM REPORTING AND EVALUATION**

- C. Development and implementation of the Countywide Storm Water Management Plan (CSWMP) during the five-year permit term will be an ambitious undertaking. Developing Performance Standards, a good concept, is beyond the scope of what can successfully be accomplished during this Permit. Also, evaluating the effectiveness of the

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Best Management Practices (BMP) should be submitted along with the ROWD so as to allow maximum time for BMP implementation.

Therefore, the wording for this item should be revised to state that 54 months from Permit adoption, the Principal Permittee, in consultation with the Permittees shall report on

- a) the effectiveness of the CSWMP components; and
- b) Identify CSWMP components for which performance standards would be developed under the next Permit.

D. We will not agree to conduct receiving water impact monitoring beyond the term of this Permit, as is suggested by this item. Therefore, we request that all the language after "feasible environmental indicators" be stricken.

**PART 3 Standard Provisions**

III.C. This item should be modified to read: "Comply with any applicable requirements, guidelines, and/or regulations issued or approved pursuant to the Clean Water Act (CWA), Section 402(p) or from any reauthorization of the CWA; and/or".

**Attachment C - Monitoring Program Requirements.**

Various changes have been made to the previously agreed-upon monitoring program that could significantly expand the resources need for the program and are therefore not acceptable. Please see the attached portions of Attachment C which indicate the required changes to return the program to what was previously agreed-upon.

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Attach.

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Los Angeles County Municipal Storm Water Permit  
Order No. 96-XXX

*Existing land use stations under Order No. 90-079 which do not reflect land use categories recommended for CAS614001 monitoring under the co-benefit analysis. Some will be representative of other stations will be decommissioned.*

1. Upon completion of Step 6 of the reevaluation process, but not later than September 1, 1996, the Principal Permittee shall submit a report to the Executive Officer outlining the steps taken in the reevaluation process, and recommend land use categories to be monitored. Based on results of the reevaluation process, existing land use stations established pursuant to Order 90-079, may be moved to monitor recommended land use categories for monitoring.
- b. Upon approval of the report by the Executive Officer, the Principal Permittee shall complete Steps 7-8 of the reevaluation process in Attachment C-1.
- c. The Principal Permittee shall monitor land use stations according to the following schedule provided there are sufficient storm events during the season:

<u>Storm Season</u>	<u>Number of Station Events/Storm Season</u>
1996-97	100
1997-98, and thereafter	200

A station event is defined as one sampling event per station.

The land use stations shall be monitored during the term of this Order or until such time that event mean concentrations (EMC) are derived, at the 25% error rate, for the following constituents of concern:

PAHs (total)	Chlordane	Cadmium
Copper	Nickel	Lead
Chromium	Silver	Zinc
Selenium	Mercury	Total Nitrogen
Total Phosphorus	Total Suspended Solids	Diazinon
Chlorpyrifos	Melathion	Simazine
Total DDT	Total PCBs	

*However, for constituents added after the commencement of the second rainy season under the Order the Principal Permittee need not derive an EMC at an error rate of 25% prior to closing a station.*

The Executive Officer may add or delete constituents of concern.

All samples for land use station monitoring may be taken with the same type of automatic sampler used under Order 90-079. The samplers shall be set to monitor storms totalling 0.25 inches or greater of rainfall. The constituents to be analyzed are listed in Attachment C-3. The Principal Permittee, for land use sites, may exclude constituents from the list that require grab sampling.

In addition, the Principal Permittee shall, as a pilot study, set one land use sampler to monitor storms from 0.1 inch of rainfall. Based upon an assessment of: 1) the

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*a decision will be made as to whether to set some or all of the remaining land use* CAS614001

operational effectiveness of the sampler; 2) the feasibility and effectiveness of sample retrieval and transport; and 3) the ability to reprogram and maintain the 0.1 inch setting at other samplers. ~~the other samplers may be set to monitor storms from 0.1 inch of rainfall.~~

- e. If a constituent is not detected at the method detection limit (MDL) for its respective test method listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern. The Principal Permittee will also conduct annual confirmation sampling for non-detected constituents at each station for as long as the station is monitored.

2. Mass Emission Station Monitoring

- a. The Principal Permittee shall monitor a total of four mass emission stations. During the 1995-96 storm season, monitoring shall be conducted only at the Ballona Creek and Malibu Creek monitoring stations established under Order 90-079. During the 1996-97 storm season, monitoring shall begin at the San Gabriel River and Los Angeles River (downstream of Wardlow Road) stations. The Principal Permittee shall monitor at the Ballona Creek and Malibu Creek monitoring stations during the 1995-1996 storm season up to ten station events per year including dry weather sampling. Thereafter, monitoring shall be reduced at all stations to a maximum of five events per year. Mass emission station monitoring frequency will be evaluated after the 1998-1999 storm season. However, regardless of the results, monitoring shall not exceed five storm events per station for the 1999-2000 storm season.
- b. Samples for mass emission station monitoring shall be taken with the same type of automatic sampler used under Order 90-079, as well as through grab sampling. The samplers shall be set to monitor storms from 0.25 inches of rainfall. The constituents to be analyzed for samples taken at mass emission stations are listed in Attachment C-3. The Principal Permittee may elect not to sample Volatile Organic Compounds from the list of constituents for mass emission stations.
- c. If a constituent is not detected at the method detection limit for its respective test method listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern.
- d. With the exception of the stations noted in (2)(a) above, monitoring at other mass emission stations installed under Order 90-079 shall be discontinued and the stations decommissioned.

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3. Critical Source/Best Management Practice Monitoring

The Principal Permittee shall conduct a program for monitoring critical sources to characterize sources of storm water pollutants and assess effectiveness of BMPs. The program shall be consistent with the following:

- a. Selection of Critical Sources: The Principal Permittee will select critical sources for monitoring based on the methodology described in Attachment C-4 (Critical Source/BMP Monitoring). A total of five (5) critical sources will be monitored over six rainy seasons commencing with the 1996-97 rainy season, subject to the provisions of (3)(d) below.
- b. Not later than September 1, 1996, the Principal Permittee shall submit a report to the Executive Officer for approval on the critical source selection process and recommend critical sources for evaluation. Upon approval of the report, the Principal Permittee shall proceed to conduct the activities set forth in (3)(c-f).
- c. Characterization of Critical Sources: Commencing with the 1996-97 rainy season, the Principal Permittee shall commence the characterization of critical sources. A total of six (6) examples of each critical source will be characterized through analysis of flow runoff. Fewer examples may be selected due to distance considerations and/or the unavailability of sufficient source locations willing to participate in the program. A total of at least five (5) storms will be used to characterize the critical source runoff. Samples will be analyzed for those pollutants anticipated to be found in the critical source ~~storm water discharges~~ runoff *runoff* and such analytes will be partitioned, as appropriate, to determine the dissolved and undissolved portions.
- d. Evaluation of BMPs: In the year after a critical source has been characterized, a BMP or BMPs appropriate to the critical source will be selected and installed at up to half of the critical source examples (the "test sites"). Flow from the remaining source examples (the "control sites") will continue to be analyzed. A total of ten (10) targeted storm events will be monitored to assess the effectiveness of the BMPs. If there are insufficient storm events during the year, the evaluation may be continued during the next storm season. The Principal Permittee's monitoring of critical sources and evaluation of BMPs will be concluded by the end of the sixth full rainy season after the adoption of this Order, provided that sufficient number of storms have occurred.
- e. Additional Evaluation: After the third full rainy season following the adoption of the Order, the Principal Permittee will reevaluate, using the same process described in Attachment C-4, the progress made by other public entities in the State to evaluate critical sources and BMPs. If after the evaluation, the Principal Permittee

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TRANSMITTAL

DATE: June 24, 1996

TO: Catherine Tyrrell  
Assistant Executive Officer, Surface Water Programs  
California Regional Water Quality Control Board,  
Los Angeles Region

FROM: Barb Garrett  
Legislative Analyst  
City of Los Angeles

**SUBJECT: Comments on Tentative Stormwater Permit**

The City of Los Angeles appreciates the opportunity to review the Tentative Municipal Storm Water Permit for the County of Los Angeles (CAS614001) released May 23, 1996, and the subsequent language revisions released June 17, 1996. The official City comment letter on the Tentative Permit has not been processed. However, in an effort to provide the RWQCB with as much time as possible to review the City's concerns and discuss them with the City as well as other interested parties, I am unofficially transmitting a redline strike-out version of the permit and draft general comments. The City's comments were discussed in the Environmental Quality and Waste Management Committee today, and it is anticipated that the draft comments provided to you today, will directly reflect the official City comments to be transmitted prior to the close of the comment period, June 26, 1996.

If you have any question, please feel free to contact me at (213) 485-6638. Thank you for your assistance in this very important matter.

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CITY HALL  
LOS ANGELES, CALIFORNIA 90012

June 26, 1996

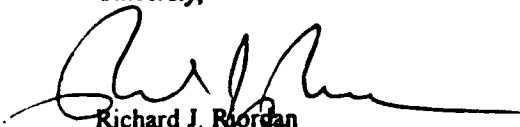
Robert P. Ghirelli  
Executive Officer  
Los Angeles Region  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Mr. Ghirelli,

The City of Los Angeles appreciates the opportunity to review the Tentative Municipal Storm Water Permit for the County of Los Angeles (CAS614001) released May 23, 1996, and the subsequent language revisions released June 17, 1996. Attached please find general comments and specific recommended permit language modifications. The City believes that with the requested language modifications, the proposed Tentative Permit will achieve the goal of establishing a realistic and effective municipal storm water management program.

The City would like to thank the Regional Board staff for their outstanding efforts in working with the Los Angeles municipalities and environmental groups to develop an effective municipal storm water program and resolve issues. We hope that this spirit of cooperation will allow us to work through and address the City's few remaining issues prior to the Regional Board's consideration of the Municipal Storm Water Permit for the County of Los Angeles (CAS614001) on July 15, 1996. If you have any questions, or would like to meet to further discuss the City's concerns, please contact Phil Richardson at (213) 847-6346 or Barb Garrett at (213)485-6638.

Sincerely,

  
Richard J. Riordan  
Mayor

  
John Ferraro  
President, Los Angeles City Council

Attachments

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**CITY OF LOS ANGELES  
GENERAL COMMENTS ON THE TENTATIVE MUNICIPAL STORM WATER  
PERMIT FOR THE COUNTY OF LOS ANGELES (CAS614001)**

**Municipal Contracts**

Finding #38 implies that municipalities are responsible and liable for compliance/non-compliance of their contractors with the requirements of the Order. This is incorrect and should be deleted. Contractors are independently responsible for complying with all rules and regulation. Operators of industrial and commercial facilities will have to comply with the various provisions of the permit regardless of whether or not they have contracts with municipalities. Municipalities cannot accept liability for contractors, since they do not have staff directly on site to monitor all operations of all contractors. In addition, since all public agency and industrial commercial requirements (see comment below) should be identical, such a requirement would be a significant duplication of effort, since many municipalities contract with the same contractors and contractors must comply with all permit requirements.

**Receiving Water Limitations**

The City agrees with the concept of including a process in the permit to illustrate that the ultimate goal of the municipal storm water program, in conjunction with the point source permit program, is to attain the water quality standards and beneficial uses identified in the Basin Plan. However, the Receiving Water Limitations language contained in the May 23, 1996, Tentative Permit creates significant liability for all Permittees. The Receiving Water Limitations language released by the RWQCB on June 17, 1996, establish liability only when Permittees are out of compliance with the specific mandates of the Permit. The City supports these proposed language revisions and urges the Board to incorporate them into the Permit.

**Interagency Agreements**

Requiring inter-jurisdictional agreements among Permittees is inappropriate and unnecessary. The "control of discharge of pollutants from one portion of the MS4 to another" is established through the implementation of the Order itself. The RWQCB should include a Finding stating that the Order serves as an inter-jurisdictional agreement, since specific duties related directly to controlling discharges to the MS4 are allocated to the Principal Permittee, the WMC, and the Permittees. At a minimum the language in Permit Section 2(I)(E)(d) should provide the Permittees with the discretion to determine the appropriateness and need for inter-jurisdictional agreements.

**Executive Officer vs. Board Approval**

The Permit needs to clearly indicate which documents are subject to the approval of the Executive Officer and which documents are subject to formal Regional Board approval. The City suggests that the matrices presented at the beginning of each Permit section be expanded to include all documents required to be prepared under the Permit, with an additional column presenting the entity responsible for approving those documents. The City requests that all BMPs be subject to formal Regional Board approval.

The Permit requires that the City, as Permittee, be financially responsible and legally liable for the implementation of all provisions of the Storm Water Management Program. However, the various components of the Storm Water Management Program are to be developed under the Permit itself. The City cannot commit to any requirements which have not yet been established. Therefore, the City requires that all BMP documents, which establish specific compliance requirements, be approved by the Regional Board, in a manner consistent with Permit approval. Regional Board approval of the BMP documents also ensures that the regulated community, environmental groups, other interested parties, and local governments, are provided with adequate public participation opportunities to assist in developing the most responsible BMPs possible. The change from Executive Officer approval to Regional Board approval of BMPs needs to be made and/or clarified in all Permit sections. The definition of Regional Board should be modified to clarify that Regional Board means the Governing Board.

**Administrative Review**

The Tentative Permit released May 23, 1996, requires Permittees to implement programs submitted for Executive Officer approval 120 days after submittal regardless of whether the Executive Officer has acted upon the submittal. Furthermore, the language provided the Executive Officer with the authority to make changes to the program after implementation had been initiated by the Permittee. The City cannot begin to arrange resources for implementation of a program, then find that requirements have changed based upon a revised approval by the Executive Officer, and still be required to meet the established implementation date. The RWQCB released revised Administrative Review requirement language on June 17, 1996, which addresses the 120 Executive Officer review period. The revised language partially addresses the City's concerns, however it inappropriately requires that Permittees notify all interested parties of the 10 days notice to the Executive Officer. This provision of the June 17th Administrative Review language revisions should be deleted.

The Permittees should not be responsible for notifying all interested parties that the Executive Officer has failed to act on a submittal in a timely fashion. The Executive Officer should be responsible for complying with time frames contained in the Permit. Furthermore, approval of a program by the Executive Officer does not require public notification; why would lack of timely action by the Executive Officer necessitate public notification. The City urges the Regional Board to incorporate the June 17, 1996 revised Administrative Review language, minus the requirement that Permittees notify all interested parties, into the final Permit.

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**Program Implementation Time Lines**

Although the Tentative Permit incorporates more realistic program implementation time lines for most programs, the implementation dates for the Educational Site Visit Program [Part 2(V)(B)(3)], the New Development requirements [part (2) (III)(A)(3)], and selection of additional facilities of concern by WMC [Part 2(V)(B)(6)(iii)], and implementation of new BMPs for newly designated discharges [Part 2(II)(C)(3)] are still too ambitious. Local governments will require substantial time to develop and implement the educational site visit program, new development standards, and implementation of new BMPs (depending upon their complexity, staffing, and equipment requirements). The program development process must include establishment of program budget and personnel needs and allocations of funds. The establishment of new development standards will be further complicated by the need to coordinated with the regulated community, drafting of ordinances [including public review and compliance with the California Environmental Quality Act (CEQA)], and staff and public education regarding new requirements. Changes to program development and implementation dates are imperative to ensure that all program elements are implemented in a timely, but realistic and thoughtful fashion.

Please refer to the attached permit language modifications for recommended implementation schedule modifications.

**Prohibitions**

The City has commented numerous times on the prohibitions now listed in Part 2(I)(E)(a) of the Permit. While the City supports control of non-storm water pollution sources, it is imperative that control are feasible and result in benefits to water quality and public health, which are commensurate with control costs. The Permittees as regulators of discharges outlined in Part 2(I)(E)(a), should be allowed to select the methods for controlling discharges to the maximum extent practicable (i.e. best management practices or prohibitions). The determination of practicality, should not be based solely upon technology, but also include consideration of costs, economic implications, competing environmental mandates, and other societal concerns. Such considerations are imperative to provide local government the opportunity to weigh competing economic, environmental, societal, public health, equity issues, and respond to and address public input as they define policies, standards, and expenditures to be employed in implementing an effective municipal storm water management program.

Please refer to the attached permit language modifications for recommended permit language changes.

**Public Agency Activities**

The requirements and BMPs listed in the Public Agency Activities , Permit Section Part 2(IV), need to be made consistent with the requirements of similar industrial/commercial operations. There are many instances where requirements for public facilities are more stringent than those for

industrial/commercial facilities, such as parking lots.

In addition, it should be clarified than in an effort to minimize cost and paperwork, and avoid duplication with other requirements, regulations, and plans, the model public facility plan should rely on existing requirements as much as possible. Please refer to the attached permit language modifications for recommended clarifying language.

#### **Program Evaluation Report**

Part 2(VII)(C) should be revised to focus on evaluation of the Storm Water Program, rather than specific BMPs. The permit does not require monitoring of specific BMPs and therefore it is inappropriate to request evaluation of individual BMPs. As stated in the findings, implementation of the various programs of the Permit as a whole will reduce storm water pollution, therefore it is most appropriate to evaluate the effectiveness of the program as a whole.

It is further recommended that the evaluation of the program be completed once the storm water program has been fully implemented, approximately 54 months after adoption of the Order. The information gleaned from the evaluation will be of great assistance in modifying the program and drafting the next permit.

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**STRIKEOUT:** Text that must be deleted from Tentative Order  
**BOLD AND REDLINE:** Text that must be added to Tentative Order  
**(BOLD AND ITALICS):** Comments

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

ORDER NO. 96-XXX  
(NPDES NO. CA0061654)

WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter referred to as the Regional Board), finds:

Existing Permit and Report of Waste Discharge

1. The County of Los Angeles and 85 incorporated cities within the County of Los Angeles (see Attachment A), hereinafter referred to as Permittees, discharge or contribute to discharges of storm water and urban runoff from municipal separate storm sewer systems (MS4s), also called storm drain systems, and water courses within the County of Los Angeles into receiving waters of the Los Angeles Basin under countywide waste discharge requirements contained in Order No. 90-079 adopted by this Regional Board on June 18, 1990. That Order also serves as a National Pollutant Discharge Elimination System (NPDES) permit (CA0061654).
2. On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as an application for re-issuance of waste discharge requirements and a NPDES permit.

Nature of Discharges and Sources of Pollutants

3. The discharges consist of surface runoff (non-storm water and storm water) from various land uses in all the hydrologic drainage basins that discharge into water bodies in Los Angeles County. The quality and quantity of these discharges vary considerably and are affected by the hydrology, geology, and land use characteristics of the watersheds; seasonal weather patterns; and frequency and duration of storm events.
4. Studies have shown that storm water runoff from urban and industrial areas typically

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contains the same general types of pollutants that are often found in wastewater in industrial discharges. Pollutants commonly found in storm water runoff include heavy metals, pesticides, herbicides, and synthetic organic compounds such as fuels, waste oils, solvents, lubricants, and grease. These compounds can have damaging effects on both human health and aquatic ecosystems. In addition to pollutants, the high volumes of storm water discharged from MS4s in areas of rapid urbanization have had significant impacts on aquatic ecosystems due to physical modifications such as bank erosion and widening of channels. [Source: *Guidance Manual for the Preparation of Part 2 of the NPDES Permit Applications for Discharges from Municipal Separate Storm Sewer Systems*, United States Environmental Protection Agency (USEPA) #833-B-92-002, 1992].

- 5. Periodic Water Quality Assessments (latest report dated April 18, 1996) conducted by the Regional Board identified impairment of a number of water bodies in Los Angeles County. The beneficial uses of these water bodies are either impaired or threatened to be impaired. Pollutants found causing impairment include: heavy metals, coliform, enteric viruses, pesticides, nutrients, polycyclic aromatic hydrocarbons, polychlorinated biphenyls, organic solvents, sediments, trash, debris, algae, scum, and odor.
- 6. An epidemiological study [*An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay*, Santa Monica Bay Restoration Project (SMBRP), May 1996] conducted during the summer of 1995 for the SMBRP demonstrated that there is an increased risk of acute illnesses caused by swimming near flowing storm drain outlets in Santa Monica Bay.

Previous investigations conducted for the SMBRP (*An Assessment of Inputs of Fecal Indicator Organisms and Human Enteric Viruses from Two Santa Monica Storm Drains*, SMBRP, 1990; *Storm Drains as a Sources of Surf Zones Bacterial Indicators and Human Enteric Viruses to Santa Monica Bay*, SMBRP, 1991; *Pathogens and Indicators in Storm Drains within the Santa Monica Bay Watershed*, SMBRP, 1992) showed pathogens were detected in summer runoff at four storm drain locations. -Likely Possible sources of pathogen contamination include pet and livestock feces, illicit sewer connections to the storm drains, leaking sewer lines, malfunctioning septic systems, inadequate waste disposal by recreational vehicles, campers or transients. Additional potential sources of human pathogens in nearshore waters include sewage overflows into storm drains, small boats waste discharges, and bathers themselves.

*[This discussion should include pet (cats, dogs, horses, etc.) and livestock (cattle, sheep, etc.) feces, which are the major source of pathogens in stormwater. ]*

Although the foregoing studies were done on the Santa Monica Bay, the results could be extrapolated to other water bodies in Los Angeles.

- 7. The Regional Board therefore considers storm water/ urban runoff discharges to be significant sources of pollutants that are may be causing , threatening to cause, or contributing to the impairment of the water quality and beneficial uses of the receiving water bodies in Los Angeles County, and as such need to be regulated.

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Coverage and Exemptions

8. The requirements in this Order cover all areas within the boundaries of the cities as well as unincorporated areas in Los Angeles County within the jurisdiction of the Los Angeles Regional Board except the City of Avalon. The Permittees serve a population of about 11.4 million (1990 Census of Population and Housing, Bureau of the Census, U.S. Department of Commerce) in an area of approximately 3,100 square miles. Attachment B shows the map of the permitted area in Los Angeles County.

9. Federal, state, or regional, or local entities within the Permittees' boundaries or in jurisdictions outside the County of Los Angeles, and not currently named in this Order, operate storm drain facilities and/or discharge storm water to the storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. Consequently, the Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges.

For those entities within the Permittees' boundaries, the Regional Board may consider to designate them as Permittees under this Order or issue separate NPDES permits consistent with this Order. The California Department of Transportation (Caltrans), currently a Co-Permittee to Order No. 90-079, submitted an ROWD on July 3, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements to be issued to Caltrans will be consistent with this Order.

10. Sources of discharges into receiving waters in the County of Los Angeles but in jurisdictions outside its boundary include the following:

- a. About 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay.
- b. About 9 square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay.
- c. About 86 square miles of areas in Orange County drain into Coyote Creek, thence into the San Gabriel Watershed in the County of Los Angeles.

The Regional Board will insure that storm water management programs for the areas in Ventura County and the City of Thousand Oaks that drain into Santa Monica Bay are consistent with the requirements of this Order. The Regional Board will coordinate with the Santa Ana Regional Board so that storm water management programs for the areas in Orange County that drain into Coyote Creek are consistent with the requirements of this Order.

11. The City of Santa Clarita and some unincorporated areas of Los Angeles County drain into the Santa Clara River watershed, the portion of which that is located in Ventura

County is regulated under the municipal storm water NPDES permit for the County of Ventura (Order No. 94-082, CAS063339). Successful management of the entire watershed needs coordination among the City of Santa Clarita, the County of Los Angeles, and Ventura County in developing and implementing the storm water management plan for the watershed..

- XX. Certain pollutants present in storm water and/or urban runoff may be contributed by activities which the Permittees cannot directly control. Examples of such pollutants and their respective sources are: polycyclic aromatic hydrocarbons (PAHs) which are products of internal combustion engine operation, nitrates from atmospheric deposition, lead from leaded fuels, copper from brake pad wear, zinc from tire wear and naturally-occurring minerals from local geology. However, some indirect actions, such as catch basin cleaning can help minimize entry of some of these pollutants into storm water.

Bases of Waste Discharge Requirements

Federal Statutes and Regulations

- 12. Section 402(p) of the federal Clean Water Act (CWA), as amended by the Water Quality Act of 1987, requires NPDES permits for storm water discharges from MS4s to waters of the United States. Section 402(p)(3)(B) requires that permits for MS4s: "(i) may be issued on a system- or jurisdiction-wide basis; (ii) shall include a requirement to effectively prohibit non-storm water discharges into the storm sewers; and (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."
- 13. On November 16, 1990, pursuant to Section 402(p) of the CWA, the USEPA promulgated 40 Code of Federal Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants.
- 14. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. As required by CZARA, USEPA issued Guidance Specifying Management Measures For Sources of Non-Point Pollution in Coastal Waters, 1993 (EPA-840-B-92-002). The guidance focuses on five major categories of nonpoint sources that impair or threaten coastal waters nationally: (a) agriculture runoff; (b) silviculture runoff; (c) urban runoff (including developing and developed areas); (d) marinas and recreational boating; and (e) hydromodification. This Order includes management measures for pollution from urban runoff and marinas, thus, it provides the functional equivalence for compliance with CZARA in these two areas.

State Statutes and Permits

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15. To facilitate compliance with federal regulations, in 1992, the State Water Resources Control Board (State Board) issued two statewide general NPDES permits: one for storm water from industrial sites [NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GIASP)] and the other for storm water from construction sites [NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)]. "Industrial Activities", as defined in 40 CFR § 122.26(b)(14)(i) through (xi), and construction activities with a disturbed area of five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent with the State Board.
16. The State Board adopted a dual annual fee structure for industrial facilities and construction sites covered by the two general permits described in Finding 15. Industrial facilities and construction sites located in jurisdictions with a MS4 permit are subject to a lower annual fee (\$250) than those located in jurisdictions without a MS4 permit (\$500). The intent of the dual fee structure was to allow Permittees to recover the annual fee differential or portion thereof if necessary to support the MS4 program and also provide some oversight over these facilities.
17. The State of California is a delegated state under the NPDES program, and as such, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, may impose more stringent requirements necessary to implement water quality control plans for the protection of beneficial uses of receiving waters, and/or to prevent nuisance.
18. California Water Code (CWC) Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall implement any relevant water quality control plans that have been adopted, shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, and the need to prevent nuisance.

Regional Board Water Quality Control Plans and Policies

19. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, noncontact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

20. This Regional Board has implemented a Watershed Management Approach in addressing water quality protection in the region. The objective of the Watershed

Management Approach is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationship between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available.

21. To implement the Watershed Management Approach, as well as facilitate compliance with this Order, the County of Los Angeles is divided into six Watershed Management Areas (WMAs) as follows:
  - a. Malibu Creek and Rural Santa Monica Bay WMA
  - b. Ballona Creek and Urban Santa Monica Bay WMA
  - c. Los Angeles River WMA
  - d. San Gabriel River WMA
  - e. Dominguez Channel/Los Angeles Harbor WMA
  - f. Santa Clara River WMA

Attachment A shows the list of cities under each Watershed Management Area.

Other Bases

22. SMBRP developed a Bay Restoration Plan to serve as a blueprint for Santa Monica Bay's recovery. The Plan recommends actions that the Regional Board should integrate into the storm water permit and provides guidance to the Regional Board for the development of a strong, environmentally -sound storm water program..
23. The Regional Board is the enforcing authority for both of the two statewide general permits, described in Finding 15, which regulate discharges from industrial facilities and construction sites, and all NPDES storm water and non-storm water permits issued by the Regional Board. However, frequently, industrial and construction sites discharge directly into storm drains and/or flood control facilities owned and operated by the Permittees or located in the jurisdiction of the Permittees. These industrial and construction sites are also regulated under local laws and regulations. Therefore, a coordinated effort between the Permittees and the Regional Board is critical to avoid duplicative regulatory activities and promote program efficiency.
24. The ROWD submitted by the Permittees includes:
  - a. Summary of Best Management Practices (BMP) implemented,
  - b. Storm water management plans for the six WMAs;
  - c. Countywide evaluation of existing storm water quality data, and,
  - d. Monitoring Program.

The ROWD served as partial bases for the development of the Storm Water Management Program (SWMP) requirements of this Order.

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- 25. A USEPA review of activities conducted by the automotive service sector indicates that automotive service facilities present a significant potential for the discharge of pollutants in storm water. A compliance review of municipal pretreatment and results to date of storm water inspection programs in California confirm the USEPA findings.
- 26. Studies demonstrate that parking lots and gasoline stations are significant sources of pollutants in storm water (*Urban Storm Water Toxic Pollution, Assessment, Sources*, Pitt et.al. V.67; *Results of Retail Gas Outlet & Commercial Parking Lot Storm Water Runoff Study*, Western States Petroleum Association and American Institute, 1994; *Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters*, USEPA, #B40-B-92-002, 1993).
- 27. A compliance review of restaurants and similar food handling facilities by municipal pretreatment and storm water inspection programs in Los Angeles County and the experience of other California MS4s programs indicate that food waste, oil and grease, chemicals, and wash waters are sometimes discharged into the storm drain system.

Objectives and Requirements of this Order

- 28. ~~The intent of this Order is to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes narrative Receiving Water Limitations that require storm water discharges neither cause violations of water quality objectives, cause a condition of nuisance, nor cause water quality impairment in receiving waters.~~

~~To meet the Receiving Water Limitations, this Order requires the implementation of BMPs to reduce pollutants in storm water to the maximum extent practicable with a monitoring program to assess compliance.~~

The objective of this Order is to protect the beneficial uses of receiving waters in Los Angeles County. To meet this objective, this Order requires implementation of BMPs intended to reduce pollutants in storm water and urban runoff such that ultimately their discharge will neither cause violations of water quality nor create conditions of nuisance in receiving waters.

*[This is consistent with the revised language released by the RWQCB June 17, 1996]*

- 29. ~~The Regional Board finds that the unique aspects of the regulation of the storm water discharges through municipal storm sewer systems, including intermittent discharges, difficulties in monitoring and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of best management practices and to determine whether they will adequately protect the receiving water. Therefore, this Order includes a procedure for determining whether storm water discharges are causing continuing and recurring exceedances of receiving water limitations and for evaluation whether the storm water management program must be revised. The Permittees will be in compliance with the Receiving Water Limitations as~~

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~~long as they comply with that procedure.~~

The Regional Board recognizes the challenges unique to regulating storm water discharges through municipal storm sewer systems, including intermittent and variable nature of discharges, difficulties in monitoring, and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of best management practices required in this Order and to determine whether they will adequately protect the receiving water.

*[This is consistent with the revised language released by the RWQCB June 17, 1996]*

- 30. This Order designates the County of Los Angeles as the Principal Permittee. The Principal Permittee will coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for insuring compliance of any individual permittee.
- 31. Each Permittee is responsible for the implementation of the appropriate storm water program developed pursuant to the requirements of this Order, and not for the implementation of the provisions applicable to the Principal Permittee or other Permittees. Each Permittee need only comply with the requirements of this Order applicable to discharges originating from within its boundaries and over which it is ~~required to have~~ has regulatory control.

*[Based upon this statement, inter-agency agreements are not necessary. See comment on Part 2.E.1.d.]*

- 32. In the ROWD, the Permittees proposed the formation of countywide Executive Advisory Committee (EAC), and a Watershed Management Committee (WMC) for each of the WMAs. The EAC and the six WMCs are now functional.  
  
The EAC's main role is to facilitate programs within each watershed and to enhance consistency among all of the programs. Similar to the Principal Permittee, the EAC are not responsible for insuring compliance of any individual permittee with the requirements of this Order.  
  
The WMCs, as required in this Order, will provide the leadership framework to facilitate development of the Watershed Management Area Plans and foster cooperation among Permittees.
- 33. The USEPA issued a guidance manual for submittal of a Part II application for MS4s (*Guidance Manual for the Preparation of Part of the NPDES Applications for Discharges from Municipal Separate Storm Sewer Systems*, USEPA #833-B-92-002, 1992). The manual provides the components of a municipal storm water program that will meet the requirements of 40 CFR Part 122.26.
- 34. The SWMP required in this Order builds upon the foundation established in Order No. 90-079, consists of the components recommended in the USEPA guidelines, and was

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developed with the cooperation of representatives from the regulated community and environmental groups. The SWMP includes requirements with compliance dates to provide specificity and certainty of expectations. It also includes provisions that promote customized initiatives, both on a countywide and watershed basis, in developing and implementing cost-effective measures to minimize discharge of pollutants to the receiving water. The various components of the SWMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water and urban runoff to the maximum extent practicable.

35. The main focus of the SWMP is pollution prevention through education, public outreach, planning, and implementation of BMPs. Successful implementation of the provisions of the SWMP will require cooperation and coordination of all public agencies in each Permittees' organizations, among Permittees, and the regulated community. To minimize cost, the Permittees are encouraged to utilize their existing organizational framework to implement the various activities required in this Order.
36. As required in Order No. 90-079 and pursuant to 40 CFR Part 122.26(d)(2)(II), this Order requires the Permittees to demonstrate that they possess the legal authority to implement and enforce the storm water programs within their respective jurisdiction. This legal authority may be in the form of ordinance, permits, contracts or similar means. If the Permittees decide that the legal authority would be through ordinance, the Permittees are encouraged to develop a model ordinance for them to adopt to minimize cost and promote countywide consistency.
37. Order 90-079 required the development and implementation of BMPs to minimize pollutants in storm water. In 1993, the Regional Board approved 13 baseline BMPs to facilitate the implementation of countywide minimum requirements, to encourage countywide consistency, and provide a minimum measure of progress. These BMPs were selected from Permittees' MS4 programs. Twelve of these 13 BMPs have been incorporated into this Order: a) Catch basin labeling; b) Public illicit discharges reporting; c) Construction storm water ordinance; d) Public education and outreach; e) Catch basin cleanout; f) Roadside trash receptacles; g) Street sweeping; h) Proper disposal of litter, lawn clippings, pet feces; i.) Removal of dirt, rubbish and debris at homes and businesses; j) Oil, glass, and plastics recycling; k.) Proper disposal of household hazardous wastes; and l) Proper water use and conservation. The thirteenth BMP (inspections of vehicle repair shops, vehicle body shops, vehicle parts and accessories, gasoline stations, and restaurants) has been changed to educational site visits.
38. Each Permittee owns/operates facilities ~~and/or enters into contracts with outside parties to carry out activities~~ within its jurisdiction that may impact storm water quality. Each Permittee, under this Order is required to implement BMPs to reduce pollutant discharges from these activities/facilities.
39. This Order provides the flexibility for the Permittees to petition the Regional Board Executive Officer to substitute a BMP or requirement under the SWMP with an alternative BMP, if they can provide information and documentation on the

COMMENTS

effectiveness of the alternative, equal to or greater than the prescribed BMP in meeting the objectives of this Order.

- XX. This order contemplates that the Permittees are responsible for considering potential stormwater impacts when making planning decisions. This Order nor any of its requirements are intended to restrict or control local land use decision making authority.

Enforcement Actions under the Existing Order (90-079)

40. Pursuant to CWA Section 505, the Natural Resources Defense Council (NRDC) filed a lawsuit with the Federal District Court, Central District of California, against Caltrans and some other Permittees for noncompliance with the requirements of Order No. 90-079. The court ruled in NRDC vs Caltrans (C.D. Cal. 1994) that the Director of Caltrans has not substantially complied with Order No. 90-079. In the ruling, the Court stated that in order to reduce pollutants to the maximum extent practicable, a Permittee must evaluate and implement all applicable BMPs, except where, a) other effective BMPs will achieve greater or substantially similar pollution control benefits; b) the BMP is not technically feasible; or c) the cost of BMP implementation greatly outweighs the pollution control benefits.

In the lawsuits against the other Permittees, negotiated settlements were reached and entered in court which require the defendants to implement storm water pollution control measures or conduct storm water monitoring.

Others

41. The Regional Board will provide the Principal Permittee with an updated list of NPDES permits on a quarterly basis through the Regional Board's electronic bulletin board which may be accessed at (213) 266-7663, or other available methods, for use by each Permittee to identify permitted sources of active non-storm water discharges into the MS4.
42. This action to adopt and issue waste discharge requirements and a NPDES permit is exempt from the provisions of the California Environmental Quality Act; Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code.

Public Process

43. The Regional Board will notify interested agencies and interested persons of the availability of reports, plans, and/or schedules of implementation submitted pursuant to the requirements of this Order. The Regional Board will consider comments prior to taking any action on the submitted documents as provided for in this Order.
44. This Order may be modified or alternatively revoked or reissued prior to its expiration date, in accordance with the procedural requirements of the federal NPDES program,

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and the California Water Code and Title 23 of the California Code of Regulations for the issuance of waste discharge requirements and upon prior notice and hearing.

- 45. The Regional Board staff solicited comments on early drafts of this Order from Permittees, interested agencies, and interested persons. In addition, Regional Board staff met with representatives from Permittees, business associations, environmental groups, and other interested persons to discuss permit requirements and attempt to resolve critical issues. Regional Board staff also solicited feedback from the SMBRP Oversight Committee on early drafts of the Order, and attended Permittee watershed meetings, made presentations to government officials, and conducted and/or participated in public workshops to hear concerns.

The Regional Board has notified each Permittee, interested agencies, and interested persons of its intent to prescribe waste discharge requirements and an MS4 NPDES permit for storm water discharges and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

The Board, in a public hearing, heard and considered all comments pertaining to the tentative waste discharge requirements. This order shall serve as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to Section 402 of the federal Clean Water Act, or amendments thereto, and shall take effect at the end of 15 days from the date of its adoption, provided the Regional Administrator of the U.S. Environmental Protection Agency, Region IX, has no objections.

IT IS HEREBY ORDERED that the County of Los Angeles and the Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act, as amended, and regulations and guidelines adopted thereunder, shall comply with the following for the areas within their boundaries and subject to their regulatory jurisdiction, in the County of Los Angeles.

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**Part 1. DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS**

**I. Discharge Prohibition**

Each Permittee shall, within its jurisdiction, effectively prohibit non-storm water discharges into the municipal separate storm sewer system (MS4) and watercourses, except where such discharges are:

- A. In compliance with a separate individual or general NPDES permit; or
- B. Identified and in compliance with Part 3, Item II.C (Illicit Connections/ Discharges: Non-storm Water Discharges), of this Order; or
- C. Discharges originating from federal, state or other facilities which the Permittee is preempted from regulating.

Compliance with this Order through timely development and implementation of programs described herein shall constitute compliance with this prohibition.

**II. Receiving Water Limitations**

~~The receiving water limitations are based on the~~ The water quality objectives and water quality standards applicable to receiving waters in Los Angeles County contained in the Basin Plan (*Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994) and amendments thereto, shall serve as Receiving Water Limitations for discharges covered under this Order. It is the purpose of this Order that the discharge of storm water, or non-storm water, from a municipal separate storm sewer system (MS4) for which a Permittee is responsible not cause nuisance, continuing or recurring impairment of beneficial uses, or exceedances of water quality objectives in the receiving waters. A Permittee will not be in violation of the Receiving Water Limitations so long as they are in compliance with the Storm Water Management Program Requirements set forth in this Order, and the provisions in Part 1.II.B.

Timely and complete implementation by a Permittee of the storm water management programs prescribed in this Order shall satisfy the requirements of this section and constitute compliance with receiving water limitations. However, if the Integrated Receiving Waters Impact Report required in this Order (Section VII.D.) and /or other available information show that discharges authorized under this Order still cause or contribute to the impairment of the beneficial uses or exceedances of water quality objectives, Permittees, as part of their Report of Waste Discharge for renewal of this Order, shall submit revised storm water management programs that are watershed-specific and will increase the likelihood of preventing future exceedances of water quality

objectives.

[This is consistent with the revised language released by the RWQCB June 17, 1996.]

- ~~A. The discharge of storm water or non storm water from a municipal separate storm sewer system (MS4) for which the Permittee is responsible under the terms of this Order shall not cause the following conditions to continue or recur in receiving waters:~~
  - ~~1. Presence of total and fecal coliforms at levels that adversely affect beneficial uses;~~
  - ~~2. Presence of oil, grease, wax or other materials at levels that form a visible film or coating on the water surface, on objects in the water, or at the ocean/stream bottom that create nuisance or adversely affect beneficial uses;~~
  - ~~3. Presence of floating materials or suspended materials (including solids, liquids, foams, and scum) that create nuisance or adversely affect beneficial uses;~~
  - ~~4. Deposition of materials that cause nuisance or adversely affect beneficial uses;~~
  - ~~5. Presence of undesirable coloration or discoloration that creates nuisance or adversely affect beneficial uses;~~
  - ~~6. Promote objectionable aquatic growth such as algae and slime to the extent that cause nuisance or adversely affect beneficial uses;~~
  - ~~7. Toxic substances to be present in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life;~~
  - ~~8. Presence of taste or odor producing substances at levels that impart undesirable tastes or odor to fish flesh or other edible aquatic resources, cause nuisance, or adversely affect beneficial uses; and,~~
  - ~~9. Changes in temperature and turbidity to the extent that result in nuisance or adverse effect on beneficial uses.~~
- ~~B. If the Executive Officer determines that a continuing or recurring exceedance of the receiving water limitations has been caused by discharges authorized under this Order, the following steps shall be taken:~~

- ~~1. The Executive Officer will evaluate the adequacy of the Permittees' implementation of the Storm Water Management Program (SWMP) required in this Order based on the Permittees' submitted reports and other relevant information. The Executive Officer will determine if implementation of the SWMP has a reasonable likelihood of preventing future exceedances of receiving water limitations. If the Executive Officer makes this determination, the Permittees shall continue implementing the approved program.~~
- ~~2. If the Executive Officer determines that implementation of the SWMP will not have a reasonable likelihood of preventing future exceedances of receiving water limitations, the Permittees shall, upon notice from the Executive Officer, do the following:
  - ~~a. The Executive Officer may require the Permittees to submit a report that includes an evaluation of the relative contribution of the storm water discharges to the exceedance of the receiving water limitation. The report shall address the persistence and the causes of the exceedance, and the technical and economic feasibility of control actions by the Permittees to reduce or eliminate the exceedance;~~
  - ~~b. The Executive Officer may require the Permittees to submit a report reviewing the SWMP to determine whether it should be revised so that there will be a reasonable likelihood of preventing future exceedances of receiving water limitations, or whether revisions to achieve compliance with receiving water limitations are technically or economically feasible. If the report recommends revision of the SWMP, the report shall include a work plan to revise the plan so that it will have a reasonable likelihood of preventing future exceedances of receiving water limitations. If the report concludes that no revisions are necessary to achieve compliance with receiving water limitations, the report shall explain how implementation of the SWMP will achieve compliance. If the report determines that revisions to achieve compliance with receiving water limitations are technically or economically infeasible, the Permittees shall continue to comply with the SWMP, shall fully document this determination, and shall make recommendations for actions to achieve compliance, including, for example, commencement of a total maximum daily load report or revision of the Basin Plan or mitigation projects to protect beneficial uses, and identification of funding sources for~~~~

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such actions; and,

~~e. The Permittees shall implement the work plan and revised SWMP as approved by the Executive Officer.~~

~~3. The Executive Officer shall review and approve or disapprove the reports required under Receiving Water Limitation II.B. The reports may be submitted as part of the next Annual Report, or at some other time designated by the Executive Officer. Provided the Permittee has complied with the procedures set forth in Receiving Water Limitation II.B, the Permittee does not have to repeat the procedures for continuing exceedances of the same water quality objective. As appropriate, any determination under II.B, or revisions to the Permittee's program may be considered by the Regional Board in a public hearing.~~

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**Part 2. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS**

The objective of the Storm Water Management Program (SWMP) requirements prescribed in this Order is to reduce pollutants in discharges to the maximum extent practicable in order to attain the water quality objective and protect the beneficial uses of receiving waters in Los Angeles County. Each Permittee shall implement within its jurisdiction the Storm Water Management Program requirements of this Order and those of the Countywide Storm Water Management Plan (CSWMP) or Watershed Management Area Plan (WMA) that will be developed pursuant to this Order to the maximum extent practicable.

The CSWMP is the unified plan consisting of programs developed under the Storm Water management Program Requirements of this Order.

The WMA is the comprehensive implementation plan for a specific Watershed Management Area (WMA) based on the requirements of this Order, the CSWMP, and any other applicable actions that address pollutants of concern and other water quality issues unique to that WMA toward the overall objective of reducing pollutants in discharges to the maximum extent practicable. Upon approval by the Regional Board Executive Officer, the WMA will supersede the CSWMP.

**I. Program Management**

Requirement	Permit Section	Principal Permittee	Permittees	Compliance Date (Months from Adoption Effective Date of Order)	For Approval By
Submit completed CSWMP	I.A.8	✓		Upon completion of development of all programs	E.O.
Develop a WMAP for the WMA	I.C.3.d		✓ (through WMCs)	Within 180 days prior to expiration of Order (pending the approval of the CSWMP by EO)	E.O.
Identify additional SIC groups	I.C.3.g		✓ (through WMCs)	N/A	N/A
Prepare budget summary format	I.D.1	✓		3	E.O.
Submit annual budget summary to Principal Permittee	I.D.2		✓	60 days after budget adoption	E.O.
Demonstrate legal authority	I.E.2		✓	120 days	E.O.

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*[The matrices at the beginning of each section need to comprehensively identify all submittals and actions and indicate approval responsibility. The term Regional Board means the governing board and not staff or the Executive Officer. In addition, the Order should include some type of qualifying statement which clarifies that in case of discrepancies, the text of the Order takes precedence over the matrices.]*

**A. Responsibilities of Principal Permittee**

The County of Los Angeles is hereby designated as the Principal Permittee, and as such shall:

1. Coordinate permit SWMP activities among permittees and act as liaison between Permittees and the Regional Board on general-permit issues regarding this Order and the requirements thereof;
2. Provide personnel and fiscal resources for the development and update updating of the CSWMP and WMAPs and components thereof;
3. Convene the Watershed Management Committees (WMCs) constituted pursuant to Part 2.1.C upon designation of representatives thereof;
4. Provide technical and administrative support for committees that will be organized to implement this Order;
5. Implement the Countywide Monitoring Program required in this Order;
6. Provide personnel and fiscal resources for the preparation and submittal to the Regional Board of annual reports and summaries of other reports required under this Order;
7. Comply with the "Responsibilities of the Permittees" in Part 2.1.B; and
8. Submit to the Regional Board the CSWMP upon completion of the development of all programs under the SWMP requirements.

**B. Responsibilities of the Permittees**

Each Permittee shall:

1. Comply with the requirements of SWMP and CSWMP and amendments thereof to the maximum extent practicable;
2. Coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of this Order applicable to such Permittee in an efficient and cost-effective manner;
3. Participate in the development and, if necessary, the update updating of

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the CSWMP;

4. Submit in a timely manner to the Principal Permittee ~~an~~ the standard reporting forms for the annual report on its implementation of the SWMP and CSWMP;
5. Appoint a technically knowledgeable representative to the appropriate WMC.
6. Participate in the development of the WMAP for its respective watershed management area through its WMC, and shall implement to the maximum extent practicable said WMAP upon approval by the Executive Officer; and
7. Work with other agencies, to the extent necessary, and report to the Regional Board on recommendations to resolve any conflicts identified between the provisions of this permit Order and the requirements of other regulatory agencies, if they deem it necessary.

C. Watershed Management Committees (WMCs)

1. Each WMC shall be comprised of a voting representative from each Permittee in the WMA.
2. The WMC's chair and secretary shall be chosen by the WMC. In the absence of volunteer Permittee(s) for the positions, the Principal Permittee shall assume those roles, until the WMC chooses members of the committee to the positions..
3. Each WMC shall,
  - a. Facilitate cooperation and exchange among Permittees;
  - b. Establish goals and objectives for the WMA;
  - c. Prioritize pollution control efforts;
  - d. Participate in the development of a WMAP for its respective WMA after the CSWMP is completed;
  - e. Assess the effectiveness of, prepare revisions for, and recommend appropriate changes to the CSWMP and the WMAP;
  - f. Coordinate and facilitate the submittal of completed reporting forms to the Principal Permittee for report integration, and assist in the preparation of Annual Reports by the Principal Permittee on permit stormwater management activities within the WMA for

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submittal to the Regional Board;

9. Identify, as part of the industrial/commercial Source Identification program, additional SIC industrial/commercial groups selected as priorities to be included in the database described in the Public Education Part 2.V.B.2.a.8. The following criteria shall be considered in the identification process:
  - i. Extent of exposure of the industrial/commercial activity to storm water;
  - ii. Types and quality of non-storm water discharges;
  - iii. Similarity of industrial/commercial activity to industrial activity regulated under the USEPA Phase 1 facilities;
  - iv. Types of chemicals and wastes generated that can contaminate storm water;
  - v. Existence of duplicate regulatory programs with other agencies that emphasize waste management and minimize exposure of the industrial/commercial activity to storm water;
  - vi. Number of facilities in the WMA;
  - vii. Professional understanding of the industrial/commercial sector's waste management practices;
  - viii. Experience of local agency industrial inspection programs; end,
  - ix. Any other information that indicates a significant potential for contamination of storm water.

D. Fiscal Resources

1. The Principal Permittee, in consultation with the Permittees, shall prepare a budget summary format not later than 3 months from the adoption effective date of this Order for use by each Permittee to report resources available to implement the SWMP.
2. Each Permittee shall submit to the Principal Permittee a summary of resources dedicated for storm water program implementation, not later than 60 days after budget adoption by the Permittee's elected local governing body. A Permittee may provide all necessary data in an alternate format which includes the same information unless directed

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otherwise by the Executive Officer.

E. Legal Authority

1. Pursuant to the time frame set forth in E.2, each Permittee shall demonstrate that it possesses legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction, so as to comply with this Order. This legal authority may be demonstrated by either a single ordinance or a single guidance document containing all the applicable statutes, ordinances, permits, contracts, orders or agreements which govern a Permittee's storm water management activities, as required by 40 CFR 122.26(d)(2)(I):

Each Permittee shall either individually or collectively possess the legal authority to:

- a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity, unless permitted under a separate NPDES permit, through the following prohibitions and requirements :
  - i. Prohibit the discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned;
  - ii. Prohibit the discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
  - iii. Prohibit or control to the maximum extent practicable, discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze is undertaken;
  - iv. Prohibit the discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), ~~and unsealed receptacles containing hazardous materials;~~
  - v. Prohibit discharges of swimming pool filter backwash to the MS4;
  - vi. Prohibit the discharge of untreated runoff from the

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washing of toxic materials from paved or unpaved areas which results in a discharge to the MS4;

- vii. Prohibit or control to the maximum extent practicable washing impervious surfaces in industrial/ commercial areas which results in a discharge of untreated runoff to the MS4, unless specifically required by State or local health and safety codes or permitted under a separate NPDES permit;

*[Based on the fact that street washing is a conditionally exempt activity, washing impervious surfaces cannot be prohibited. In addition, Part 2. II.C.3 of the permit allows the use of BMPs for sidewalk washing; therefore, controlling some activities, rather than prohibiting them, is appropriate.]*

- viii. Prohibit the washing out of concrete trucks into storm drains the MS4;
- ix. Require regular sweeping or other equally effective measures to remove debris from industrial/commercial motor vehicle parking lots with more than twenty-five parking spaces that are located in areas potentially exposed to storm water;
- x. Require the use of BMPs for placement of machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, in a manner where such that leaks, spills and other maintenance related pollutants are not discharged to the MS4;
- b. Prohibit illicit discharges and illicit connections to the MS4 and require removal of illicit connections;
- c. Control the discharge of spills and the dumping or disposal of materials other than storm water to the MS4 through the following prohibitions or requirements ;
  - i. Prohibit littering;
  - ii. Prohibit the disposal of leaves, dirt or other landscape debris into a storm drain;
  - iii. Prohibit the use of any pesticide, fungicide, or herbicide, the use of which is prohibited by the USEPA or the California Department of Pesticide Regulation;
  - iv. Require proper disposal of food wastes by the food service

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and food distribution industry.

- v. Require disposal of hazardous wastes at appropriate disposal sites, and not in trash containers used for municipal trash disposal; and
- vi. Require removal and proper disposal of all fuel and chemical spills residue, animal waste, garbage, batteries, or other types of potentially harmful materials which are located in areas susceptible to or exposed to storm water;
- d. ~~Control through interagency or inter-jurisdictional agreements among Permittees or any other alternative means, the discharge of pollutants from one portion of the MS4 to another as determined necessary by the Permittees. Interagency or inter-jurisdictional agreements among Permittees are encouraged for this purpose;~~
- e. Require compliance with conditions in ordinances, permits, contracts or orders; and
- f. Conduct inspection, surveillance and/or monitoring procedures necessary to determine compliance and non-compliance with ~~permit conditions~~ the requirements of this Order including the prohibition on illicit discharges to the MS4.

2. Each Permittee shall:

- a. Provide to the Principal Permittee, for submittal to the ~~Regional Board Executive Officer~~, not later than 120 days after the adoption effective date of this Order, copies of ordinances, regulations, and other legal documents establishing legal authority, or in the alternative:
  - i. A statement by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, referencing that legal authority with specificity; and/or
  - ii. If Part 2.1.E.2.a.i. is only partially fulfilled, a timely schedule for obtaining adequate legal authority to comply with this Order, enumerating with specificity, the legal authority that remains to be obtained .
- b. Exercise full legal authority within its jurisdiction to require compliance with this Order, the CSWMP and/or the WMAPs.

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F. Best Management Practice (BMP) or Requirement Substitution/Elimination

A Permittee may petition the Regional Board Executive Officer to:

1. Substitute any BMP or requirement identified in this Order, the CSWMP, or the WMAP, if the Permittee can document that the proposed alternative BMP:
  - a. will meet the objective of the original BMP or Order requirement to achieve a similar or greater reduction in storm water pollutants; and
  - b. will be implemented within a similar period of time.
2. Eliminate any BMP or requirement identified in this Order, the CSWMP, and/or the WMAP if it can document that:
  - i. The BMP or requirement is not technically feasible and no substitute is available;
  - ii. The cost of implementation outweighs the pollution control benefits; or
  - iii. The BMP or requirement is not applicable in the Permittee's jurisdiction.

The Executive Officer will approve or disapprove the petition in accordance with Part 2.I.G and I.H. If approved, the Executive Officer will notify all Permittees of the determination.

G. Administrative Review

The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees, prior to initiating enforcement action.

1. Storm water program documents, including progress reports, guidelines checklists, BMPs, databases, program summaries, and implementation and compliance schedules, developed by the Principal Permittee or a Permittee under the provisions of this Order shall be submitted to the Executive Officer or the Regional Board where required for approval. ~~The Executive Officer will notify the Permittee and the Principal Permittee of the results of the review and approval or disapproval within 120 days. If the Executive Officer has not responded within 120 days following submittal, the Permittee shall implement program components as submitted. However, the Executive Officer may thereafter require~~

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~~modifications to the program consistent with this Order.~~

- a. For documents that require Executive Officer's approval, the Executive Officer will notify the Principal Permittee and/or Permittee of the results of the review and approval or disapproval within 120 days. If the Executive Officer has not responded within 120 days following submittal, the Permittee shall notify the Regional Board of its intent to implement the program components as submitted. If after 10 days the Executive Officer has not responded, the Permittee will implement the submitted program and the Executive Officer may not make modifications thereof.
- b. Documents that require formal Regional Board approval will undergo public review and comment before Board consideration at a public meeting.

*[This is consistent with the revised language released by the RWQCB on June 17, 1996, except for the changes that the Permittee is not responsible for notifying interested parties of EO inaction on the submittal and the additional clarification in Section 1 that documents are submitted to either the Executive Officer or the Regional Board for approval]*

2. ~~Documents that require formal Regional Board approval will undergo public review and comment before Board consideration at a public meeting.~~ If the Executive Officer determines that a Permittee's storm water program is insufficient to meet the provisions of this Order, the Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific information in support of the determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.
  - a. The Permittee, upon receipt of a NIMC, shall meet and confer with Regional Board staff to demonstrate that the Permittee's program is sufficient to meet the requirements of this Order, and if not, seek clarification on the steps to be taken to completely meet the provisions of this Order. The meet and confer period will conclude with either a notice of program sufficiency to the Permittee, or the submittal to and acceptance by the Executive Officer of a written "Storm Water Program Compliance Amendment (SPCA)" which shall include implementation deadlines. The Executive Officer may terminate the meet and confer period after a reasonable period due to a lack of progress on issues and may order submittal of the SPCA by a specified date. Failure to submit an acceptable SPCA by the specified date shall constitute a violation of this Order.

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- b. The Executive Officer will approve or reject the submitted SPCA or an amended SPCA within 120 days. Rejection of a SPCA by the Executive Officer shall state the reasons for the failure to approve the SPCA. A Permittee that receives a rejection of an SPCA shall have sixty (60) days to remedy the specified deficiency and resubmit the SPCA. ~~If the Executive Officer has not responded within 120 days following submittal of an SPCA, the Permittee shall implement the SPCA as submitted.~~
- c. The Permittee shall comply with the terms of the SPCA. The Permittee shall submit reports to the Executive Officer on progress made under the SPCA. The frequency of progress report submittal shall be quarterly unless otherwise prescribed by the Executive Officer. Failure to comply with the terms and conditions of the SPCA shall constitute a violation of this Order and shall be cause for enforcement action by the Regional Board. Permittees are not in violation of this Order until the Administrative Review is deemed complete by the Regional Board Executive Officer.

#### H. Public Review

1. The Principal Permittee shall maintain a current mailing list of interested parties, organized by WMAs, for distribution of documents that require the ~~Regional Board Executive Officer's~~ approval. The ~~Regional Board Executive Officer~~ will provide the Principal Permittee with the initial list of interested parties.
2. The Principal Permittee shall distribute for public comment the initial CSWMP, WMAPs and other storm water program requirements that are submitted to the Executive Officer for approval. Interested parties wishing to have their comments considered prior to Regional Board Executive Officer, and/or Regional Board action on these documents must submit their comments in writing to the Regional Board not later than 45 days after the Principal Permittee has made the document available to the public which will also be the date of submittal to the Regional Board. This 45 days comment period is part of the 120 day review period for documents submitted for Executive Officer's approval.

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II. Illicit Connections and Illicit Discharges

Requirement	Permit Section	Principal Permittee	Permittees	Compliance Date (Months from Adoption Effective Date of Order)	For Approval By
Develop model illicit connection elimination program	II.A.1	✓		8 months	E.O.
Implement illicit connection elimination program	II.A.2		✓	4 months after EO approval of model	N/A
Develop model illicit discharge elimination program	II.B.1	✓		8 months	E.O.
Implement illicit discharge elimination program	II.B.1		✓	4 months after EO approval of model	N/A
Conduct a study of municipal street and municipal sidewalk washing	II.C.3		✓ City of Los Angeles	Within 12 months from EO date of determination	E.O.
Submit BMPs and schedule for implementation	II.C.3		✓ City of Los Angeles	Within 12 months from EO date of determination	R.B.
Implement non-storm water management program BMPs	II.C.3		✓	2 months in accordance with RB approved schedule	N/A
Develop standard program for public reporting of illicit discharges and illicit disposal practices	II.D.1	✓		8 months	E.O.
Implement standard program to facilitate public reporting of illicit discharges and illicit disposal practices	II.D.2		✓	4 months after EO approval of standard program	N/A
Develop standard program for reporting hazardous substances	II.D.3	✓		8 months	E.O.
Implement standard program for reporting hazardous substances	II.D.4		✓	4 months after EO approval of standard program	N/A

**A. Illicit Connections**

1. The Principal Permittee, in consultation with the Permittees, shall develop a countywide model program for elimination of illicit connections to the MS4 not later than 8 months after adoption the effective date of this Order. The program shall include, at a minimum:
  - a. Standardized storm drain inspection procedures, and illicit connection identification and elimination procedures;
  - b. Methods to prioritize potential problem areas, including, but not limited to old commercial/industrial areas, and areas with heavy industry listed under subchapter N of 40 CFR Parts 405 - 471;
  - c. Methods to utilize results of field screening activities, and other appropriate information;
  - d. Standardized record keeping to document illicit connections; and
  - e. Enforcement procedures to terminate illicit connections.
2. Each Permittee, based on the countywide model program, shall develop and implement as appropriate a program to identify and eliminate illicit connections to the maximum extent practicable, not later than 4 months after the approval of the model program by the Executive Officer. Such programs shall include storm drain inspection schedules for illicit connections.

**B. Illicit Discharges**

The primary responsibility for cleanup and removal of illicit discharges of pollutants to the MS4 shall be with the owner/operator of the discharging facility or site. Nothing in this Order shall be interpreted to limit or in any way prevent action by a Permittee against the party responsible for the illicit discharge.

1. The Principal Permittee, in consultation with the Permittees, shall develop a countywide model illicit discharges elimination program not later than 8 months after adoption the effective date of this Order. The program shall include, at a minimum:
  - a. Standardized enforcement procedures, including administrative and judicial, to eliminate illicit discharges;
  - b. Standardized procedures for investigation, reporting, containment and cleanup for of spills, which include a procedure to ensure that sewage treated with disinfection agents will not be discharged into

the storm drain system to the extent practicable;

c. ~~Methods to prioritize~~ ~~Prioritization~~ of problem areas of illicit disposal where inspection, clean up, and enforcement are necessary to prevent the discharge of contaminants;

~~d. Standardized surveillance program to detect illicit discharges;~~

*[This activity is not realistic considering the vast area and diffuse sources. Requirement "e" below is a more effective means of detecting illicit discharges.]*

ed. Standardized procedures to educate inspectors, maintenance workers, and other field staff to notice illicit discharges during the course of their daily activities, and report such occurrences;

fe. A standardized record keeping system to document illicit discharges; and

~~g. Standardized enforcement procedures to eliminate illicit discharges~~

*[Redundant requirement. This is already covered under item a.]*

hf. Industrial/commercial education and outreach materials to inform businesses about the problem of illicit discharges/dumping and proper discharge/disposal practices;

2. Each Permittee shall, based on the countywide model program, not later than four months after the approval of the model program by the Executive Officer, develop and implement, as appropriate, a program to identify and eliminate illicit discharges to the maximum extent practicable.

C. Non-storm Water Discharges

Non-storm water discharges in compliance with a separate NPDES permit/Waste Discharge Requirement (WDR) or granted a discharge exemption by the Regional Board, the Executive Officer, or the State Water Resources Control Board are not prohibited under this Order.

1. Exempted Discharges

The following non-storm water discharges need not be prohibited:

- a. Flows from riparian habitats or wetlands;
- b. Diverted stream flows;
- c. Springs;

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- d. Rising ground waters;
- e. Uncontaminated groundwater infiltration; and
- f. Discharges or flows from emergency fire fighting activities.

The Executive Officer, upon presentation of evidence in accordance with Part 2.II.C.4 may include other categories of non-storm water discharges under this sub-section.

2. Conditionally Exempted Discharges

The following non-storm water discharges need not be prohibited. However, if they are identified by either a Permittee or the Executive Officer as being significant sources of pollutants to receiving waters, then appropriate BMPs to minimize the adverse impacts of these sources shall be developed and implemented under the CSWMP or the WMAPs:

- a. Landscape irrigation;
- b. Water line flushing;
- c. Potable water sources provided the discharges are managed in accordance with the Industry-wide Standard Pollution Prevention Practices developed by the American Water Works Association, California-Nevada Section, or equivalent document; and in compliance with any requirements established by the Permittee(s);
- d. Foundation drains;
- e. Footing Drains;
- f. Air conditioning condensate;
- g. Irrigation water;
- h. Lawn watering;
- i. Water from crawl space pumps;
- j. Dechlorinated swimming pool discharges;
- k. Individual residential car washing, including car washing by non profit, school, social, and charitable organizations; and
- l. Street washing

The Executive Officer, upon the presentation of evidence in accordance with Part 2.II.C.4, may include other categories of non-storm water discharges under this sub-section.

3. Designated Discharges

Municipal street washing and municipal sidewalk washing discharges have been determined by the ~~Regional Board~~ Executive Officer to be potential sources of pollutants of concern. The City of Los Angeles will conduct a study to characterize municipal street washing and municipal sidewalk washing, assess the impacts of such activities, and recommend appropriate BMPs to ~~control~~ minimize any adverse impact. The City of

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Los Angeles will submit its recommendations to the ~~Regional Board~~ Executive Officer not later than one year from adoption the effective date of this Order. A BMP implementation schedule shall be included where appropriate.

~~The Executive Officer~~ Regional Board will determine within three months of the City of Los Angeles submittal which BMPs, if any, the Permittees shall implement and approve any necessary schedule of implementation. ~~The Permittees will have three months from the date of the Executive Officer decision to implement the BMPs where applicable.~~

The Executive Officer, upon presentation of evidence, may include other categories of non-storm water discharges under this sub-section.

4. **Procedures for Exemption**

A Permittee may identify and describe additional categories of non-storm water discharges to be considered by the Executive Officer for exemption from the Discharge Prohibitions. The criteria to be considered for a request for exemption include one or more of the following:

- a. Documentation that the ~~discharges~~ discharge is not a significant ~~source~~ source of pollutants to receiving waters or ~~do~~ does not cause significant impairment of beneficial uses of receiving waters;
- b. Special circumstances that have been defined in which the ~~discharges~~ have discharge has been found not to be a significant source ~~sources~~ of pollutants to or ~~do~~ does not cause significant impairment of beneficial uses of receiving waters;
- c. Specific BMPs, where determined feasible, that have been identified to reduce pollutants in ~~discharges~~ the discharge to the maximum extent practicable and minimize adverse impacts of such sources, with an implementation schedule; or
- d. Established procedures to ensure BMP implementation, including an implementation schedule, performance standards, monitoring and record keeping.

The exemption request for additional non-storm water discharges may be submitted, beginning with the first Annual Report. The exemption becomes effective upon approval by the Executive Officer.

D. **Public Reporting**

- 1. The Principal Permittee, in consultation with the Permittees, shall

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develop a countywide standard program to promote, publicize, and facilitate public reporting of illicit discharges and illicit disposal practices not later than 8 months after adoption the effective date of this Order. The program may include, but not be limited to:

- a. A system to receive in-coming complaints;
  - b. A communication network to link Permittees so that action can be coordinated and complaints can be investigated promptly; and
  - c. A system to notify the complainant of any action taken, if appropriate.
2. Each Permittee shall implement the countywide illicit discharges and illicit disposal reporting program not later than four months after the approval by the Executive Officer.
  3. The Principal Permittee, in consultation with the Permittees, shall develop a countywide program not later than 8 months after adoption the effective date of this Order, for reporting incidents of 'reportable quantity' of hazardous substances entering the MS4. The incidents shall be reported to the State of California Office of Emergency Services (OES) [current number, (800) 852-7550] and the Federal Hazardous Response Center [current number, (800) 424-8802].
  4. Each Permittee shall implement the countywide program for reporting hazardous substances entering the MS4, not later than four months after the approval by the Executive Officer.

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III. Development Planning and Construction

Requirement	Permit Section	Principal Permittee	Permittees	Compliance Date (Months from Adoption Effective Date of Order)	For Approval By
Develop a model system for prioritization of development projects	III.A.2 1.a	✓		18	E.O.
Implement a system for prioritization of development projects	III.A.2 1.a		✓	6 months after EO approval of model system	N/A
Develop list of recommended BMPs for development projects (countywide guidelines)	III.A.1.a	✓		18	R.B.
Develop Standard Urban Storm Water Mitigation Plans (SUSMP)	III.A.1.b	✓		6 months after-EO Regional Board approval of countywide guidelines	E.O.
Develop and implement submit a schedule of implementation for a program for planning measures consistent with the Standard Urban Storm Water Mitigation Plan (SUSMP) for priority projects	III.A.3 2		✓	6 months after EO approval of the SUSMP  [Note: This is not what the proposed text states.]	N/A
Develop guidelines for preparing/reviewing CEQA documents	III.A.4 3.a	✓		18	E.O.
Incorporate CEQA guidelines into internal procedures	III.A.4 3.a	✓ <i>[Mark should be deleted or included in all sections below]</i>	✓	6 months after EO approval of guidelines	N/A
Include watershed and storm water management consideration into General Plan revisions	III.A.4 3.b		✓	During significant General Plan revisions	N/A



Develop a model program to inform developers seeking approvals about BMPs	III.A.6 4	✓		18	E.O.
Implement developer information program	III.A.6 4		✓	6 months after EO approval of model	N/A

A. Development Planning

*[It is essential to have the section regarding utilization of SUSMPs follow directly after the section regarding their development. In addition, since the "Countywide Guidelines" are not a specific document, but rather consist of individual lists and guidelines, the development and implementation of each individual document is detailed separately and the term "Countywide Guidelines" is irrelevant and should be deleted.]*

1. Countywide Guidelines Development Planning Guidance

The Principal Permittee, in consultation with the Permittees, shall develop the following development planning guidance materials for use during planning and permitting of all development projects requiring discretionary approval:

a. A model documented system, such as a checklist, for determining "potential significant effect" as well as a list of specifically exempt projects not later than 18 months after adoption the effective date of this Order.

i. Priority Projects are development and redevelopment projects requiring discretionary approval which the Building Official (or equivalent municipal authority) determines may have a potential significant effect on storm water quality.

ii. Exempt Projects are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines will not have a potential significant impact on storm water quality.

The documented system shall consider location of the project with respect to designated environmentally sensitive areas and the slope and erosion potential of the site and surrounding areas.

Each Permittee shall incorporate a substantially similar system into its procedures not later than 6 months after the approval of

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the documented system by the Executive Officer.

- b. A list of recommended BMPs (~~countywide guidelines~~) not later than 18 months after adoption the effective date of this Order. The BMPs shall include:

- i. Site planning practices;
- ii. Post-construction best management practices; and
- iii. Redevelopment and infill practices.

~~The recommendations shall consider~~ Consideration shall be given to the type of development and the potential for storm water pollution when determining the applicability of BMPs. Cost effectiveness, ease of maintenance, and consistency with other environmental mandates may also be considered.

For ~~utilization~~ development where increased storm water discharge rates will result in an increase in downstream erosion potential, the ~~recommendations~~ list of recommended BMPs shall include those BMPs which can be used to maintain peak runoff rates at pre-development levels to the maximum extent feasible.

The list of recommended BMPs shall be submitted to the Regional Board for approval.

*[Calling the BMP list "countywide guidelines" or "the recommendations" becomes confusing. Simply call it the "list of recommended BMPs" throughout the Order.]*

- c. Standard Urban Storm Water Mitigation Plans (SUSMPs) and guidelines for their preparation not later than six months after Regional Board approval of the BMPs in Part 2.III.A.1.e b. The ~~Plans~~ SUSMPs shall incorporate the appropriate elements of the recommended BMPs in the ~~Countywide Guidelines~~ list. At the minimum, ~~standard plans~~ SUSMPs and guidelines shall be prepared for the following development categories:

- i. a 100 + home subdivision;
- ii. a 10-home subdivision,
- iii. a 100,000 + square-foot commercial development,
- iv. an automotive repair shop,
- v. a retail gasoline outlet,
- vi. a restaurant, and
- vii. a hillside-located single-family dwelling.

~~2. Prioritization of Development Projects~~

3 2. Planning Control Measures

Each Permittee shall develop a program to carry out for planning control measures for priority projects (Part 2.III.A.2 1.a) ~~consistent with the countywide model. The program shall be implemented~~ A schedule for program implementation shall be submitted not later than 6 months after approval of the ~~model~~ Standard Urban Stormwater Mitigation Plans by the Executive Officer. Each Permittee shall require that the project applicant submit an Urban Storm Water Mitigation Plan appropriate and applicable to the scope of the project, and that the Permittee approve the Plan prior to the issuance of any grading or building permit. The Urban Storm Water Mitigation Plan shall incorporate by detail or reference appropriate post-construction BMPs to:

- a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies;
- b. Maximize, to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground;
- c. Minimize, to the maximum extent practicable, the amount of storm water directed to impermeable areas and to the MS4;
- d. Minimize, to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs such as retention, infiltration, and good housekeeping;
- e. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil; and
- f. Provide for appropriate permanent controls to reduce the storm water pollutant load produced by the development site to the maximum extent practicable.

The Permittee may refer applicants to the *Best Management Practices Handbooks, California Storm Water Quality Task Force, Sacramento, CA, 1992*, and its revisions; the Countywide Storm Water Management Plan, *USEPA Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, Issued under the Authority of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990, Document No. EPA 840 B 92-002 (1993)*, and similar manuals for specific guidance on selecting post-construction BMPs for reducing

pollutants in storm water discharges.

4.3. Planning Process

In order to integrate storm water management considerations into discretionary development projects at the time that they are first proposed to jurisdictions, and to support other provisions of this Order:

- a. The Principal Permittee, in consultation with the Permittees, shall develop storm water management guidelines to use in preparing/reviewing CEQA documents, and in linking storm water quality mitigation conditions to local discretionary project approvals not later than 18 months after adoption the effective date of this Order.

The guidelines shall address the preservation ~~or restoration~~ of areas that provide water quality benefits such as riparian corridors and wetlands and shall promote protection of the biological integrity of drainage systems and water bodies.

Each Permittee shall review the guidelines for the purpose of making appropriate modifications, if necessary, in their internal procedures not later than 6 months after the Executive Officer's approval of the guidelines.

- b. ~~Each Permittee shall include watershed and storm water management considerations in the process whenever a Permittee engages in a significant rewrite of the Permittee's General Plan elements for~~ Watershed and stormwater management considerations shall be included in the appropriate element(s) of each Permittee's General Plan, whenever said element(s) is significantly rewritten. Appropriate elements may include the following:

- i. Conservation; and/or
- ii. Open space; and/or
- iii. Land-use; and/or
- iv. Public utilities; and/or
- v. Infrastructure; and/or
- vi. Other appropriate element(s).

*[This language is consistent with the State General Plan Guidelines which permit local jurisdictions to establish their own General Plan formats and element names and to address specific open space, conservation and hazard mitigation subjects in whichever element(s) is appropriate, providing the required subject is addressed.]*

~~The Permittee may refer applicants to the Best Management Practices Handbooks, California Storm Water Quality Task Force, Sacramento, CA, 1992, and its revisions; the Countywide Storm Water Management Plan, USEPA Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, Issued under the Authority of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990, Document No. EPA 840-B-92-002 (1993), and similar manuals for specific guidance on selecting post-construction BMPs for reducing pollutants in storm water discharges. [THIS SECTION SHOULD HAVE BEEN MOVED ALONG WITH THE REST OF "PLANNING CONTROL MEASURES"]~~

**5.4. Developer Information Program**

The Principal Permittee, in consultation with the Permittees, shall develop a model program not later than 18 months after adoption the effective date of this Order to inform developers seeking discretionary approvals about:

- a. Development and construction storm water management;
- b. Maximization of pervious areas and storm water infiltration (where geology and topography permit); and
- c. Cost effective storm water pollution control measures.

The program shall provide specific guidance on selecting BMPs to reduce pollutants in storm water discharges from urbanized areas, and include appropriate BMPs, educational materials and handbooks and guidelines described in Part 2.III.A.43 *(should now be 3 after the move)*.

Each Permittee shall implement a developer information program consistent with the model program not later than 6 months after approval of the model by the Executive Officer. Each Permittee's program shall include information about its legal authorities. Permittees are encouraged to engage in joint efforts in implementing the program.

Requirement	Permit Section	Principal Permittee	Permittees	Compliance Date (Months from Adoption Effective Date of Order)	For Approval By

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Develop minimum requirements, recommended BMPs, and design checklists for construction (countywide guidelines)	III.B.1	✓		14	R.B.
Develop and implement a regulatory countywide guidelines program for construction control measures	III.B.2.a		✓	6 months after EO approval of guidelines R.B. approval of recommended BMPs	N/A
Require applicants to demonstrate coverage under State Construction General Permit prior to issuance of grading permits	III.B.2.b		✓	6	N/A
Develop a model construction inspection program	III.B.3.a	✓		14	E.O.
Implement a construction inspection program	III.B.3.b		✓	6 months after EO approval of model	N/A

**B. Development Construction**

*[Same argument as with section A. "Countywide Guidelines" do not really exist, they are really individual documents: minimum requirements and BMP design and inspection checklists.]*

**1. Countywide Guidelines Development Construction Guidance**

The Principal Permittee, in consultation with the Permittees and appropriate stakeholder organizations, shall develop not later than 14 months after adoption the effective date of this Order, the following ~~development construction guidance materials minimum recommended requirements and Best Management Practices (BMPs)~~ for all development project construction activities (countywide guidelines). Minimum recommended requirements and , BMPs appropriate for various activities ~~shall be developed along with~~ and checklists for use in design and inspection. The Countywide Guidelines minimum requirements and recommended BMPs shall:

- a. Include erosion and sediment control practices;
- b. Address multiple construction activity related pollutants;
- c. Focus on BMPs such as source minimization, education, good housekeeping, good waste management, and good site planning;
- d. Target construction areas and activities with the potential to generate significant pollutant loads;
- e. Require retention on the site, to the maximum extent practicable, of sediment, construction waste, and other pollutants from construction activity;
- f. Require, to the maximum extent practicable, management of excavated soil on site to minimize the amount of sediment that escapes to streets, drainage facilities, or adjoining properties;
- g. Require, to the maximum extent practicable, use of structural drainage controls to minimize the escape of sediment and other pollutants from the site.
- h. Require, to the maximum extent practicable, containment of ~~non-storm water runoff~~ from equipment and vehicle washing at construction sites, unless treated to remove sediments and pollutants.

The list of recommended BMPs shall be submitted to the Regional Board for approval.

## 2. Construction Control Measures

- a. Each Permittee shall develop a regulatory program for construction activities as defined in Part 2.III.A.1.a. consistent with the ~~countywide guidelines~~ Countywide Development Construction Guidance not later than 6 months after the ~~Executive Officer's~~ Regional Board's approval of the minimum recommended requirements and BMPs in Part 2. III.B.1. The Program shall require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control and storm water pollution prevention plans which include, by detail or reference, all appropriate construction BMPs ~~contained in the countywide guidelines, developed in Part 2.III.B.1.~~

Priority Project plans must include a narrative discussion of the

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reasons used for selecting or rejecting the BMPs. In lieu of a narrative, the project architect or engineer of record, or owner may sign a statement on the plan that reads: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs selected for implementation are not redundant or deemed not applicable to the proposed construction activities."

b. Each Permittee shall implement procedures not later than 6 months after adoption of this Order whereby the Permittee shall not issue a grading permit for developments with disturbed areas five acres or greater unless the applicant can show that (i) a Notice of Intent (NOI) is in compliance with the State Construction Activity Storm Water Permits has been filed and (ii) a Storm Water Pollution Prevention Plan (SWPPP) has been prepared.

3.5 Site Inspection

- a. The Principal Permittee, in consultation with the Permittees, shall develop a model construction activity inspection program which includes checklists, not later than 14 months after adoption of this Order. The model program shall include but not be limited to:
  - i. Procedures for construction site inspections;
  - ii. Procedures to require corrective action to be undertaken by contractors at noncomplying sites;
  - iii. Procedures for enforcement actions against noncomplying construction activities; and
  - iv. Appropriate training for program staff.
- b. Each Permittee shall implement a construction activities inspection program based on the model program not later than 6 months after the Executive Office's approval of the model program. The program may be integrated with the Permittees regular program of construction inspections for maximum efficiency.

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**IV. Public Agency Activities**

Requirement	Permit Section	Principal Permittee	Permittees	Compliance Date (Months from Adoption Effective Date of Order)	For Approval By
Evaluate existing public agency activities and develop a model program to reduce storm water impacts	IV.A	✓		16	R.B.
Develop a program to reduce storm water impacts from public agency activities with a schedule for implementation	IV.B		✓	4 months after EO Regional Board approval of model <i>[Text states Regional Board]</i>	N/A

**A. Public Agency Model Program**

The Principal Permittee, in consultation with the Permittees, shall evaluate existing public agency activities and develop a model program to reduce the impact of public agency activities on storm water quality not later than 16 months after adoption the effective date of this Order. The countywide model shall be submitted to the Regional Board for approval.

To minimize costs and avoid duplication of effort the model program is encouraged to incorporate and recognize existing regulations, requirements and plans, such as hazardous waste minimization plans, spill prevention control and countermeasure plans, business plans, etc.

**B. Permittee Public Agency Programs**

Each Permittee shall develop a Public Agency Program based on the model program developed by the Principal Permittee, with an implementation schedule, not later than four months after the approval of the countywide model by the Executive Officer Regional Board.

**C. Program Requirements**

Both the model program and the Permittee programs shall at a minimum include, where applicable:

1. Sewage Systems Operations

- a. Procedures to keep sewage spills or leaks from facilities operated by a Permittee from entering the MS4 to the maximum extent practicable;
- b. Procedures to identify, repair, and remediate sanitary sewer blockages, exfiltration, overflow, and wet weather overflows from sanitary sewers operated by a Permittee to the MS4;
- c. Procedures to respond to overflows, ~~follow-up tests,~~ and investigate complaints;
- d. Procedures to insure that the Permittee is able to investigate any suspected connections or cross connections from the sanitary sewer systems to the MS4, using techniques such as field screening, sampling, smoke/dye testing, and TV inspection, as appropriate; and
- e. Procedures to notify public health agencies with discretionary decision authority on beach closures when there is a threat to public health.

2. Public Construction Activities Management

- a. Storm water management requirements for the design and construction of public facilities consistent with the requirements and time lines specified for private development in Part 2.III.A and III.B;
- b. Procedures to seek coverage, as an option, under this Order for construction activity with a disturbed area of five acres or more (Phase 1, 40 CFR 122.26) which are undertaken by or on behalf of the Permittee, if the Permittee develops:
  - i. A process for notifying the ~~Regional Board~~ Executive Officer of Permittee's construction activity;
  - ii. A checklist of construction activity BMPs using BAT/BCT criteria for public construction activity;
  - iii. A procedure to verify implementation of construction activity BMPs;
  - iv. A requirement to prepare and retain site specific SWPPPs;
  - v. A procedure to report annually on the effectiveness of SWPPPs at public construction activity, and certify compliance with the requirements of this Order.

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**3. Vehicle Maintenance/Material Storage Facilities Management**

**a. Model pollution prevention plan for public vehicle maintenance/material storage facilities which have the potential to discharge pollutants into storm water. A public vehicle maintenance/material storage facility is any Permittee-owned or operated facility or portion thereof that:**

- i. Conducts industrial activity, operates equipment, handles materials, and provides services similar to Federal Phase 1 facilities;**
- ii. Performs fleet vehicle maintenance on ten or more vehicles per day including repair, maintenance, washing, and fueling;**
- iii. Performs maintenance and/or repair of heavy industrial machinery/equipment; and**
- iv. Stores chemicals, raw materials or waste materials in quantities that require a hazardous materials business plan or a Spill Prevention, Control and Counter-measures (SPCC) plan.**

**b. BMPs to improve site specific pollutant control including but not be limited to:**

- i. Good Housekeeping practices;**
- ii. Material storage control;**
- iii. Vehicle leaks and spill control;**
- iv. Illicit discharge control;**
- v. Training for employees on proper outdoor loading/unloading of materials;**
- vi. Vehicle and equipment washing area control;**
- vii. Regular maintenance of treatment structures such as sumps, oil/water separators, or equivalent; and**
- viii. Proper waste handling disposal.**

**4. Landscape and Recreational Facilities Management**

- a. Procedures for application of pesticides, herbicides, and fertilizers that will include:
  - i. List of approved pesticides and selective and environmentally responsible use;
  - ii. Product and application information;
  - iii. Application equipment use and maintenance; and
  - iv. Record keeping.
- b. Procedures to minimize storm water pollution by pesticides and fertilizers used for landscape maintenance, including the utilization of Integrated Pest Management (IPM) techniques to the maximum extent practicable;
- c. Procedures to prevent the disposal of landscape waste into the MS4;
- d. Procedures to encourage retention and planting of native vegetation to reduce water, fertilizer, and pesticide needs;
- e. BMPs to reduce exposure of fertilizers and pesticides to storm water during storage, to include as applicable, the following:
  - i. Storage indoors or under cover on paved surfaces;
  - ii. Secondary containment;
  - iii. Reduction in storage and handling of hazardous materials;
  - iv. Regular inspection of storage areas;
- f. Guidelines to schedule irrigation and fertilization to minimize:
  - i. Chemical application during wet season and to terminate chemical application during storm events; and
  - ii. Over watering and nutrients/pesticides entrainment.
- g. Procedures to manage discharges of municipal swimming pool water into the MS4, including dechlorination practices, proper disposal of clean-out waters, and piping of filter backwash to the sanitary sewer;
- h. BMPs to minimize trash, debris, and other pollutants from

entering Permittee-owned recreational water bodies, to include:

- i. Routine trash collection along, on, and/or in, water bodies, where feasible; and
- ii. Public outreach to educate the public about impacts of illicit disposal.

5. Storm Drain Operation and Management

- a. BMPs for Inlet Maintenance to be implemented to the maximum extent practicable, including but not be limited to:
  - i. Inspection and cleaning of catch basins between May 1 and September 30 of each year;
  - ii. Additional cleaning of catch basins, as necessary, between October 1 and April 30;
  - iii. Record keeping of catch basins cleaned; and
  - iv. Recording of the quantity of catch basin waste collected.
- b. BMPs for Storm Drain Maintenance to be implemented to the maximum extent practicable, including but not limited to:
  - i. Proper disposal of material removed;
  - ii. Removal of trash and debris from open channel storm drains at least annually between May 1 and September 30 of each year;
  - iii. Surveillance for debris buildup in open channels during the rainy season.
- c. Waste Management program to include:
  - i. Procedures to identify problem areas of illicit discharge for regular inspection;
  - ii. Procedures to minimize to the maximum extent practicable the discharge of contaminants during MS4 cleanup to maintain channel optimum capacity; and
  - iii. A review of current maintenance activities to assure that appropriate storm water BMPs are being utilized.

- d. Program to investigate the feasibility of dry weather flow diversion from the MS4 to municipal waste water treatment plants, where appropriate.
- 6. Streets and Roads Maintenance
  - a. Program to sweep curbed streets at a targeted frequency of:
    - i. At least monthly; and
    - ii. Where feasible, areas generating significant refuse more frequently.
  - b. Streets and roads maintenance program including:
    - i. BMPs for existing saw-cut management and paving practices to include but not be limited to:
      - aa. Avoidance during wet weather to the extent feasible; and
      - bb. Material storage away from drainage areas to prevent storm water pollution or other equally effective BMPs.
    - ii. Good housekeeping practices to insure proper management of any wastes that are generated;
    - iii. Collection, transport, and disposal of maintenance waste at appropriate disposal facilities in accordance with applicable federal, state, and local laws and regulations;
    - iv. Management of concrete materials and wastes including but not be limited to:
      - aa. Washout of concrete trucks off- or on-site in designated areas and not into storm drains, open ditches, streets, or catch basins;
      - bb. Material storage under cover, away from drainage areas or other equally effective BMPs; and
      - cc. Avoidance of excess mixing of concrete or cement on-site.
    - v. Employee training to:

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- aa. Promote a clear understanding of the potential for maintenance activities to pollute storm water; and
- bb. Identify and select appropriate BMPs;

7. Parking Facilities Management

- a. ~~Parking Facilities Management Plan to include periodic hardscape and catch basin cleaning on Permittee owned parking lots with twenty-five or more parking spaces which may be exposed to storm water, to reduce oil and grease, suspended particulates, metals, and petroleum byproducts, sweeping or other equally effective measures to remove debris from Permittee owned parking lots with more than twenty-five parking spaces that are located in areas potentially exposed to storm water;~~

*[Public Agency requirements should be consistent with industrial/commercial BMPs.]*

8. Public Industrial Activities

- a. Procedures to seek coverage, as an option, under this Order for Phase I industrial facilities which are owned or operated by a Permittee, if the Permittee develops:
  - i. A process for notifying the Regional Board staff of public industrial facilities owned or operated by the Permittee;
  - ii. A checklist of BMPs using BAT/BCT criteria for public industrial facilities;
  - iii. A procedure to verify implementation of industrial facility BMPs;
  - iv. A requirement to prepare and retain site specific SWPPPs; and
  - v. A procedure to report annually on the effectiveness of SWPPPs and the results of the facility monitoring programs at public Phase 1 industrial facilities, and certify compliance with the requirements of this Order.

9. Emergency Procedures

Procedures for addressing emergency repairs of essential public services and infrastructure and responding to natural disasters.

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V. Public Information and Participation

Requirement	Permit Section	Principal Permittee	Permittees	Compliance Date (Months from Adoption Effective Date of Order)	For Approval By
Have outreach materials available for distribution	V.A.1		✓	8	N/A
Demonstrate outreach materials are being distributed	V.A.2.a		✓	12	N/A
Demonstrate appropriate Permittee employees are being trained	V.A.2.b		✓	12	N/A
Complete analysis for targeted audiences	V.A.3	✓ (and City of Los Angeles)	✓	30 84	N/A
Develop industrial/commercial facility database format	V.B.1.a	✓		6	N/A
Collect information based on database format	V.B.1.b		✓	6 months from Principal Permittee providing database format or 8 months from WMC designation	N/A
Compile information from Permittees into industrial/commercial site visits	V.B.1.c	✓		18	N/A
Develop a checklist of BMPs for industrial/commercial site visits	V.B.2	✓		10	R.B.
Implement an Industrial/Commercial facility site visit program	V.B.3.a		✓	Upon Regional Board approval of BMP checklist and in accordance with See Table 7	N/A

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Begin use of checklist of BMPs for industrial/commercial site visits	V.B.3.b		✓	Upon EO Regional Board approval	N/A
Develop a 5 year public education strategy	V.C.1	✓		12	E.O.
Implement the 5 year strategy	V.C.2		✓	Based upon implementation schedule to be included in the strategy	

To reach as many Los Angeles County residents as possible, a comprehensive educational outreach approach shall be undertaken under this Order. In recognition of the importance of public education to effective storm water management solutions, this Order calls for immediate permittee public outreach efforts at a specified minimum level as well as a longer term effort to develop an integrated, comprehensive outreach program. As part of the immediate effort, each Permittee is expected to choose an appropriate combination of outreach tools and activities to raise public awareness of storm water issues and improve water quality in its own individual jurisdiction, with efforts at a prescribed minimum level as described below. As part of the longer term effort, each Permittee is expected to work collaboratively to develop a comprehensive outreach/education program countywide and within its watershed management area.

The objectives of the public education program are, (i) to measurably increase the knowledge of the target audiences regarding the MS4, the impacts of storm water pollution on receiving waters, and potential solutions for the target audiences to implement BMPs to reduce the problems caused, and (ii) to measurably change the behavior of target audiences by encouraging those audiences to implement appropriate solutions.

**A. Immediate Outreach**

1. Each Permittee shall, at a minimum, have available for distribution or reference as appropriate, not later than 8 months after adoption the effective date of this Order, the following:

**a. Written Material**

- i. ~~Written materials (minimum of three types in addition to those listed below)~~ to convey pertinent information to meet program objectives. Examples of written materials include flyers, brochures, door-hangers, newspaper articles, mail-inserts, and newsletters;

- ii. Documentation that a reasonable effort was made to list pertinent city phone numbers under the government pages of phone directories. This should be updated as necessary and should include telephone numbers for reporting clogged catch basin inlets and/or illicit discharges/dumping, and a general number for storm water management program information. These phone numbers may be city-specific or county-wide;
- iii. Training materials for educating appropriate Permittee employees regarding compliance with applicable storm water permits;
- iv. An up-to-date listing of contractor and developer storm water management training programs available in the area. This list should be updated annually or as needed;
- v. An up-to-date checklist and a brochure explaining contractor and developer needs as it relates to Development Planning and Construction (Part 2.III) of this Order for use at a Permittee's planning/permitting counter. This should be updated annually or as needed; and
- vi. Education materials (~~to minimum of three types~~) for targeted business sector audiences for use in site visits as per provisions in Part 2.V.B.2 of this Order.

b. Audio Material

Documentation that a reasonable effort was made by the Principal Permittee or on behalf of the Permittees as a whole to obtain radio broadcast public service announcements to convey information regarding storm water management.

c. Visual Material

A catch basin labeling program, including label installation and maintenance schedules, to educate the public on the ultimate destination of storm drain flows.

2. Each Permittee shall demonstrate by 12 months after adoption the effective date of this Order, that it has undertaken the following activities:

- a. Distribution of outreach materials to the general public, or targeted audiences such as schools, community groups, contractors and developers at the appropriate public counters and

public events; and,

- b. Training of the appropriate Permittee employees (those whose jobs or activities potentially affect storm water quality, or those who respond to questions from the public) regarding the requirements of the storm water management program.
3. The Principal Permittee and the City of Los Angeles shall complete an analysis, not later than ~~30~~ 54 months after adoption the effective date of this Order, of the general success of outreach materials to residents and businesses to assist in identifying and/or developing public education and outreach goals for target audiences for watershed-wide and countywide outreach and education. Each Permittee shall assist in these efforts through their respective WMC to identify public education and outreach goals and target audiences in the context of watershed-wide and county-wide outreach and education.

**B. Industrial/Commercial Educational Program**

Each Permittee shall develop an industrial/commercial site visit program. The purpose of such site visits will be solely educational and to provide industrial/commercial facilities with information regarding the Permittee's storm water program and to provide advice when requested in understanding and complying with the Permittee's storm water regulations. To minimize cost, each Permittee is encouraged to coordinate its site visit program with existing fire departments, health departments, industrial waste and/or other inspection programs so that the Permittees need not institute a new and separate site visit programs. The program shall contain the following components:

**1. Identification of Sources**

- a. The Principal Permittee in consultation with the Permittees shall develop a database format for listing industrial/commercial facilities by four digit SIC Industry Numbers not later than 6 months after adoption the effective date of this Order. This database will serve as a reference resource for the public, business, industry, local government, the Regional Board, and other public agencies on storm water program participation. The initial accuracy of the database will be dependent on the accuracy of electronic and information sources used to establish the database, but the accuracy is expected to improve after Permittees begin to implement the industrial/commercial site visit program. No legal import is to be attributed to the database developed by the Permittees. The database format shall include at a minimum:

- i. Facility name;

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- ii. Site address;
  - iii. Watershed;
  - iv. Applicable SIC code(s); and
  - v. NPDES storm water permit coverage status, if applicable.
- b. Each Permittee shall collect information based on the format developed by the Principal Permittee to identify industrial/commercial facilities within its jurisdiction and submit to the Principal Permittee not later than 6 months after the Principal Permittee provides the database format to the Permittees or for "iii" below not later than 6 months after designation of groups by the WMC. The list of facilities shall include, at a minimum:
- i. All industrial groups regulated under Phase I of the Federal storm water program (40 CFR 122.26; Phase I Facilities);
  - ii. Motor vehicle repair shops, motor vehicle body shops, motor vehicle parts and accessories facilities, gas stations, and restaurants; and,
  - iii. Additional SIC industrial/commercial groups identified as priorities by each WMC pursuant to this Order.
- c. The Principal Permittee shall compile the information submitted by each Permittee into a database of industrial/commercial facilities not later than 16 months after adoption the effective date of this Order. This database shall include:
- i. For each four digit SIC Industry Number, primary activities that might impact runoff discharges (from national or commercial database sources); and
  - ii. For each four digit SIC Industry Number, primary materials that might impact runoff discharges (from national or commercial database).
2. Source Control Measures
- a. The Principal Permittee, in consultation with the Permittees, shall develop a checklist of specific storm water BMPs for use by Permittees for each industrial/commercial SIC group requiring educational site visits under Part 2.V.B.3 not later than 10 months after adoption the effective date of this Order. The BMPs shall:
- i. Address multiple pollutants;

- ii. Initially focus on pollutant source minimization, education, good housekeeping, and site design alternatives; and
- iii. Target source areas and activities with the highest potential to generate substantial pollutant loads.

After the BMP lists are developed by the Principal Permittee and approved by the Regional Board, each Permittee shall use the checklists as part of the outreach measures conducted during industrial/commercial site visits.

**3. Educational Site Visits**

- a. Not later than twelve months after the effective date of this Order or upon Regional Board approval of BMP checklists, each Permittee shall implement an industrial/commercial educational site visit program according to the following schedule in Table 7:

*[BMP checklists must be developed first to ensure that the site visit programs throughout the County are consistent. There should not be discrepancies among the different programs.]*

SITE VISIT FACILITIES	SITE VISIT FREQUENCY (No. of Contacts / Time period)
i) Phase I*, (i)-(ix) and (xi) with waste discharge or pretreatment permit	1 / 24 months**
ii) Phase I, (i)-(ix) and (xi) with no waste discharge or pretreatment permit but with GIASP	1 / 24 months**
iii) Phase I, (i)-(ix) with no waste discharge or pretreatment permit, and no GIASP	1 / 24 months**
iv) Phase I (xi) with no GIASP	1 / 5 years***
v) Vehicle repair shops, vehicle body shops, vehicle parts and accessories facilities	1 / 24 months**
vi) Gas stations	1 / 24 months**
vii) Restaurants	1 / 24 months**

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vii) Facilities selected by WMCs	1 / 36 months
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\* See Glossary of Terms for definition  
 \*\* Minimum of two site visits during the term of the Order  
 \*\*\* See exception in text below

- i. Phase 1 facilities in categories [i] through [ix] and [xi] which have an industrial waste discharge permit or a pretreatment permit, once every twenty-four months;
- ii. Phase 1 facilities in categories [i] through [ix] and [xi], which do not have an industrial waste discharge permit or a pretreatment permit but have obtained coverage under the GIASP, once every twenty-four months;
- iii. Phase 1 facilities in categories [i] through [ix], which do not have an industrial waste discharge permit, a pretreatment permit or GIASP coverage, once every twenty-four months;
- iv. Phase 1 facilities in category [xi] without an industrial waste discharge permit, a pretreatment permit, or GIASP coverage. In lieu of a site visit contact by phone, mail-out of questionnaire and educational materials or other similar method, to inform the facilities of notice of intent (NOI) requirements and encourage good storm water quality control measures (non-responders to be identified in annual report), once in five years;
- v. Vehicle repair shops, vehicle body shops, vehicle parts and accessories (SIC Industry Major Group 75); once every twenty-four months;
- vi. Gasoline stations (SIC Industry Number 5541); once every twenty-four months;
- vii. Restaurants (SIC Industry Number 5812), once every twenty-four months; and,
- viii. Additional SIC industrial/commercial groups identified by the WMC for the watershed in which the Permittee is located, once in thirty-six months, with a maximum limit of 3,000 additional site visits per Permittee during the term of this Order

b. During the educational site visit, the ~~Permittee~~ Permittee's

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representative shall:

- i. Consult with a representative of the facility to explain applicable storm water regulations;
- ii. Distribute and discuss applicable BMP and educational materials, including information regarding the Codes, regulations and ordinances applicable to the category of the facility,
- iii. Identify Phase 1 facilities where a SWPPP is not available on-site or an NOI has not been submitted to the Regional Board or other appropriate agencies and notify the Regional Board within ninety days of site visit; and,
- iv. Follow-up with facilities as deemed necessary and appropriate by the Permittee to provide advice in complying with the Permittee's storm water regulations.

4. Alternative Programs

A Permittee may petition the Executive Officer to substitute the industrial/commercial educational program with an alternative industrial/commercial educational program that will achieve greater or substantially similar educational goals and which will be implemented within a similar period of time.

C. Five-Year Storm Water Public Education Strategy

~~As a part of the CSWMP and subsequent WMAPs, the~~

*[This language has been deleted throughout the Order. Obviously, all components will be included in the CSWMP. This section should clearly state when the strategy is to be developed (which it does), who is to approve the strategy (which it does not), and when the Permittees are to begin implementation (which it does not). See table at beginning of section.]*

A Five-Year Storm Water Public Education Strategy, which elaborates steps for implementing public education programs, shall be developed by the Principal Permittee ~~which elaborates steps for implementing public education programs.~~ The strategy shall: communicate key educational information; develop educational programs for target audiences; utilize various innovative educational tools and incentives for participation; employ effective outreach to the regions multi-ethnic communities; and conduct opinion surveys to assist in evaluating public awareness both before and after implementation of the public education programs.

The Permittees shall endeavor to coordinate public outreach efforts among themselves with environmental groups, and pertinent public and private agencies

1. The Principal Permittee, in consultation with Permittees, shall develop not later than 12 months after adoption ~~on the effective date of this Order~~, a Five-Year Countywide Storm Water Education Strategy which addresses education/outreach issues countywide as well as by watershed, including a schedule for implementation. The strategy shall include a full range of outreach tools, from simple brochures to sophisticated media. The strategy shall identify the Permittee's responsibilities for implementation, including specific quantifiable objectives for changing knowledge and behavior.

At a minimum, the Five-Year Storm Water Education Strategy shall include actions for:

- a. Identification of land uses and activities that have a higher potential for storm water pollution and will include and/or accomplish the following:
  - i. Pollutants: The reduction of targeted pollutants of concern in a particular watershed; and
  - ii. Activity-specific: Activity-specific outreach programs shall be developed and implemented using written, audio, or visual outreach tools.

The strategy shall include activity-specific outreach programs that inform residents about the problem of illicit discharges and dumping and promote, publicize, and facilitate public reporting of these activities. The program shall also include continuing operation, maintenance, and promotion of the countywide reporting hotline.

- b. Emphasize the importance of pollution prevention for a variety of audiences, including local residents, school-aged children, businesses and public employees whose job functions and daily lives may impact storm water quality and will include and/or accomplish the following:
  - i. For Residents
    - aa. Educate residents on recycling and household hazardous waste disposal options. The program shall provide information on collection services, including locations and schedule, provide outreach materials on source reduction and proper use, storage, and disposal methods for household hazardous wastes; and continue to encourage residents to recycle e.g., oil, antifreeze, glass, plastics, batteries;
    - bb. Encourage residents to participate in specific storm water outreach programs. Residents shall be informed

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of and provided with the opportunity to share ideas and comments about the programs. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed management area or region and to receive feedback from the communities while measuring success of the program.

cc. Educate do-it-yourselfers regarding pollution prevention strategies. Each Permittee shall demonstrate that a good faith effort has been made to outreach to different communities within the watershed management area or region.

dd. Promote public participation through cooperative programs to foster awareness and identification of storm water pollution issues among residents in a watershed. Catch basin labeling and other established sign programs are examples of this type of cooperative effort. Another example for cooperative outreach is an "Adopt-A-" program. Residents can "adopt" highways, storm drains, catch basins, or streams, to monitor, restore and protect them.

ee. Residents shall be encouraged to mow vegetation surrounding their residence rather than disk.

ii. For School Children

School programs shall be developed and implemented wherever possible to include information on MS4s, the difference between sanitary sewers and storm drains, the importance of preventing storm water pollution, and provide illicit discharges/disposal and reporting procedures, source minimization, and general pollution prevention. Acquisition and/or development of classroom materials and their distribution to teachers are encouraged.

iii. For Businesses

aa. An education and outreach program shall be developed and implemented for business activities identified as having greater potential of discharging pollutants into the MS4. This includes sidewalk washing by individual merchants. The program shall encourage employee training on the effectiveness of storm water pollution prevention practices. In addition to written, audio, and

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visual materials, other possible means of focused outreach may include: conducting workshops, mass mailings, and/or submitting informational articles to trade/industry magazines. Each Permittee shall provide outreach materials through business license renewal counters and/or make efforts to outreach through professional and business associations or industrial/commercial site visits.

bb. Construction

An education program shall be developed and implemented for construction contractors, owners, builders, and do-it-yourselfers on proper BMP implementation and maintenance, and pollution prevention.

iv. Appropriate Permittee Employees

Permittee employees involved in storm water related activities shall be trained on storm water management and pollution prevention practices ~~and the training must include employees at different levels from program managers to field personnel.~~ Cooperative efforts among enforcement agencies should be encouraged.

Training programs shall include, but not be limited to, articles in city newsletters, training classes, checklists for field personnel, and interdepartmental forums or committees to the extent the Permittee utilizes any of the foregoing. Materials developed for other audiences may also be used in Permittee employee training programs. Appropriate public agency employees shall be trained in:

- aa. Emergency spill cleanup procedures and hotline phone numbers;
- bb. Environmentally sensitive alternative products;
- cc. Good housekeeping practices; and,
- dd. NPDES Municipal and other permitting requirements.

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**VI. Monitoring Program**

**A. Objectives**

The overall goal of this monitoring program is to develop and support effective watershed storm water quality management programs towards reduction of pollutants to the maximum extent practicable.

The major specific objectives of the monitoring program are as follows:

1. To track water quality status, pollutant trends, pollutant loads, and identify pollutants of concern;
2. To monitor and assess pollutant loads from specific land uses and watershed areas;
3. To identify, monitor, and assess significant water quality problems related to storm water discharges within the watershed;
4. To identify sources of pollutants in storm water runoff;
5. To identify and eliminate illicit discharges;
6. To evaluate the effectiveness of management programs, including pollutant reductions achieved by implementation of BMPs; and,
7. To assess the impacts of storm water runoff on receiving waters.

**B. Monitoring Program Requirements**

The Principal Permittee shall implement the monitoring program as described in Attachment C, Monitoring Program Requirements. The summary of the monitoring program requirements and their compliance dates are given in Table 8. The water quality monitoring program described in Attachment C shall satisfy the requirements of monitoring for all parties under this Order.

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VII. Program Reporting and Evaluation

Requirement	Permit Section	Principal Permittee	Permittees	Compliance Date (Months from Adoption Effective Date of Order)	For Approval By
Develop standard Annual Reporting format, including reporting forms	VII.A.1	✓		6	E.O.
Submit Annual Report Forms to Principal Permittee	VII.A.2		✓	Every March 15	N/A
Submit Annual Report to Regional Board	VII.A.2	✓	✓	Every April 15	N/A
Submit an Annual Monitoring Report	VII.B	✓		Every August 15	N/A
Submit a Program Evaluation Report	VII.C	✓		48 54	N/A
Submit a Receiving Water Impacts Final Report	VII.B.2	✓		54	N/A
Submit WMAPs	Part 3.VI		✓	To be included with ROWD submitted 180 days prior to expiration of Order.	E.O.

A. Annual Program Report

1. The Principal Permittee shall not later than 6 months after adoption the effective date of this Order develop a standard annual program reporting format, including reporting forms, for use by Permittees.
2. The Principal Permittee, in coordination with the Permittees, shall submit an Annual Program Report to the Regional Board not later than April 15 of each year. The first Annual Report is due on April 15, 1997. The Annual Program Report shall comply with 40 CFR §122.42<sup>c</sup> and include, at a minimum:
  - a. A review of the status of implementation of the SWMP and CSWMP components with respect to non-compliance with the time schedule specified in this Order, as applicable to each

**Permittee:**

- b. A summary of program accomplishments and self assessments of strategy effectiveness (including how the Permittee arrived at new program elements, if any) by each Permittee, organized by Watershed Management Areas, in the areas of (i) Program Management; (ii) Illicit Connections/ Discharges; (iii) Development Planning/Construction; (iv) Public Agency Activities; (v) Public Education/Public Participation;

*(This is consistent with the revised language released by the RWQCB on June 17, 1996.)*

- c. A summary of BMP implementation, Permittee level of effort, and other such measures of achieving storm water program objectives, utilizing uniform information and data collection methodology to support area to area, and year to year comparisons.
- d. Recommended changes and/or modifications to SWMP, CSWMP, and/or WMAP;
- e. A list of additional non-storm water discharge types for potential exemption from Discharge Prohibitions, if desired, and a discussion of how the criteria for exemption have been met for each type;
- f. A report on progress in obtaining full legal authority and/or legal controls for implementing as required in this Order; and
- g. The names, titles, and telephone numbers of personnel responsible for supervising implementation of the program tasks contained in the Order, CSWMP, and/or WMAP, as applicable to each Permittee.

**B. Annual Monitoring Report**

The Principal Permittee shall submit a separate Annual Monitoring Report not later than August 16 of each year. The first Annual Monitoring Report is due August 15, 1997. The report shall include status of implementation thereof, and suggested modifications or amendments to the Monitoring Program with relevant justifications.

**C. Program Evaluation Report**

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1. The Principal Permittee shall not later than ~~48~~ 54 months after adoption the effective date of this Order, submit a report on assessment of the effectiveness of BMPs implemented, and recommendations on performance standards for each Watershed Management Area, complete an analysis of the general success of the Five-Year Storm Water Public Education Strategy and identify its accomplishments. This report shall serve as basis for the next Five-Year Storm Water Public Education Strategy that will be part of the ROWD.
  
2. The Principal Permittee shall, not later than 54 months after the effective date of this Order and in consultation with the Permittees, prepare and submit a report on:
  - a. Assessment of the effectiveness of the CSWMP components (except that identified in C.1.); and
  
  - b. Identification of CSWMP components for which performance standards will be developed and implemented during the next term of the permit. The performance standards will indicate the level of implementation necessary to demonstrate that efforts are being made to reduce the discharge of pollutants in storm water to the maximum extent practicable.

D. Integrated Receiving Water Impacts Report

The Principal Permittee shall, not later than 54 months after adoption the effective date of this Order, prepare and submit an Integrated Receiving Water Impacts Final Report. The report shall include, but not be limited to a comprehensive analysis of the results of the different monitoring data (land use, mass emissions, critical source, load assessment, receiving waters, and other pertinent studies available), and feasible environmental indicators. It should also include recommendations on future monitoring requirements, e.g., integration of storm water receiving water monitoring with regional receiving water monitoring, if applicable. This report will be an integral part of the Report of Waste Discharge for the renewal of this Order. ~~results of the receiving water impacts evaluation, feasible environmental indicators, and recommendations on integrating storm water receiving water impacts monitoring with regional receiving water monitoring program, if applicable.~~

*[This is consistent with the revised language released by the RWQCB on June 17, 1996.]*

**Part 3. STANDARD PROVISIONS**

- I. The initial storm water management program, as delineated in the CSWMP or WMAPs may need to be modified, revised, or amended periodically from time-to-time to respond to changed conditions and to incorporate more effective approaches to pollutant controls. Minor changes may be made at the direction of the Executive Officer. Minor changes requested by the Permittees shall become effective upon written approval of the Executive Officer. If proposed changes involved a major revision in the overall scope of the program, such changes must be approved by the Regional Board as amendments to this Order.
  
- II. Except as otherwise provided in this Order, all reports or submittals made directly to the ~~Regional Board~~ Executive Officer or through the Principal Permittee shall be signed ~~under penalty of perjury~~ by the principal executive officer or the ranking elected official of the Permittee or a duly authorized representative if:
  - A. The authorization is made in writing by a person described in above;
  - B. The authorization specifies either an individual or a position having responsibility for the overall operation of the Permittee's storm water management program, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the Permittee. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and,
  - C. The written authorization is submitted to the Executive Officer.
  
- III. This Order may be modified, revoked, or reissued prior to the expiration date to:
  - A. Address changed conditions identified in the required reports or other sources deemed significant by the Regional Board;
  - B. Incorporate applicable requirements or statewide water quality control plans adopted by the State Board or emendments to the Basin Plan;
  - C. Comply with any applicable requirements, guidelines, and/or regulations issued or approved pursuant to CWA Section 402(p); and/or
  - D. Consider any other federal or state laws or regulations that become effective after adoption of this Order.
  
- IV. The Permittees shall continue to implement the BMPs and/or programs that were required pursuant to Order No. 90-079 until such time that replacement BMPs/programs are implemented under this Order.
  
- V. The issuance of this Order is not intended to, and does not, absolve any Permittee of liability for conduct which may have constituted a violation of the previous Board Order

90-079 (CA0061654, CI 6948) adopted by this Regional Board on June 18, 1990.

VI. This Order expires on 5 years after date of adoption of this Order. The Principal Permittee and Permittees must submit complete Reports of Waste Discharge (ROWD) in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements. The ROWD shall include watershed specific WMAPs.

I, Robert P. Ghirelli, Regional Board Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on (date of reissuance).

ROBERT P. GHIRELLI, D.Env.  
Executive Officer

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**ATTACHMENT A  
NPDES STORM WATER PERMIT  
WATERSHED MANAGEMENT AREAS**

Santa Monica Bay

Malibu Creek and Other Rural

Agoura Hills  
\*Calabasas  
*Los Angeles County*  
Malibu  
Westlake Village

Ballona Creek and Other Urban

Beverly Hills  
Culver City  
El Segundo  
Hermosa Beach  
*Los Angeles*  
*Los Angeles County*  
Manhattan Beach  
Palos Verdes Estates  
Rancho Palos Verdes  
Redondo Beach  
Rolling Hills  
Rolling Hills Estates  
\*Santa Monica  
West Hollywood

Dominguez Channel/  
Los Angeles Harbor Drainage

Carson  
Gardena  
Hawthorne  
Inglewood  
Lawndale  
Lomita  
*Los Angeles*  
*Los Angeles County*  
\*Torrance

Los Angeles River

Alhambra  
Arcadia  
Bell  
Bell Gardens  
Burbank  
Commerce  
Compton  
Cudahy  
El Monte  
Glendale  
Hidden Hills  
Huntington Park  
La Canada Flintridge  
\*Long Beach  
*Los Angeles*  
*Los Angeles County*  
Lynwood  
Maywood  
Monrovia  
Montebello  
Monterey Park  
Paramount  
Pasadena  
Rosemead  
San Fernando  
San Gabriel  
San Marino  
Sierra Madre  
Signal Hill  
South El Monte  
South Gate  
South Pasadena  
Temple City  
Vernon

San Gabriel River

Artesia  
Azusa  
Baldwin Park  
Bellflower  
Bradbury  
Cerritos  
Claremont  
Covina  
Diamond Bar  
Downey  
Duarte  
Glendora  
Hawaiian Gardens  
Industry  
Irwindale  
La Habra Heights  
La Mirada  
La Puente  
La Verne  
Lakewood  
\*Long Beach  
*Los Angeles County*  
Norwalk  
Pomona  
Pico Rivera  
San Dimas  
Santa Fe Springs  
Walnut  
West Covina  
Whittier

Santa Clara River

*Los Angeles County*  
Santa Clarita

*Italicized agencies are present in more than one watershed. \* Indicates City with the largest watershed population other than the County of Los Angeles and the City of Los Angeles*

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ATTACHMENT B  
MAP OF LA COUNTY PERMITTED AREA

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**ATTACHMENT C  
MONITORING PROGRAM**

The following monitoring program is designed to meet the objectives stated under Provision VI of this Order.

**1. Land Use Station Monitoring**

- a. The Principal Permittee shall reevaluate the location of monitoring stations reflecting specific land uses ("land use stations") consistent with the cost-benefit methodology described in Attachment C-1. To the extent required by the reevaluation process, existing land use stations under Order 90-079 will be moved to monitor land use categories recommended for monitoring under the reevaluation methodology. Existing land use stations under Order 90-079 which do not reflect land use categories recommended for monitoring under the cost-benefit analysis or which are duplicative of other stations will be decommissioned. By September 1, 1996, the Principal Permittee shall submit a report to the Regional Board Executive Officer upon completion of Step 6 of the reevaluation process in Attachment C-1, outlining the steps taken thereunder and recommending land use categories to be monitored.
- b. Upon approval of the report by the Regional Board Executive Officer, the Principal Permittee shall complete Steps 7-8 of the reevaluation process in Attachment C-1.
- c. The Principal Permittee will monitor land use stations at a rate of 100 station events in the 1996-97 storm season. A station event is defined as one sampling event per station. The Principal Permittee shall be required to monitor a maximum of 100 station events, provided that there are a sufficient number of storm events. The Principal Permittee will monitor land use stations at a rate of 200 station events in each of the 1997-98 and 1998-99 storm seasons. The Principal Permittee shall be required to monitor a maximum of 200 station events during these years, provided that there are sufficient storm events. Following the 1998-99 storm season, the Principal Permittee shall not be required to monitor more than 200 station events per storm season at the land use stations. Land use stations shall be operated until the permit term is concluded or until EMCs are derived, at the 25% error rate, for the following detected constituents of concern:

PAHs (total)	Chlordane	Cadmium
Copper	Nickel	Lead
Chromium	Silver	Zinc
Selenium	Mercury	Total Nitrogen
Total Phosphorus	Total Suspended Solids	
Diazinon	Chlorpyrifos	Malathion
Simazine	Total DDT	Total PCBs

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The Regional Board Executive Officer may add or delete constituents of concern other than those listed above. However, for constituents added after the commencement of the second rainy season under the Order, the Principal Permittee need not derive an EMC at an error rate of 25% prior to closing a station.

- d. All samples for land use station monitoring may be taken with the same type of automatic sampler used under NPDES Permit No. CA0061654. The samplers shall be set to monitor storms totalling 0.25 inches of rainfall or greater. The constituents to be analyzed are listed in Attachment C-3. The Principal Permittee, for landuse sites, may exclude constituents from the list that require grab sampling.

In addition, the Principal Permittee will, as a pilot study, set one land use sampler to monitor storms totaling to 0.1 inch of rainfall or greater. Based upon an assessment of 1) the operational effectiveness of the sampler; 2) the feasibility and effectiveness of sample retrieval and transport; and 3) the ability to reprogram and maintain this setting at other samplers, a decision will be made as to whether to set some or all of the remaining land use samplers to monitor storms totalling 0.1 inches of rainfall or greater.

- e. If a constituent is not found at the method detection limit (MDL) for its respective test methodology listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern. The Principal Permittee will also conduct annual confirmation sampling for non-detected constituents at each station for as long as the station remains open.

2. Mass Emission Station Monitoring

- a. The Principal Permittee will monitor a total of four mass emission stations. During the 1995-96 and 1996-97 storm seasons, monitoring will be conducted only at the Ballona Creek and Malibu Creek monitoring stations established under Order 90-079. During the 1997-98 storm season, monitoring will begin at the San Gabriel River and Los Angeles River (downstream of Wardlow Road) stations. The Principal Permittee will monitor the Ballona Creek and Malibu Creek monitoring stations during the 1995-1996 storm season for up to ten station events per year. This monitoring will include dry weather sampling. Thereafter, the monitoring will be reduced to a maximum of five storm events per station per storm season including dry weather monitoring. Mass emission station monitoring frequency will be reevaluated after the 1998-1999 storm season. The frequency for mass emissions monitoring for the 1999-2000 storm season may not exceed five storm events per site.
- b. Samples for mass emission station monitoring shall be taken with the same type of automatic sampler used under Order 90-079, as well as

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through grab sampling. The samplers shall be set to monitor storms totalling 0.25 inches of rainfall or greater. The constituents to be analyzed for samples taken at mass emission stations are listed in Attachment C-3. The Principal Permittee may elect not to sample Volatile Organic Compounds from the list of constituents for mass emission stations.

- c. If a constituent is not found at the method detection limit for its respective test methodology listed in Attachment C-3 in more than 25 percent of the first ten sampling events or on a rolling basis using the ten most recent sampling events, it will not be further analyzed unless the observed occurrences show high concentrations and are cause for concern.
- d. With the exception of the stations noted in (2)(a) above, monitoring at other mass emission stations installed under NPDES Permit No. CA0061654 will be discontinued and the stations decommissioned.

3. Critical Source/Best Management Practice Monitoring

The Principal Permittee shall conduct a program for monitoring of critical sources and best management practices ("BMPs") to characterize sources of storm water pollutants, and assess effectiveness of BMPs. The program shall be consistent with the following:

- a. Selection of Critical Sources: The Principal Permittee will select critical sources for monitoring based on the methodology described in Attachment C-4. A total of five (5) critical sources will be monitored over six rainy seasons commencing with the 1996-97 rainy season, subject to the provisions of (3)(d) below.
- b. By September 1, 1996, the Principal Permittee shall submit a report to the Regional Board Executive Officer on the critical source selection process and recommending critical sources for evaluation. Upon approval of the report by the Regional Board Executive Officer, the Principal Permittee shall proceed to conduct the activities set forth in (3)(c-f).
- c. Characterization of Critical Sources: Commencing with the 1996-97 rainy season, the Principal Permittee shall commence the characterization of critical sources. A total of six (6) examples of each critical source will be characterized through analysis of flow runoff. Fewer examples may be selected due to distance considerations and/or the unavailability of sufficient source locations willing to participate in the program. A total of at least five (5) storms will be used to characterize the critical source runoff. Samples will be analyzed for those pollutants anticipated to be found in the critical source storm water/ non-storm water discharges and such analytes will be

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partitioned, as appropriate, to determine the dissolved and undissolved portions.

d. Evaluation of BMPs: In the year after a critical source has been characterized, a BMP or BMPs appropriate to the critical source will be selected and installed at up to half of the critical source examples (the "test sites"). Flow from the remaining source examples (the "control sites") will continue to be analyzed. A total of ten (10) targeted storm events will be monitored to assess the effectiveness of the BMPs; if there are insufficient storm events during the year, the evaluation may be continued during the next storm season. The Principal Permittee's monitoring of critical sources and evaluation of BMPs will be concluded by the end of the sixth full rainy season after the adoption of this Order, provided that sufficient number of storms have occurred.

e. Additional Evaluation: After the third full rainy season following the adoption of the Order, the Principal Permittee will reevaluate, using the same process described in Attachment C-4, the progress made by other public entities in the State to evaluate critical sources and BMPs. If, following that evaluation, the Principal Permittee determines that there either are additional critical sources or BMPs associated with identified significant critical sources which have not been monitored and/or evaluated, and subject to the approval of the Regional Board Executive Officer, the Principal Permittee will monitor up to an additional three (3) critical sources or evaluate up to an additional three (3) BMP sets or some combination totalling three critical sources or BMPs (the "Additional Monitoring"). The extent of Additional Monitoring will be dependant on the Principal Permittee's ability to complete the monitoring/evaluation described in (3)(c-d) above; if more time is needed to complete such monitoring, the extent of the Additional Monitoring shall be accordingly reduced.

4. Loads Assessment Model

Following the third full rainy season after the adoption of the Order, the Principal Permittee will take then-existing monitoring data from the land use and mass emission stations (including data collected from stations monitored under Order No. 90-079 for use in a model to assess loads of pollutants entering into the ocean receiving waters off the County. The model to be used for this assessment will be the USEPA Simplified Method. The Principal Permittee will submit to the Regional Board Regional Board Executive Officer for approval a workplan for performance of the loads assessment model by no later than 18 months after adoption of this Order. The Loads Assessment model will be run for each of the six WMAs in the County.

5. Receiving Waters Study

The Principal Permittee, in conjunction with such other participants as it may choose, will fund a study of receiving waters impacted by storm water described in Attachment C-5, subject to revisions as set forth below in (5)(d). The purpose of the study will be to study the impacts, if any, of storm water/ non-

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storm water on the beneficial uses of Santa Monica Bay and to assist the Permittees in developing storm water management programs. The obligation of the Principal Permittee under this Order with respect to the study of receiving waters shall consist of the following:

- a. **Plume Study:** The Principal Permittee will support a plume study to evaluate the dispersion, fate, and transport of storm water pollutants in Ballona Creek and Malibu Creek, by a contribution of up to a maximum of \$145,000.
- b. **Benthic Study:** The Principal Permittee will support a study of to assess impacts of storm water on the marine benthic community near the mouths of Ballona Creek and Malibu Creek, by a contribution of up to a maximum of \$205,000. If it is the consensus of project scientists that a third year of benthic study is advisable to meet the goals of the receiving waters study, the Principal Permittee will contribute up to a maximum of an additional \$80,000 for the third year of study.
- c. **Toxicity Study:** The Principal Permittee will support a study to evaluate sediment and water column toxicity in Ballona Creek and Malibu Creek with a contribution up to a maximum of \$118,500. If it is the consensus of the project scientists that a third year of toxicity studies is advisable to meet the goals of the receiving waters study, the Principal Permittee will contribute up to a maximum of \$80,500 to fund a third year of study.
- d. **River Study:** The Principal Permittee will take a total of three (two storm weather and one dry weather) water samples at each of the Los Angeles and San Gabriel River mass emission stations during the 1997-98 and 1998-99 seasons. The samples will be subjected to sea urchin fertilization bioassays to evaluate water column toxicity, with the Principal Permittee's out-of-pocket expenses for the study not to exceed \$3,600.
- e. **Project Design:** The receiving waters study shall initially contain the elements set forth in Attachment C-5. However, the scientists conducting the receiving waters study may alter the parameters of the second and (if necessary) the third year of the receiving waters study so as to meet the objectives of the study. Such alterations, among other items, may include changing the location of sampling locations, different sampling techniques or other redirection of resources. The Principal Permittee shall provide to the Regional Board Executive Officer notice of any revisions to the second and (if necessary) third years of the receiving waters study for review and approval.
- f. **Study Reports:** The Principal Permittee shall cause the project scientists conducting the study to produce an annual report covering study activities of the previous year, and any interim/ final assessments. Such reports shall be submitted by the Principal Permittee to the Regional Board Executive Officer with the Annual Monitoring Report.

- h. **Principal Permittee Responsibilities:** The commitment of the Principal Permittee toward performance of a receiving waters study is the provision of funding and various reports, as well as undertaking the work described in (5)(f).

### MONITORING PLAN

1. The Principal Permittee shall prepare and retain a Monitoring Plan, and revise it accordingly, to include at a minimum, the following:
  - a. Quality control, quality assurance, data collection, storage and analyses, and detection limits;
  - b. All sample collection, handling, storage, and analyses in accordance with 40 CFR 136;
  - c. Location of monitoring stations, constituents, and sampling frequency;
  - d. Targeted monitoring indicators (e. g., ecosystem, biological diversity, in stream toxicity, habitat, chemical, sediment, stream health) chosen for monitoring;
  - e. Statistical methods used to design studies, conduct sampling, and interpret data;
  - f. A description of the role and responsibilities of all the participants in monitoring studies;
  - g. A description of computer software and modelling programs that will be utilized to assess data, interpret information; and
  - h. A general description of how data are intended to be utilized for feedback into the storm water management program.

An up-to-date Monitoring Plan shall be submitted to the Regional Board Executive Officer, when so requested.

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ATTACHMENT C-1

LAND USE SITE SELECTION PROCESS OUTLINE

Step 1

The Principal Permittee will take the Southern California Association of Governments ("SCAG") categories listed below as an initial list of land use categories. The Principal Permittee will use its best efforts to obtain overlays (or similar information) for use in the land use selection process. However, these overlays or information must be usable County-wide in the SCAG database and the Principal Permittee shall not be required to look for or use overlays or information which cannot be so used. The Principal Permittee also shall not be required to create overlays. Some of these categories may not be important (very small area represented in study area, and/or known very low EMC or runoff mass). The initial number of categories will be reduced at this step.

For each remaining category, the Principal Permittee will identify eight (8) representative locations. The eight (8) locations in each category would be relatively small areas, such as a square block for residential areas, a single school or church, a few blocks of strip commercial, etc. These sites would be selected, where possible, over a wide geographical area of the study area to include a range of topographical characteristics such as distance from ocean, etc.

Step 2

In this step, the Principal Permittee should perform a site survey of ground conditions. For each of the eight (8) locations identified for each category, the Principal Permittee should collect information, to the extent such information is available, including: type of roof connections, type of drainage, age of development, housing density, type of landscaping, condition of pavement, soils, and existing storm water control practices.

These are simple field surveys that can be completed by a team of two people at the rate of about 5-6 (maximum) locations a day, depending on navigation problems, traffic delays, and the proximity of the sites. Several photographs should be made of each site and archived with the field sheets for future reference.

Step 3

In this step, currently available aerial photographs taken in the past five years are used to measure the percent impervious area associated with rooftops, streets, driveways, sidewalks, parking areas, storage areas, decks and sheds, swimming pools, alleyways, and other paved areas. Photographic prints for each of the homogeneous neighborhoods examined on the ground in step 2 are needed. The actual measurements require about an hour per site.

Step 4

In this step, the Principal Permittee would compile the information collected in the previous steps and use it to determine which land use categories should be monitored. This refinement step would result in a final list of categories to be examined, based on the actual measured values.

Some of the sites selected for field measurement may actually belong in another category and would

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be reassigned to that category before the data were evaluated. In addition, development characteristics and areas of important elements may indicate greater variability within an initial category than between other categories in the same land use. If there is no other reason to suspect differences that would affect drainage quality or quantity, these areas could be combined to reduce the total number of individual land use categories used in subsequent evaluations.

On the basis of Step 2 and Step 3, the Principal Permittee will measure the percent of directly connected impervious area for each of the eight neighborhoods surveyed. The Principal Permittee will then compare the percent of impervious area using simple non-parametric statistics to see how differences within a single land use category compare with differences between land use categories. Based on this analysis, the Principal Permittee will aggregate or subdivide land use categories as appropriate. Subdivisions of land use categories shall correspond to those in the SCAG database.

Step 5

Next, the Principal Permittee will rank the selected land use categories according to their predominance and pollutant generation. As part of its analysis, the Principal Permittee would perform a marginal cost/benefit analysis as to which land use categories should be monitored.

For each land use category the following will be estimated based on existing data: drainage area, runoff quantity and an EMC value for each of four indicator pollutants (preliminarily, copper, pyrene, total suspended solids and diazinon). The product of runoff quantity and EMC is the estimated total annual pollutant loading associated with each land use category and indicator pollutant. These sums are then ranked, from the largest to the lowest, and an accumulated percentage contribution is then produced for each pollutant. These accumulated percentage values are plotted against the number of land use categories. The graph will be relatively steep initially and then level off as it approaches 100%. A marginal cost-benefit analysis can then be used to select the number of land uses that should be monitored, which will take into account all four of the indicator pollutants.

The list of County-wide land use categories to be evaluated in Step 5 will be reviewed for each of the six watersheds in the Permit area. If there is a land use category in an individual watershed which may be feasibly monitored and is in the top five land uses in terms of total area in the watershed and is otherwise an important contributor of constituents of concern, but which would not be monitored based on the County-wide marginal cost-benefit analysis, up to two such land uses shall be monitored after the first year of the monitoring program, subject to the station event cap.

Step 6

The Principal Permittee will take the top ranked land uses and if the total number of categories exceed ten, select ten monitoring sites for monitoring the first year. All of the remaining top-ranked land uses will need to be monitored in future years, subject to the station event cap. In selecting those sites for initial monitoring, the Principal Permittee should look for homogeneous areas that are self-contained in a drainage area. In addition, monitoring locations will need to be selected along storm drains that are able to accommodate the sampling equipment, have sampling access, no safety problems, etc.

Step 7

Next, the monitoring stations are installed. The monitoring equipment will include automatic water samplers and, if surcharging flow problems are anticipated, flow sensors measuring velocity and depth of flow. The samples collected at the automatic samplers should all be flow-weighted composites, requiring only one sample to be analyzed per event at each monitoring station. Each sampler site will

need to be visited periodically to ensure that everything is ready to sample.

Step 8

The Principal Permittee should continue down the list of priority land use categories and install additional monitoring stations in subsequent years. At some point, the marginal benefit from monitoring an additional land use category will not be sufficient to justify the cost, as determined from the marginal cost-benefit analysis in step 5, and no additional sites will need to be installed. The land use sampling program will end when sufficient storms have been sampled to obtain the desired error level in the EMC values for the constituents of concern.

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ATTACHMENT C-2  
SCAG LAND USE CLASSIFICATIONS

- Single Family Residential
  - High Density
  - Low Density
- Rural Residential
- Retail Stores and Commercial Services
- Other Commercial
- Special Use Facilities
- Military Installations
- Heavy Industrial
- (Mineral) Extraction
- Transportation
- Utility Facilities
- Mixed Transportation
- Mixed Commercial and Industrial
- Under Construction
- Local Parks and Recreation
- Cemeteries
- Specimen Gardens and Arboreta
- Other Open Space and Recreation
- Irrigated Cropland and Improved Pasture Land
- Non-Irrigated Cropland and Improved Pasture Land
- Orchards and Vineyards
- Dairy and Intensive Livestock, and Associated Facilities
- Poultry Operations
- Horse Ranches
- Abandoned Orchards and Vineyards
- Vacant with Limited Improvements
- Mobile Homes and Trailer Parks
- Multi-Family Residential
- Mixed Residential
- General Office Use
- Public Facilities
- Educational Institutions
- Light Industrial
- Wholesaling and Warehousing
- Communication Facilities
- Maintenance Yards
- Mixed Transportation and Utility
- Mixed Urban
- Golf Courses
- Regional Parks and Recreation
- Wildlife Preserves and Sanctuaries
- Beach Parks
- Urban Vacant
- Nurseries
- Other Agriculture
- Vacant Undifferentiated

ENCLOSURE

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ATTACHMENT C-3

LIST OF CONSTITUENTS IN MONITORING PROGRAM  
AND ASSOCIATED DETECTION LIMITS

<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMIT</u>
<b>Conventional Pollutants</b>		
Oil and Grease	413.2	1 ppm
Total Phenols	420.1	0.1 ppm
Cyanide	335.2	0.01 ppm
pH	150.1	0 - 14
Temperature		None
Dissolved Oxygen		Sensitivity to 5 mg/L
<b>Bacteria</b>		
Total Coliform	9221B	<20mpn/100ml
Fecal Coliform	9221B*	<20mpn/100ml
Fecal Streptococcus	9221B*	<20mpn/100ml
<b>General</b>		
Dissolved Phosphorus	300	0.05ppm
Total Phosphorus	300	0.05ppm
Turbidity	180.1	0.1NTU
Total Suspended Solids	180.2	2ppm
Total Dissolved Solids	180.1	2ppm
Volatile Suspended Solids	180.4	2ppm
Total Organic Carbon	415.1	1ppm
Total Petroleum Hydrocarbon	418.1	1ppm
Biochemical Oxygen Demand	405.1	2ppm
Chemical Oxygen Demand	410.4	20-900ppm
Total Ammonia-Nitrogen	350.2	0.1ppm
Total Kjeldahl Nitrogen	351.2	0.1ppm
Nitrate-Nitrite	4110*	0.1ppm
Alkalinity	310.1	2ppm
Specific Conductance	120.1	1umho/cm
Total Hardness	130.2	2ppm
MBAS	425.1	<0.5 mg/L
Chloride	4110	2ppm
Fluoride	4110	0.1ppm
Sulfate	4110*	2ppm
<b>Metals (Total and Soluble)</b>		
Aluminum	202.1	100mg/l
Antimony	204.2	10ppb

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Arsenic	206.2	10ppb	
Barium	208.2	100ppb	Beryllium
	210.2	5ppb	

LIST OF CONSTITUENTS                      EPA METHOD                      DETECTION LIMIT

Metals (continued)

Boron	212.3	250ppb	Cadmium
Calcium	213.2	10ppb	200ppb
	215.2	10ppb	Chromium
	218.2		Copper
219.2	10ppb		
Hex. Chromium	7196	<10mg/L	
Iron	236.2	100ppb	
Lead	239.2	10ppb	
Magnesium	242.1	200ppb	Manganese
	243.2	30ppb	
Mercury	245.1	1ppb	
Nickel	249.2	10ppb	
Potassium	256.1	1ppm	
Selenium	270.2	5ppb	
Silver	272.2	10ppb	
Sodium	273.1	5ppb	
Thallium	279.2	10ppb	
Zinc	289.2	50ppb	

Semivolatile Organic Compounds

		(µg/l)
Acids	8250	
Benzoic Acid	8250	6
Benzyl Alcohol	8250	6
2-Chlorophenol	8250	6
2, 4-Dichlorophenol	8250	6
2, 6-Dichlorophenol	8250	6
4-Dimethylphenol	8250	6
4, 6-Dinitro-2-methylphenol	8250	6
2,4-Dinitrophenol	8250	6
2-Methylphenol	8250	6
4-Methylphenol	8250	6
2-Nitrophenol	8250	6
4-Nitrophenol	8250	6
4-Chloro-3-methylphenol	8250	6
Pentachlorophenol	8250	6

LIST OF CONSTITUENTS                      EPA METHOD                      DETECTION LIMIT

Acids (continued)

Phenol	8250	<1
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2,3,4,6-Tetrachlorophenol	8250	△
2,4,5-Trichlorophenol	8250	△
2,4,6-Trichlorophenol	8250	△
Base/Neutral	8250	
Acenaphthene	8250	△
Acenaphthylene	8250	△
Acetophenone	8250	△
Aniline	8250	△
Anthracene	8250	△
4-Aminobiphenyl	8250	△
Benzidine	8250	△
Benzo(a)anthracene	8250	△
4-Chloroaniline	8250	△
1-Chloronaphthalene	8250	△
p-Dimethylaminoazobenzene	8250	△
7,12-Dimethylbenz(a)-anthracene	8250	△
a,a-Dimethylphenethylamine	8250	△
Benzo(a)pyrene	8250	△
Benzo(b)fluoranthene	8250	△
Benzo(k)fluoranthene	8250	△
Chlordane	8250	△
Bis(2-chloroethoxy)methane	8250	△
Bis(2-chloroisopropyl)ether	8250	△
Bis(2-chloroethyl)ether	8250	△
Bis(2-ethylhexyl)phthalate	8250	△
4-Bromophenyl phenyl ether	8250	△
Butyl benzyl phthalate	8250	△
2-Chloronaphthalene	8250	△
4-Chlorophenyl phenyl ether	8250	△
Chrysene	8250	△
Dibenz(a,j)acridine	8250	△
Dibenz(a,h)anthracene	8250	△
1, 3-Dichlorobenzene	8250	△
1, 4-Dichlorobenzene	8250	△
1, 2-Dichlorobenzene	8250	△
3, 3-Dichlorobenzidine	8250	△
Diethylphthalate	8250	△
Dimethylphthalate	8250	△
Di-n-butylphthalate	8250	△
2,4-Dinitrotoluene	8250	△

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<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Base/Neutral (continued)	8250	(µg/l)
2, 6-Dinitrotoluene	8250	0.5
Diphenylamine	8250	0.5
1, 2-Diphenylhydrazine	8250	0.5
Di-n-octylphthalate	8250	0.5
Ethyl methanesulfonate	8250	0.5
Fluoranthene	8250	0.5
Fluorene	8250	0.5
Hexachlorobenzene	8250	0.5
Hexachlorobutadiene	8250	0.5
Hexachlorocyclopentadiene	8250	0.5
Hexachloroethane	8250	0.5
Indeno(1, 2, 3-cd)pyrene	8250	0.5
Isophorone	8250	0.5
3-Methylcholanthrene	8250	0.5
Methyl methanesulfonate	8250	0.5
Napthalene	8250	0.5
1-Naphthylamine	8250	0.5
2-Naphthylamine	8250	0.5
2-Nitroaniline	8250	0.5
3-Nitroaniline	8250	0.5
4-Nitroaniline	8250	0.5
Nitrobenzene	8250	0.5
N-Nitroso-di-n-butylamine	8250	0.5
N-Nitrosodimethylamine	8250	0.5
N-Nitrosodiphenylamine	8250	0.5
N-Nitroso-di-N-propylamine	8250	0.5
N-Nitrosopiperidine	8250	0.5
Pentachlorobenzene	8250	0.5
Phenacitin	8250	0.5
Phenanthrene	8250	0.5
2-Picoline	8250	0.5
Pronamide	8250	0.5
Pyrene 1, 2, 4,	8250	0.5
5-Tetrachlorobenzene	8250	0.5
1, 2, 4,-Trichlorobenzene	8250	0.5
Pesticides	608	
Aldrin	608	0.05
alpha-BHC	608	0.05
beta-BHC	608	0.05
delta-BHC	608	0.05



<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Pesticides (continued)	608	(µg/l)
gamma-BHC (Lindane)	608	0.05
Carbofuran	631.1	<5
Chlordane	608	0.05
4, 4'-DDD	608	0.1
4, 4'-DDE	608	0.1
4, 4'-DDT	608	0.1
Benzaton	615.1	0.2
Dieldrin	608	0.1
Endosulfan I	608	0.1
Endosulfan II	608	0.1
Endosulfan sulfate	608	0.1
Endrin	608	0.1
Endrin aldehyde	608	0.1
Glyphosate	647	<5
Heptachlor	608	0.05
Heptachlor epoxide	608	0.05
Methoxychlor	608	0.5
Toxaphene	608	<1.0
2,4-D	615.1	<0.2
2,4,5-TP-SILVEX	615.1	0.2
Polychlorinated Biphenyls	608	
Aroclor-1016	608	<1
Aroclor-1221	608	<1
Aroclor-1232	608	<1
Aroclor-1242	608	<1
Aroclor-1248	608	<1
Aroclor-1254	608	<1
Aroclor-1260	608	<1
Herbicides		
Diazinon		
Chlorpyrifos		
Diuron		
Malathion		
Prometryn	607	
Atrazine	607	
Simazine	607	<2 mg/l
Cyanazine	607	
Molinate	607	<0.01 mg/l
Thiobencarb	607	<1 mg/l

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<u>LIST OF CONSTITUENTS</u>	<u>EPA METHOD</u>	<u>DETECTION LIMITS</u>
Volatile Organic Compounds	8240A	
Acetonitrile	8240A	10.0
Acrolein	8240A	10.0
Acrylonitrile	8240A	0.5
Benzene	8240A	0.5
Bromoform	8240A	0.5
2-Butanone	8240A	10.0
Carbon Disulfide	8240A	10.0
Carbon Tetrachloride	8240A	0.5
Chlorobenzene	8240A	0.5
Chlorodibromomethane	8240A	0.5
Chloroethane	8240A	0.5
2-Chloroethyl vinyl ether	8240A	1.0
Chloroform	8240A	0.5
Dibromomethane	8240A	0.5
1,2-Dibromo-3Chloropropane	8240A	<.01
1, 4-Dichloro-2-butene	8240A	10.0
Dichlorobromomethane	8240A	0.5
Dichlorodifluoromethane	8240A	0.5
1, 1-Dichloroethane	8240A	0.5
1, 2-Dichloroethane	8240A	0.5
1, 1-Dichloroethene	8240A	0.5
trans-1, 2-Dichloroethene	8240A	0.5
1, 2-Dichloropropene	8240A	0.5
cis-1, 3-Dichloropropene	840A	0.5
trans-1, 3-Dichloropropene	8240A	0.5
Ethanol	8240A	10.0
Ethylbenzene	8240A	1.0
Ethylene Dibromide	8240A	<.01
Ethylene Oxide	8240A	10.0
Ethyl Metacrylate	8240A	0.5
2-Hexanone	8240A	5.0
Iodomethane	8240A	0.5
Methyl Bromide	8240A	5.0
Methyl Chloride	8240A	5.0
Methylene Chloride	8240A	1.0
4-Methyl-2-pentanone	8240A	5.0
Styrene	8240A	0.5
1, 1, 2,2-Tetrachloroethane	8240A	0.5
Tetrachloroethane	8240A	0.5
Toluene	8240A	1.0
Trichlorofluoromethane	8240A	1.0
1, 2,3-Trichloropropane	8240A	0.5
1, 1, 1-Trichloroethane	8240A	1.0

LIST OF CONSTITUENTS      EPA METHOD      DETECTION LIMITS

Volatile Organics(continued)	8240A	
1, 1,2-Trichloroethane	8240A	1.0
Trichloroethene	8240A	0.5
1,1,2-Trichloro-		
1,2,2 trifluoroethane	8240A	<.5
Vinyl acetate	8240A	5.0
Vinyl chloride	8240A	0.5
Xylene (Total)	8240A	0.5

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ATTACHMENT C-4

CRITICAL SOURCE/ BMP MONITORING

**Selection of Initial Critical Sources to be Studied:** The selection of initial critical sources will be made using the following steps:

Step 1: The Principal Permittee first will develop an initial list of candidate critical sources, including industrial and commercial sources that are regulated under the state's General Permit and those which are not.

Step 2: The Principal Permittee next will develop a list of criteria for prioritizing the candidate critical sources developed pursuant to Step 1, including the following: number and/or total area associated with each critical source; runoff pollutants associated with each source; the impact of nonstormwater discharges associated with each source; whether or not the source is regulated under the General Permit; and, ease of implementation of monitoring and BMPs.

Step 3: The Principal Permittee next will prioritize the candidate critical sources based on the selection criteria develop under Step 2.

Step 4: The Principal Permittee next will conduct a literature review and contact other State municipal stormwater programs to identify what critical sources have been (or are planned in the next five years) to be studied elsewhere. Where studies have been conducted or are planned to be conducted elsewhere, such studies will be reviewed to assess whether the hydrologic conditions in the study area are representative of those in Los Angeles County, the quality of the study and any conclusions from already-conducted studies. This evaluation would be coordinated with the State Stormwater Quality Task Force.

Step 5: The Principal Permittee next will take the list developed up to Step 3 and refine and finalize it based upon the review conducted pursuant to Step 4.

**Selection of Additional Critical Sources/BMPs:** The selection of additional critical sources or BMPs for monitoring following the third rainy season of the permit will follow the steps noted above, except that BMPs also shall be evaluated in addition to critical sources.

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ATTACHMENT C-5  
RECEIVING WATERS STUDY

A receiving waters study that will be a joint effort of the University of Southern California, the University of California at Santa Barbara and the Southern California Coastal Water Research Project ("SCCWRP"). In addition, the study will be done in cooperation with an ongoing toxicity study by investigators at UCLA. Co-funding, either direct or in terms of vessel support, also will be provided by the federal government through the Sea Grant program, by the City of Los Angeles and through SCCWRP. It must be noted that while the Principal Permittee is committed to funding a receiving waters study, the scope of that study will be affected by the availability of non-Principal Permittee funding sources, as is discussed below. The Principal Permittee's commitment is limited to the provision of funds.

A. **Outline of Study:** The receiving waters study includes a plume study to determine the dispersion of stormwater runoff and associated sediment, a study of the benthic environment near two principal storm drains, Malibu and Ballona Creeks and an assessment of the toxicity of storm drain waters and affected sediments near Malibu and Ballona Creeks. The plume study will be carried out by the USC Sea Grant program. The benthic and toxicity studies will be carried out by SCCWRP. All of these studies will be carried out over two storm seasons, with the third year used for analysis of the data obtained in the previous years. If it is the consensus of the project scientists that a third year of research is appropriate for the benthic and toxicity studies, such study shall be carried out. Each element of these studies is outlined below.

1. **Plume Study:** The plume study will be conducted over two storm seasons and will examine the following issues, among others:
  - Mapping the spatial and temporal structure of the runoff plumes from Ballona and Malibu Creeks as they flow into Santa Monica Bay following strong winter storms.
  - Examining the interaction between the runoff plume and ocean processes as they affect the advection, dispersion, and mixing of the plume.
  - Evaluating the impact of storm runoff plumes on beneficial uses of the coastal ocean.
  - Characterizing the optical properties of the suspended particulate material ("SPM") and dissolved organic material ("DOM") associated with runoff sources.
  - Examining the effects of DOM and SPM on the water column optics and the distribution of nutrient concentrations, as the same may affect phytoplankton productivity.
  - Helping to establish appropriate locations for benthic study stations.
2. **Benthic Study:** The benthic study will measure the following parameters:

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- Water quality (dissolved oxygen, salinity, density, temperature, light transmissivity and pH).
- Sediment grain size, sediment organic concentrations and sediment contaminant concentrations.
- The structure of the benthic invertebrate community.

The benthic study will employ the same methods used in studies of dry weather impacts in river discharge areas carried out by SCCWRP in 1994 and 1995 in the entire Southern California Bight.

3. **Toxicity Study:** The toxicity study will involve the following proposed annual elements:

**Water Column Toxicity**

- 30 sea urchin fertilization bioassays taken during two storm and one dry weather event off each of Ballona and Malibu Creeks (including reference sites).
- 3 Phase I TIE tests on up to 3 samples showing toxicity in the sea urchin fertilization bioassays

**Sediment Toxicity**

- Amphipod survival bioassays of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 1.
- Amphipod survival bioassays of sediment samples from 10 stations (including reference sites) will be taken 2 times (1 storm and 1 dry weather period) in Year 2.
- Sea urchin growth bioassays will be conducted for chronic toxicity in sediment samples from 6 stations, plus 1 reference site, with the locations to be determined by project scientists based on existing data and best scientific judgment. Biological effects only (survival, growth, sediment avoidance) will be measured for all sites in Year 2.
- Chemical analysis of sea urchin growth test tissue samples (gonad) will be conducted for organics and metals. Duplicate samples from 4 stations (including one reference) will be analyzed in Year 2.
- Phase I TIE tests using sea urchin fertilization of interstitial water from up to 4 stations identified to be toxic in amphipod survival bioassays (4 samples total) will be conducted in Year 2.
- Additional interstitial water testing intended to coordinate with the UCLA study noted below may also be carried out.

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- B. **Project Flexibility:** The exact parameters of Year 2 (and Year 3, if necessary) testing will be determined by a review of the project scientists of the results of Year 1 and Year 2 testing. Thus, certain of the steps outlined above may be modified following the reviews.
- C. **Coordination with UCLA Toxicity Study:** UCLA researchers are involved in an ongoing Santa Monica Bay Restoration Project study of the toxicity of stormwater runoff in Ballona and Malibu Creeks. The receiving waters study will be coordinated, to the extent possible, with the UCLA study to maximize the utility of the information obtained by both studies.
- D. **Los Angeles and San Gabriel River Study:** In addition, the Principal Permittee will take a total of three (two storm weather and one dry weather) water samples taken at each of the Los Angeles and San Gabriel River mass emission stations during each of the two years that those stations will be monitored. The samples will be analyzed using the sea urchin fertilization bioassay, with the bioassay costs not to exceed \$3,600.

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ATTACHMENT D  
GLOSSARY OF TERMS

**40 CFR:** Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

**Annual Report:** A report, submitted yearly to the Regional Board by the anniversary of the date of the issuance of the NPDES storm water permit, that includes (1) the status of implementing the components of the storm water management program that are established as permit conditions; (2) proposed changes to the storm water management programs that are established as permit conditions; (3) revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application; (4) a summary of data that is accumulated throughout the reporting year; (5) annual expenditures and budget, to the extent such information is available separately; (6) a summary describing the number and nature of enforcement actions, inspections and/or site visitations, and public education programs; and (7) identification of water quality improvements or degradation.

**Authorized Discharge:** Any discharge that is authorized pursuant to an NPDES permit or meets the exemptions set forth in this NPDES storm water permit.

**Basin Plan:** The Water Quality Control Plan, Los Angeles Region(4), Santa Clara River and Los Angeles River Basins, adopted by the Regional Board on June 13, 1994 or as subsequently amended.

**Beneficial Uses:** Existing or potential uses of receiving waters in the permit area as designated by the Regional Board in the Basin Plan. *Examples of beneficial uses may include municipal and domestic supply; agricultural supply; industrial process supply; industrial service supply; ground water recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; aquaculture; warm freshwater habitat; cold freshwater habitat; inland saline water habitat; estuarine habitat; wetland habitat; marine habitat; wildlife habitat; preservation of biological habitats; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and shellfish harvesting.*

**BAT/BCT Criteria:** Treatment-based standards for reducing the discharge of pollutants, as defined in 40 CFR subchapter N, for specific categories of industrial facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards. Effluent limitations have been defined in 40 CFR for the reduction of toxic pollutants using Best Available Technology Economically Achievable (BAT), and for the reduction of conventional pollutants using Best Conventional Pollutant Control Technology (BCT).

**BMP:** See Best Management Practice

**Best Management Practice (BMP):** Activities, practices, facilities, and procedures that when implemented prevent or reduce the pollution of waters of the state. *Examples of BMPs include treatment facilities, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.*

**Bioaccumulate:** The build up of a substance in the tissues of an organism to a higher concentration than in the surrounding environment, generally as a result of the organism's ingestion and internal storage of the substance over time.

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**Biostimulatory:** An agent, action, or condition that arouses, elicits or accelerates physiological or organic activity. *For example, the introduction of excessive nutrients to an aquatic system has a biostimulatory effect which manifests itself as excessive growth of algae in the aquatic systems. As the algae decomposes, dissolved oxygen in the water column is depleted, potentially leading to excessively low dissolved oxygen levels which can lead to suffocation of aquatic life, i.e., fish kills.*

**CFR:** See Code of Federal Regulations.

**CRWQCB:** This means the California Regional Water Quality Control Board, Los Angeles Region. See also Regional Board.

**CSWMP:** See Countywide Storm Water Management Plan

**California Storm Water Best Management Practice Handbooks:** The technical manuals prepared under direction of the Storm Water Quality Task Force, representing California members of the American Public Works Association (APWA). *Comprising three volumes—Municipal, Industrial, and Construction—they provide guidance for selecting BMPs to reduce pollutants in storm water discharges. These manuals are available from Blue Print Service, 1700 Jefferson Street, Oakland, CA 94612, (510) 444-6771 or Fax (510) 444-1262.*

**Clean Water Act (CWA):** The Federal Water Pollution Control Act enacted in 1972 by Public Law 92-500 and amended by the Water Quality Act of 1987. *The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless said discharge is in accordance with an NPDES permit. The 1987 amendments include guidelines for regulating municipal, industrial, and construction storm water discharges under the NPDES program.*

**Code of Federal Regulations:** A codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

**Construction Activity:** Clearing, grading, or excavation that results in soil disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to immediately protect public health and safety.

**Control:** When used in the context of legal authority, "Control" means to legally, contractually, or by other similar means, minimize or eliminate an activity or activities or the result(s) of the activity or activities.

**Countywide Storm Water Management Plan (CSWMP):** A single comprehensive plan for implementation of the requirements of this Order that are applicable to all Permittees and all Watershed Management Areas. The CSWMP is a storm water management implementation plan for the entire drainage areas within the jurisdiction of the Permittees under this Order. *The Countywide Storm Water Management Plan will be developed as a single document by the Principal Permittee, with assistance and participation from the Permittees, according to the schedule prescribed in the permit. The CSWMP shall be used as a tool to develop a watershed specific Watershed Management Area Plan (WMAP).*

**Development:** The placement or erection of any solid material or structure on land, in or under water; or grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land including, but not limited to, subdivisions pursuant to the Subdivision Map Act Government Code §66410 et seq.), any other division of land, including lot splits; construction, reconstruction, demolition or alteration of the size of any structure.

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**Discharge:** Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance.

**Disturbed Area:** In the context of construction activities, "disturbed area" means that area altered as a result of cleaning, grading, or excavation of earth.

**Do-it-yourselfers:** this term shall mean any person or persons who repair or maintain their own vehicle(s) and/or home(s).

**Effectively Prohibit:** This is a term used in the context of legal authority and essentially means that a Permittee, individually or jointly, must have or acquire the adequate legal authority to prohibit an action or actions.

**Effectiveness:** A measure or indicator of how well a program, plan, or best management practice achieves its intended purpose. *Measures or indicators of effectiveness include, but are not limited to, detailed accounting of program accomplishments, funds expended, staff hours utilized, amount of pollutants reduced, and results of quantitative monitoring.*

**Erosion:** The wearing away of land surface primarily by wind or water. *Erosion occurs naturally as a result of weather or runoff but can be intensified by cleaning, grading, or excavation of the land surface.*

**Executive Advisory Committee (EAC):** A committee composed of representatives of the County of Los Angeles, the City of Los Angeles, and representatives from the six Watershed Management Areas.

**Regional Board Executive Officer:** The Regional Board Executive Officer of the California Regional Water Quality Control Board, Los Angeles Region, or an authorized representative.

**GCASP:** See General Construction Activity Storm Water Discharge Permit.

**GIASP:** See General Industrial Activity Storm Water Discharge Permit.

**General Construction Activity Storm Water Discharge Permit (GCASP).** This is a NPDES permit adopted by the State Water Resources Control Board which authorizes the discharge of storm water under certain conditions.

**General Industrial Activity Storm Water Discharge Permit (GIASP).** This is a NPDES permit adopted by the State Water Resources Control Board which authorizes the discharge of storm water under certain conditions.

**Good Housekeeping Practice:** A common practice related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. *Examples include purchasing only the quantity of materials to be used at a given time, use of alternative and less harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.*

**Hazardous Material:** Any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code. *This includes any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.*

**Hazardous Substance:** Any substance designated pursuant to 40 CFR 302. This also includes

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unlisted hazardous substances which is a solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), is a hazardous substance under section 101(14) of the CWA if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

*Examples of hazardous substances include any substance or chemical product for which one or more of the following applies:*

- A material safety data sheet (MSDS) is required
- The substance is listed as radioactive by the Nuclear Regulatory Commission
- The substance is listed as hazardous by the U.S. Department of Transportation
- The material is listed in Labor Code §6382(b).

**IPM:** See Integrated Pest Management

**Illicit Connection:** Any man-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system. A connection for a non storm water discharge authorized pursuant to this Order is not considered an illicit connection.

**Illicit Discharge:** Any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all non-storm water discharges except discharges pursuant to an NPDES permit and discharges that are exempted or conditionally exempted in accordance with Section II of this Order.

**Illicit Disposal:** Any disposal, either intentionally or unintentionally, of material(s) or waste(s) that can pollute storm water or urban runoff.

**Impact:** Any actual or potential impelling or compelling negative effect caused either directly or indirectly by the discharge of pollutants to the municipal storm drain system.

**Impervious Surface:** Man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

**Industrial Activity:** The term "industrial activity" is defined in 40 CFR 122.26(b)(14) and refers to 11 categories of activities required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with "industrial activity" as required by 40 CFR 122.26(c).

**Industrial/Commercial Facility:** Any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facility includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

**Integrated Pest Management (IPM):** A philosophy of pest management that considers the whole

ecosystem when determining the pest control strategies. This philosophy emphasizes use of a hierarchy of controls, with a preference for mechanical controls (e.g., mowing) and biological controls (e.g., beneficial insects, pheromones) before chemical controls (e.g., pesticides).

**Jurisdiction:** The term "jurisdiction", as used in connection with a Permittee, means the geographic area within the Permittee's boundaries that are subject to the Permittee's regulatory control. The term is not intended to include facilities which the Permittee is preempted or otherwise precluded from regulating, such as federal or state facilities, or school districts, and similar governmental (non-municipally owned or operated) entities.

**Legal Authority:** The ability of a Permittee to impose and enforce statutes, ordinances, and regulations to require control of pollutant sources and regulate the discharge of pollutants to the storm drain system, and to enter into interagency agreements, contracts, and memorandums of understanding. *These powers are granted to the Permittees by the Constitution of the State of California and the General Laws of the State (for General Law Cities/Counties) or individual constitutions (for Charter Cities/Counties). These powers are promulgated by the Permittee through their municipal codes, ordinances, and statutes duly adopted by their governing body.*

**MS4:** See Municipal Separate Storm Sewer System

**Maximum Extent Practicable (MEP):** The maximum extent possible taking into account equitable consideration and competing facts, including, but not limited to: the gravity of the problem, public health risk, societal concern, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance, implementability, cost and technical feasibility. BMPs identified through this process have to be implemented, unless it can be demonstrated that: (1) other effective BMPs will achieve greater or substantially the same pollution control benefits; or (2) the BMP would not be technically feasible; or (3) the cost of implementation would greatly outweigh the pollution control benefits. The entity(s) responsible for developing and implementing each plan shall have the burden of showing that it has met the "maximum extent practicable" standard in proposing or rejecting BMPs for implementing a storm water management program to reduce pollutants to the maximum extent practicable.

**Municipal Separate Storm Sewer System (MS4):** See Storm Drain System.

**NPDES:** See National Pollutant Discharge Elimination System

**National Pollutant Discharge Elimination System:** A permit issued by the USEPA, SWRCB, or CRWQCB pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

**Non-Storm Water Discharge:** Any discharge to a municipal storm drain system that is not composed entirely of storm water.

**Notice of Intent to Meet and Confer (NIMC):** The NIMC is a letter sent to a Permittee or Permittees by the Regional Board Executive Officer as an invitation to discuss the implementation of requirements under this Order and is made when it is suspected that a Permittee or Permittees has/have an insufficient program based upon submittals made under this Order. The NIMC is a part of the Administrative Review section of this Order and provides an opportunity for the Permittee(s) to meet with Regional Board staff to clarify any potential misunderstandings prior to, or in lieu of the Regional Board taking enforcement action for "non-compliance".

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**Nuisance:** Anything which meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) occurs during, or as a result of, the treatment or disposal of wastes.

**Permittee(s):** Any agency named in the NPDES storm water permit as being responsible for permit conditions within its jurisdiction. *Permittees to the NPDES storm water permit presently include the County of Los Angeles and the cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Canada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Long Beach, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier.*

**Pervious:** Natural or man-made surfaces that allow the entry of water into the underlying soil, resulting in less runoff from the surface when compared to impervious surfaces. *Examples of pervious surfaces include vegetated areas, most undeveloped areas, uncompacted earth surfaces, and lattice type modular pavements.*

**Phase I Facilities:** This term refers to categories of facilities which are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with "industrial activity" as required by 40 CFR 122.26(c). The term "industrial activity" is defined in 40 CFR 122.26(b)(14) and in general refers to 11 categories of activities. These categories include:

- i. **FACILITIES SUBJECT TO STORM WATER EFFLUENT LIMITATIONS GUIDELINES, NEW SOURCE PERFORMANCE STANDARDS, OR TOXIC POLLUTANT EFFLUENT STANDARDS (40 CFR SUBCHAPTER N).** Currently, categories of facilities subject to storm water effluent limitations guideline are Cement Manufacturing (40 CFR Part 411), Feedlots (40 CFR Part 412), Fertilizer Manufacturing (40 CFR Part 418), Petroleum Refining (40 CFR Part 419), Phosphate Manufacturing (40 CFR Part 422), Steam Electric (40 CFR Part 423), Coal Mining (40 CFR Part 434), Mineral Mining and Processing (40 CFR Part 436), One Mining and Dressing (40 CFR Part 440), and Asphalt Emulsion (40 CFR Part 442). The fact sheet accompanying this general permit contains additional information pertaining to facilities subject to new source performance standards or toxic pollutant effluent standards.
- ii. **MANUFACTURING FACILITIES:** Standard Industrial Classifications (SICs) 24 (except 2411 and 2434), 26 (except 265 and 267), 28 (except 283 and 285) 29, 311, 32 (except 323), 33, 3441, and 373.
- iii. **OIL AND GAS/MINING FACILITIES:** SICs 10 through 14 including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1) because of performance bond issued to the

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facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for area of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by products, or waste products located on the site of such operations. Inactive mining operations are mined sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material, or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

- iv. **HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES:** Includes those operating under interim status or a general permit under Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA).
- v. **LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS:** Sites that receive or have received industrial waste from any of the facilities covered by this general permit, sites subject to regulation under Subtitle D of RCRA, and sites that have accepted waste from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more).
- vi. **RECYCLING FACILITIES:** SICs 5015 and 5093. These codes include metal scrapyards, battery reclaimers, salvage yards, motor vehicle dismantlers and wreckers, and recycling facilities that are engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste material such as bottles, wastepaper, textile wastes, oil waste, etc.
- vii. **STEAM ELECTRIC POWER GENERATING FACILITIES:** Includes any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.
- viii. **TRANSPORTATION FACILITIES:** SICs 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity.
- ix. **SEWAGE OR WASTEWATER TREATMENT WORKS:** Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.
- xi. **MANUFACTURING FACILITIES WHERE MATERIALS ARE EXPOSED TO STORM WATER:** SICs 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225.

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Note: Category x, Construction activity, is covered by a separate general permit.

Pollutant: Those "pollutants" defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. §1362(6)), or incorporated into California Water Code §13373. Examples of pollutants include, but are not limited to the following:

- Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
- Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
- Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
- Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
- Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);
- Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus;

The term "Pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term "Pollutant" also shall not include any substance identified in this definition, if through compliance with the best management practices available, the discharge of such substance has been eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the elimination of the discharge to the maximum extent practicable through compliance with the best management practices available.

Pollutant Loading: The quantity of a pollutant found in runoff expressed in mass per unit of time. Pollutant loadings are commonly expressed in units of tons/year or pounds/year.

Pollutants of Concern: Pollutants that exhibit one or more of the following characteristics:

- Current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water,
- Elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or
- The detectable inputs of the pollutant are at a level high enough to be considered potentially toxic to humans and/or flora and fauna.

Pollutants of concern may be different for each receiving water.

For example, Pollutants of concern for the Santa Monica Bay Watershed Management Area include, DDT, PCBs, PAHs, Chlordane, TBT, cadmium, chromium, copper, lead, nickel, silver, zinc, pathogens,

**TSS (sediment), nutrients, trash and debris, chlorine, oxygen demanding substances, and oil and grease.**

**Pollution Prevention:** Includes any planning, schedules of activities, prohibitions of practices, implementation maintenance procedures, and other management practices, to prevent or reduce pollutants in storm water / urban runoff discharges.

**Principal Permittee:** The agency named in the NPDES storm water permit to serve as permit coordinator, responsible for general administration of the permit, and coordinating cooperation by other Permittees, including but not limited to the implementation of local self-monitoring programs and BMPs, and preparation and submittal of reports required by the permit. *The Principal Permittee under this Order is the County of Los Angeles.*

**Public Agency Vehicle Maintenance/Material Storage Facility:** Any Permittee-owned and/or operated facility that is: used for vehicle or equipment maintenance, repair, washing, or fueling; and/or is required to prepare a hazardous materials business plan.

**Regional Board:** The members Governing Board of the California Regional Water Quality Control Board State agency with primary responsibility for the coordination and control of water quality. *This means the California Regional Water Quality Control Board, Los Angeles Region. The Los Angeles Region, is comprised of all basins draining into the Pacific Ocean between the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainage to the divide between Sheep Creek and San Gabriel River drainage.*

**Reportable Quantity:** means that quantity of a hazardous substance, as set forth in 40 CFR 302, which requires notification pursuant to 40 CFR 302 in event of that quantity release.

**Receiving Waters:** All surface water bodies within the permit area that are identified in the Basin Plan.

**Residential Swimming Pool Water:** This means clean and swimmable swimming pool water from a residence. For proper discharge, this pool water shall have no measurable chlorine and not contain any detergents, wastes, or additional chemicals not typically found in swimming pool water. The term "residential swimming pool water" does not include swimming pool filter backwash.

**SIC:** See Standard Industrial Classification.

**SPCA:** See Storm Water Program Compliance Amendment

**SWRCB:** State Water Resources Control Board

**Secondary Containment:** Structures, usually dikes or berms, surrounding tanks or other storage containers to catch spilled or leaked materials to prevent their discharge to the MS4.

**Sediment:** Organic or inorganic material that is carried by or suspended in water and settles to form deposits in the storm drain system or receiving waters.

**Source Minimization:** Planning or operational practices that reduce the amount of materials stored at a site.

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**Standard Industrial Classification (SIC):** The statistical classification standard, organized by industry, underlying all establishment-based federal economic statistics. The SIC of a particular industry is determined using the latest Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget.

**Storm Drain System:** Streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by any Permittee and used for the purpose of collecting, storing, transporting, or disposing of storm water.

**Storm Water:** Water which originates from atmospheric moisture (rainfall or snowmelt) and that falls onto land, water, or other surfaces.

**Storm Water Management Program:** This is the sum of all requirements of this Order. This is not to be confused with the CSWMP.

**Storm Water Pollution Prevention Plan (SWPPP):** A plan required by and for which contents are specified in the State of California General Permit for Storm Water Discharges Associated with Industrial Activities, and the General Permit for Storm Water Discharges Associated with Construction Activities. *The purpose of the plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges.*

**Storm Water Program Compliance Amendment (SPCA):** The SPCA is a report prepared by a Permittee if directed to by the Regional Board Executive Officer for insufficient submittals made under this Order. The SPCA is a part of the Administrative Review section of this Order and will include additions and enhancements to the jurisdiction's storm water program with enforceable implementation deadlines.

**Storm Water Runoff:** That part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the storm drain system or receiving waters. *Examples of this phenomenon include: the water that flows from a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). When all other factors are equal, runoff increases as the perviousness of a surface decreases.*

**Storm Water Runoff Mitigation Plan:** A plan, to be submitted prior to the submittal of an application for the first planning or building approval for a new development project, that sets forth storm water pollution controls to be incorporated into development projects. The plan shall:

- be designed to reduce the runoff volume from the site and the pollutant load contributed by the site through incorporation of design elements and practices that address each of the following goals:

- maximize, to the extent practicable, the percentage of permeable surfaces in order to allow more percolation,

- minimize, to the extent practicable, the amount of runoff directed to impermeable areas to the storm drain system,

- maximize, to the extent practicable, storm water filtration and storage for reuse through the use of sediment traps, cisterns or other means,

■ minimize, to the extent practicable, parking lot pollution through the use of porous materials to allow percolation of storm water, through the installation of appropriate treatment controls, or through other means.

**Toxic Pollutant:** Those "pollutants", or combinations of pollutants, defined in Section 502(13) or 307(a)(1) of the federal Clean Water Act (33 U.S.C. §1362(13)).

**USEPA:** United States Environmental Protection Agency

**Waste Minimization:** Operational practices that reduce the amount of waste materials generated. Practices may include recycling and reuse.

**Watershed Management Area (WMA):** Any one of the six general watershed areas covered by this NPDES storm water permit consisting of the: Malibu Creek and other rural areas discharging to Santa Monica Bay, Santa Clara River, Dominguez Channel/Los Angeles Harbor, San Gabriel River, Los Angeles River, and Ballona Creek and other urban areas discharging to the Santa Monica Bay watersheds.

**Watershed Management Area Plan (WMAP):** A plan for implementation of permit requirements that is based on the Countywide Storm Water Management Plan (CSWMP) but further addresses specific issues, pollutants of concern, and BMPs that are unique to the specific Watershed Management Area.

**Watershed Management Committee (WMC):** A committee composed of representatives from each Permittee in a Watershed Management Area. Duties include establishing goals and objectives for the Watershed; prioritizing pollution control efforts; developing a specific Watershed Management Plan; coordinating and facilitating annual reports for the watershed; and facilitating compliance by Permittees in the watershed.

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TRANSMITTAL

DATE: June 24, 1996

TO: Catherine Tyrrell  
Assistant Executive Officer, Surface Water Programs  
California Regional Water Quality Control Board,  
Los Angeles Region

FROM: Barb Garrett  
Legislative Analyst  
City of Los Angeles

**SUBJECT: Comments on Tentative Stormwater Permit**

The City of Los Angeles appreciates the opportunity to review the Tentative Municipal Storm Water Permit for the County of Los Angeles (CAS614001) released May 23, 1996, and the subsequent language revisions released June 17, 1996. The official City comment letter on the Tentative Permit has not been processed. However, in an effort to provide the RWQCB with as much time as possible to review the City's concerns and discuss them with the City as well as other interested parties, I am unofficially transmitting a redline strike-out version of the permit and draft general comments. The City's comments were discussed in the Environmental Quality and Waste Management Committee today, and it is anticipated that the draft comments provided to you today, will directly reflect the official City comments to be transmitted prior to the close of the comment period, June 26, 1996.

If you have any question, please feel free to contact me at (213) 485-6638. Thank you for your assistance in this very important matter.

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**CITY OF LOS ANGELES  
GENERAL COMMENTS ON THE TENTATIVE MUNICIPAL STORM WATER  
PERMIT FOR THE COUNTY OF LOS ANGELES (CAS614001)**

**Municipal Contracts**

Finding #38 implies that municipalities are responsible and liable for compliance/non-compliance of their contractors with the requirements of the Order. This is incorrect and should be deleted. Contractors are independently responsible for complying with all rules and regulation. Operators of industrial and commercial facilities will have to comply with the various provisions of the permit regardless of whether or not they have contracts with municipalities. Municipalities cannot accept liability for contractors, since they do not have staff directly on site to monitor all operations of all contractors. In addition, since all public agency and industrial commercial requirements (see comment below) should be identical, such a requirement would be a significant duplication of effort, since many municipalities contract with the same contractors and contractors must comply with all permit requirements.

**Receiving Water Limitations**

The City agrees with the concept of including a process in the permit to illustrate that the ultimate goal of the municipal storm water program, in conjunction with the point source permit program, is to attain the water quality standards and beneficial uses identified in the Basin Plan. However, the Receiving Water Limitations language contained in the May 23, 1996, Tentative Permit creates significant liability for all Permittees. The Receiving Water Limitations language released by the RWQCB on June 17, 1996, establish liability only when Permittees are out of compliance with the specific mandates of the Permit. The City supports these proposed language revisions and urges the Board to incorporate them into the Permit.

**Interagency Agreements**

Requiring inter-jurisdictional agreements among Permittees is inappropriate and unnecessary. The "control of discharge of pollutants from one portion of the MS4 to another" is established through the implementation of the Order itself. The RWQCB should include a Finding stating that the Order serves as an inter-jurisdictional agreement, since specific duties related directly to controlling discharges to the MS4 are allocated to the Principal Permittee, the WMC, and the Permittees. At a minimum the language in Permit Section 2(T)(E)(d) should provide the Permittees with the discretion to determine the appropriateness and need for inter-jurisdictional agreements.

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**Executive Officer vs. Board Approval**

The Permit needs to clearly indicate which documents are subject to the approval of the Executive Officer and which documents are subject to formal Regional Board approval. The City suggests that the matrices presented at the beginning of each Permit section be expanded to include all documents required to be prepared under the Permit, with an additional column presenting the entity responsible for approving those documents. The City requests that all BMPs be subject to formal Regional Board approval.

The Permit requires that the City, as Permittee, be financially responsible and legally liable for the implementation of all provisions of the Storm Water Management Program. However, the various components of the Storm Water Management Program are to be developed under the Permit itself. The City cannot commit to any requirements which have not yet been established. Therefore, the City requires that all BMP documents, which establish specific compliance requirements, be approved by the Regional Board, in a manner consistent with Permit approval. Regional Board approval of the BMP documents also ensures that the regulated community, environmental groups, other interested parties, and local governments, are provided with adequate public participation opportunities to assist in developing the most responsible BMPs possible. The change from Executive Officer approval to Regional Board approval of BMPs needs to be made and/or clarified in all Permit sections. The definition of Regional Board should be modified to clarify that Regional Board means the Governing Board.

**Administrative Review**

The Tentative Permit released May 23, 1996, requires Permittees to implement programs submitted for Executive Officer approval 120 days after submittal regardless of whether the Executive Officer has acted upon the submittal. Furthermore, the language provided the Executive Officer with the authority to make changes to the program after implementation had been initiated by the Permittee. The City cannot begin to arrange resources for implementation of a program, then find that requirements have changed based upon a revised approval by the Executive Officer, and still be required to meet the established implementation date. The RWQCB released revised Administrative Review requirement language on June 17, 1996, which addresses the 120 Executive Officer review period. The revised language partially addresses the City's concerns, however it inappropriately requires that Permittees notify all interested parties of the 10 days notice to the Executive Officer. This provision of the June 17th Administrative Review language revisions should be deleted.

The Permittees should not be responsible for notifying all interested parties that the Executive Officer has failed to act on a submittal in a timely fashion. The Executive Officer should be responsible for complying with time frames contained in the Permit. Furthermore, approval of a program by the Executive Officer does not require public notification; why would lack of timely action by the Executive Officer necessitate public notification. The City urges the Regional Board to incorporate the June 17, 1996 revised Administrative Review language, minus the requirement that Permittees notify all interested parties, into the final Permit.

**Program Implementation Time Lines**

Although the Tentative Permit incorporates more realistic program implementation time lines for most programs, the implementation dates for the Educational Site Visit Program [Part 2(V)(B)(3)], the New Development requirements [part (2) (III)(A)(3)], and selection of additional facilities of concern by WMC [Part 2(V)(B)(6)(iii)], and implementation of new BMPs for newly designated discharges [Part 2(II)(C)(3)] are still too ambitious. Local governments will require substantial time to develop and implement the educational site visit program, new development standards, and implementation of new BMPs (depending upon their complexity, staffing, and equipment requirements). The program development process must include establishment of program budget and personnel needs and allocations of funds. The establishment of new development standards will be further complicated by the need to coordinated with the regulated community, drafting of ordinances [including public review and compliance with the California Environmental Quality Act (CEQA)], and staff and public education regarding new requirements. Changes to program development and implementation dates are imperative to ensure that all program elements are implemented in a timely, but realistic and thoughtful fashion.

Please refer to the attached permit language modifications for recommended implementation schedule modifications.

**Prohibitions**

The City has commented numerous times on the prohibitions now listed in Part 2(I)(E)(a) of the Permit. While the City supports control of non-storm water pollution sources, it is imperative that control are feasible and result in benefits to water quality and public health, which are commensurate with control costs. The Permittees as regulators of discharges outlined in Part 2(I)(E)(a), should be allowed to select the methods for controlling discharges to the maximum extent practicable (i.e. best management practices or prohibitions). The determination of practicality, should not be based solely upon technology, but also include consideration of costs, economic implications, competing environmental mandates, and other societal concerns. Such considerations are imperative to provide local government the opportunity to weigh competing economic, environmental, societal, public health, equity issues, and respond to and address public input as they define policies, standards, and expenditures to be employed in implementing an effective municipal storm water management program.

Please refer to the attached permit language modifications for recommended permit language changes.

**Public Agency Activities**

The requirements and BMPs listed in the Public Agency Activities , Permit Section Part 2(IV), need to be made consistent with the requirements of similar industrial/commercial operations. There are many instances where requirements for public facilities are more stringent than those for

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industrial/commercial facilities, such as parking lots.

In addition, it should be clarified that in an effort to minimize cost and paperwork, and avoid duplication with other requirements, regulations, and plans, the model public facility plan should rely on existing requirements as much as possible. Please refer to the attached permit language modifications for recommended clarifying language.

**Program Evaluation Report**

Part 2(VII)(C) should be revised to focus on evaluation of the Storm Water Program, rather than specific BMPs. The permit does not require monitoring of specific BMPs and therefore it is inappropriate to request evaluation of individual BMPs. As stated in the findings, implementation of the various programs of the Permit as a whole will reduce storm water pollution, therefore it is most appropriate to evaluate the effectiveness of the program as a whole.

It is further recommended that the evaluation of the program be completed once the storm water program has been fully implemented, approximately 54 months after adoption of the Order. The information gleaned from the evaluation will be of great assistance in modifying the program and drafting the next permit.

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CITY HALL 1400 HIGHLAND AVENUE MANHATTAN BEACH, CALIFORNIA 90266-4795  
TELEPHONE (310) 545-5621 FAX (310) 545-5234 TDD (310) 546-3601

June 25, 1996

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LOS ANGELES REGION

California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention: Catherine Tyrrell, Assistant Executive Officer

Re: Comments on Tentative Order No. 96-XXX NPDES No. CAS614001

Dear Ms. Tyrrell,

We have read the first draft of the Tentative Order No. 96-XXX, Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles. We are pleased that many of the concerns of the cities have been addressed. The proposed requirements of the permit seem more workable, and less costly for cities.

However, there are some portions of the Tentative Order that are troublesome to us. These areas are listed below with the reasons for our concern.

1. Part 1.II.A. Receiving Water Limitations

The receiving water limitations described in the Tentative Order are subjective. For example, number 5., "Presence of materials that cause nuisance or adversely affect beneficial uses;". In Part 1.II, the order states, "A Permittee will not be in violation of the Receiving Water Limitations so long as they are in compliance with the Storm Water Management Program Requirements set forth in this Order..." The Receiving Water Limitation is subjective and the Program Requirements are subjective.

The concern is that individuals, or groups, could file legal actions against the City for non-compliance at any time. Sorting out whether a city is actually in compliance is seemingly impossible without a clearer compliance standard.

2. Throughout the Tentative Order, there are references that Permittees (cities) will have 60 days, 120 days, 3 months, etc. to implement programs that are developed by the Principal Permittee (Los Angeles County) as approved by the Board. Since most City budgets take at least 6 months to prepare, it will be extremely difficult for cities to respond to program

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Catherine Tyrrell  
June 25, 1996  
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requirements that are imposed either early in a fiscal year (the budgets have already been adopted) or late in the fiscal year (there won't be time to adjust prepared budgets). For program elements that require new funding, most cities will need an entire budget cycle to develop a revenue and expenditure plan to address the new requirements.

3. Part 2.III.A.3 Planning Control Measures.


There may be considerable financial impact of higher cost of construction for the measures required in this section.

4. General comment.

The City of Manhattan Beach, through its diligent course of conducting City management has implemented many programs, guidelines, procedures and processes that have the purpose of minimizing pollution from surface water runoff. It is estimated that the City expends approximately \$850,000 annually on programs that are described in the Tentative Order. If the Tentative Order is approved as currently written, it is estimated that annual costs would increase at least \$75,000 per year. Much of the cost impact will not be known until the model programs have been developed and approved.

The City of Manhattan Beach urges the California Regional Water Quality Control Board - Los Angeles Division to carefully consider the financial impacts as well as the degree of environmental benefit before adopting the detailed elements of the storm water management plans. We are certainly supportive of actions that will maintain and improve receiving waters so long as the benefit derived is somehow in balance with the cost of the action.

Sincerely,



Neil C. Miller  
Director of Public Works

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# City of Maywood

4119 F. Stanton Ave Maywood, CA 90270 Telephone (213) 562-5000 Fax (213) 773-2806

June 24, 1996

Catherine Tyrrell  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Subject: Tentative Municipal Storm Water Permit

Comments on Tentative Municipal Storm Water Permit for the County of Los Angeles (CAS614001), dated 5/23/96:

1. The Acceptable Requirements outlined in the "Alternative Countywide Storm Water Management Program", as endorsed by the Executive Advisory Committee by letter of April 23, 1996 to Catherine Tyrrell, should be incorporated into the Tentative Storm Water Permit.
2. Compliance dates, for many of the programs, are too short and do not fit into the budget cycle. This will make it virtually impossible to implement the programs. Implementation of approved programs should not be required until Permittees are able to include them in the next budget cycle.
3. Permit compliance date should be tied to the effective date of the order and not the date of adoption.
4. Development and implementation of Countywide Storm Water Management Plan during the five-year Permit term is an ambitious undertaking. Developing Performance Standards is beyond the scope of what can be successfully accomplished during this Permit term.
5. Evaluation of effectiveness of BMPs should not be separately reported, but should be a part of the end of permit report.

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LOS ANGELES REGION

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6. Statements on the impairment of receiving waters, water quality data, and extrapolation of data to other water bodies (Findings Nos. 4, 5, 6, 19, 25, 26, and 27) are not supported by hard data nor scientific studies and should be deleted.
7. Finding No. 23, regarding duplication of regulatory efforts, is not a finding and should be deleted from the permit.
8. The Receiving Water Limitations section will put Permittees into non-compliance immediately upon the issuance of the Permit. It serves limited purpose and is not mandated by the Federal regulation. It should, therefore, be removed from the Permit.
9. Permittees should be given a more active role in developing and approving all the plans and programs under the Permit. Merely soliciting their input is not sufficient.
10. Legal authority requirements and the need for inter-agency agreements for cooperative efforts are written too specific in the Permit. Each agency handles legal issues in a different manner and should be allowed to deal with legal authorities more in-line with their current practices provided it is in compliance with Federal regulations.
11. The Water Board should bear the burden of proof to disallow any substitution of BMPs and/or their modifications.
12. Failure to comment on any submittal by the Permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal.
13. Exemptions for non-stormwater discharges are not sufficiently inclusive. Examples, such as street and sidewalk washing, residential swimming pool discharging, and reclaim and potable water line flushing should be allowed unless evidence indicates that it causes major adverse impact on the receiving water.
14. Program should allow municipal employees to be observant of illicit discharges during their routine assignments and initiate follow-up actions rather than establishing completely separate illicit discharge surveillance program.
15. Formal evaluation of all public agency activities as part of developing the model program for public agency activities is not needed.
16. Site visit requirements which also require follow-up visits are no different than inspections. Such visits should only be for public information purposes.
17. Requirement to analyze the success of public information programs in only 2-1/2 years upon the initiation of the program is too short. Such evaluation should be at the end of the five-year program.
18. The focus of the Monitoring Program should be on developing baseline data.

19. The Permit should clearly state that the Monitoring Program by the Principal Permittee shall satisfy the Monitoring Program requirements for all parties to this Permit.

Very truly yours,



MAS NAGAMI  
City NPDES Contact

cc: Ronald Lindsey, Chief Administrative Officer

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# City of MONROVIA



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QUALITY CONTROL SECTION  
LOS ANGELES REGION

June 26, 1996

Catherine Tyrrell, Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: Tentative Municipal Storm Water Permit for the County of Los Angeles  
NPDES No. CA614006

Dear Ms. Tyrrell:

We have reviewed the Tentative Municipal Storm Water Permit for the County of Los Angeles (NPDES No. CA614006) received on May 29, 1996 including revisions, received on June 20, 1969 and have the following comments and concerns.

1. Lack of Storm Water Management Plan or Plans:

The proposed Watershed Storm Water Management Area Plan(s) (SWMP) need to be completed before the new permit can reasonably go beyond the level of regulation contained in the 1990-95 permit. The SWMP will define the problems and pollution levels and establish the methods and procedures that would be the most effective and cost efficient to mitigate those problems

Right now there has not been a sufficient identification of the specific pollution problems for cities upon which to base a program with achievable goals and objectives and supported by relevant standards and studies.

2. Budget Submittal:

There are a number of sections which require the implementation of programs and set time schedules that are not tied to the fiscal calendar utilized by cities. The implementation schedule for individual programs should be modified to allow cities to commence implementation of a program in the budget year following final approval of a particular program.

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The City's NPDES budget for 1996-97 has already been approved based on an estimate of what the pending permit will require. There are also a number of other maintenance items performed by the City such as street sweeping and storm drain catch basin cleaning which have been ongoing activity for many years that are not identified specifically as NPDES functions.

The City does not believe that the submittal of a budget to the Board nor necessarily the level of the funding established by the budget is a meaningful representation of financial effort. Without further identification of the problems and effective methods to mitigate the problems, budget levels are not a measure of an agencies efforts.

3. **Education versus Enforcement Site Visits:**

There are major gray areas in what this effort will entail and its relative effectiveness. Before this program goes forward, there needs to be significant definition as to what will be done, particularly by such agencies as the County Health Department which is currently undergoing significant budgetary restrictions by the County Board of Supervisors.

After first agreeing to compromise language for an educational site visit program, Board staff unilaterally modified this section which appears to require Permittees to identify and report businesses which are not in compliance. It also appears that "site inspections" have been renamed "educational site visits" with the same requirements as site inspections.

4. **Legal Authority:**

While the City has already adopted a Municipal Code legal authority provision based on the 1990-95 NPDES program, the 120 days provided to change/modify the code to bring it into line with significantly undefined conditions of the 1996-2000 permit is far short of the time needed.

The Permit should be changed to indicate that a City will have 120 days to establish its legal authority following the definition and acceptance of the methods and procedures to mitigate specific pollution problems.

5. **Administrative Review Process:**

The procedures need to be changed to allow an agency to stay the Executive officer's order and request Board review if the agency disagrees with the Executive Officer's actions. Only upon the Board Review and determination would the "clock start running" against the agency on any resultant order of the Board.

6. **A new subsection (m), adding "sidewalk washing" as a conditionally exempt discharge needs to be added to Section II.C.2.**

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7. The requirement to record the quality of catch basin waste collected places a burden on cities that will not provide any meaningful data and therefore should be eliminated.
8. The diversion of dry weather flows to municipal waste water treatment plants is impractical and shifts flows to treatment plants that may already have capacity and treatment problems.
9. Several of the Findings either do not have a valid, scientific basis or lack a demonstration of factual support; i.e. Findings 5, 6, 23, 25, 27.
10. The State Board's dual annual fee structure which is intended to allow Permittees to recover the annual fee differential, however, it does not provide any practical means whereby cities could collect the differential.

The above comments are submitted to resolve issues and make the NPDES permit efforts successful.

Sincerely,



Robert C. Bammes  
Director of Public Works

RCB:cr

cc: Ken Putnam, City Engineer

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# City of MONROVIA

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June 26, 1996

Catherine Tyrrell, Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: Tentative Municipal Storm Water Permit for the County of Los Angeles  
NPDES No. CA614006

Dear Ms. Tyrrell:

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1. **Lack of Storm Water Management Plan or Plans:**

The proposed Watershed Storm Water Management Area Plan(s) (SWMP) need to be completed before the new permit can reasonably go beyond the level of regulation contained in the 1990-95 permit. The SWMP will define the problems and pollution levels and establish the methods and procedures that would be the most effective and cost efficient to mitigate those problems.

Right now there has not been a sufficient identification of the specific pollution problems for cities upon which to base a program with achievable goals and objectives and supported by relevant standards and studies.

2. **Budget Submittal:**

There are a number of sections which require the implementation of programs and set time schedules that are not tied to the fiscal calendar utilized by cities. The implementation schedule for individual programs should be modified to allow cities to commence implementation of a program in the budget year following final approval of a particular program.

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The City's NPDES budget for 1996-97 has already been approved based on an estimate of what the pending permit will require. There are also a number of other maintenance items performed by the City such as street sweeping and storm drain catch basin cleaning which have been ongoing activity for many years that are not identified specifically as NPDES functions.

The City does not believe that the submittal of a budget to the Board nor necessarily the level of the funding established by the budget is a meaningful representation of financial effort. Without further identification of the problems and effective methods to mitigate the problems, budget levels are not a measure of an agencies efforts.

3. **Education versus Enforcement Site Visits:**

There are major gray areas in what this effort will entail and its relative effectiveness. Before this program goes forward, there needs to be significant definition as to what will be done, particularly by such agencies as the County Health Department which is currently undergoing significant budgetary restrictions by the County Board of Supervisors.

After first agreeing to compromise language for an educational site visit program, Board staff unilaterally modified this section which appears to require Permittees to identify and report businesses which are not in compliance. It also appears that "site inspections" have been renamed "educational site visits" with the same requirements as site inspections.

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The Permit should be changed to indicate that a City will have 120 days to establish its legal authority following the definition and acceptance of the methods and procedures to mitigate specific pollution problems.

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The procedures need to be changed to allow an agency to stay the Executive officer's order and request Board review if the agency disagrees with the Executive Officer's actions. Only upon the Board Review and determination would the "clock start running" against the agency on any resultant order of the Board.

6. **A new subsection (m), adding "sidewalk washing" as a conditionally exempt discharge needs to be added to Section II.C.2.**

\*

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- 7. The requirement to record the quality of catch basin waste collected places a burden on cities that will not provide any meaningful data and therefore should be eliminated.
- 8. The diversion of dry weather flows to municipal waste water treatment plants is impractical and shifts flows to treatment plants that may already have capacity and treatment problems.
- 9. Several of the Findings either do not have a valid, scientific basis or lack a demonstration of factual support, i.e. Findings 5, 6, 23, 25, 27.
- 10. The State Board's dual annual fee structure which is intended to allow Permittees to recover the annual fee differential, however, it does not provide any practical means whereby cities could collect the differential.

The above comments are submitted to resolve issues and make the NPDES permit efforts successful.

Sincerely,



Robert C. Bammes  
Director of Public Works

RCB:cr

cc: Ken Putnam, City Engineer

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00405

# CITY OF MONTEREY PARK

320 west newmark avenue • monterey park, ca 91754-2896  
• municipal services center



June 28, 1996

Catherine Tyrell  
Assistant Executive Officer  
California Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park CA 91754-2156

QUALITY CONTROL BOARD  
LOS ANGELES REGION

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## TENTATIVE NPDES STORMWATER PERMIT

Dear Ms. Tyrell:

The City of Monterey Park has reviewed the May 23, 1996 Tentative NPDES permit (order no. 96-xxx, NPDES No. CAS614001) and offers the following comments.

Section II C.2 k - Conditionally Exempted Discharges. Individual Residential Car Washing  
The City believes that individual residential car washing and not-for-profit car washing endeavors should both be treated as Conditionally Exempted Discharges. Washing cars is often used as a fund raising activity for religious or community activities and imposing NPDES permit requirements will place a financial burden on such endeavors.

The City requests consideration be given to reducing the level of reporting required at the local permittee level.

Thank you for your consideration of Monterey Park's comments. Should you have any questions, please contact this office at (818) 307-1330.

Yours truly,

Handwritten signature of Charles Bergson in cursive script.  
CHARLES BERGSON  
Assistant City Engineer

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**CITY OF PARAMOUNT**

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LOS ANGELES REGION

June 26, 1996

Ms Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91734-2156

Subject: City of Paramount's Comments on the Tentative NPDES Permit

Dear Ms Tyrrell:

We have reviewed the tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles transmitted to this City on May 23, 1996. The following are our comments, stated in the order as presented by Permit Sections, on the cited document:

**FINDINGS**

1. Findings Nos. 4, 5, 6, 19, 25, 26, and 27 should be deleted. We base this on our concern that these findings were made based on specifics found on one particular water shed not necessarily appropriate for the L.A. River watershed. Assuming that the required monitoring of the watershed will be undertaken once the permit is issued, specific pollutants will be reported and acted upon by all cities within the L.A. River watershed.
2. Finding No. 23 should be deleted. We feel that the finding is too confusing especially with regards to intent. If anything, the finding should just state that local agencies should not be involved in any oversight of the State General Permit.

**DISCHARGE PROHIBITION AND RECEIVING WATER LIMITATIONS**

1. This section should be removed from the permit. If not mandated by Federal regulation it should not be included.

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**PROGRAM MANAGEMENT**

1. All plans and programs should include an active role of all permittees in their development and approval.
2. Failure to comment on any submittal by the Permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal. The state should respond to all submittals in a timely manner just as it is incumbent for all permittees to initiate requirements of the permit within a prescribed time limit.
3. Unless proven detrimental to water quality, more exemptions for non-stormwater discharges should be given. Specifically, street and sidewalk washing, dechlorinated residential swim pool discharges, and potable water line flushing.
4. Delete Part 2, Section II.B.1.d of the tentative order. To further minimize the cost of the NPDES program, municipal employees should be allowed to be observant of illicit discharges during their normal course of performing their daily assignments rather than establishing separate illicit discharge surveillance program.

We appreciate the opportunity to comment on the tentative permit. We would also like to express our appreciation to the negotiating team for reducing the original document down to its present form. A job well done, and it is my hope that our comments will contribute towards a more cost-efficient permit which would facilitate attaining our common goal of a cleaner and more liveable environment.

Yours very truly,

CITY OF PARAMOUNT



William C. Pagett  
Assistant City Engineer

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THE CITY OF  
POMONA

Public Works Department



ROBERT A. DELOACH  
Director

25 June 1996

California Regional Water Quality Control Board,  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention: Catherine Tyrrell, Assistant Executive Officer

Subject: *Comments - Concerns on Tentative Order No. 96-000,  
[NPDES No CAS614001]*

Dear Ms Tyrrell

After attending the workshop scheduled last week and a very thorough review of the 23 May Draft Stormwater Permit, I offer the following general comments and concerns on behalf of the City of Pomona.

1. After a review of the EAC comments on the permit, we would concur, to some extent on all of their concerns, however the 17 June revision would alleviate my major concerns on the Receiving waters limitations and a part of the Administrative Review area.
2. The administrative review area appears to have deleted the portion that referred to being in compliance, until the review was completed. This omission could give rise to potential litigation if one were to chose to do so.
3. Definitions in the attachment - Many common terms were redefined to a point of absurdity, yet others not nearly so common, like silvaculture [page4], were totally ignored.

**Specific Areas.**

1. Receiving Water Limitations - Page 12 A. ...Order shall... Shall is a mandatory, implying that the Permittees have, under their absolute and direct control, the drains and waterways within their jurisdictional boundaries. This is particularly difficult under item 2 & 3. Would request that strong, yet not mandatory phrase be substituted is "diligently pursue a program which should eliminate"...

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2. Program Management requirements - Clarify budget data. The way it is stated, if the governing body were to adopt a budget prior to permit issuance and the issuance of guidelines, they would not be required to submit for a year, yet one whose budget was adopted the day after these occurrences would be in violation in 60 days. While some might argue, this item, page 18, D2. Should most probably read as follows.

"Each permittee shall submit to the principal Permittee a summary of resources dedicated for stormwater program implementation no later than 90 days after the budget guidance document has been issued by the Principal Permittee. In the second and subsequent years of the permit the permittees shall submit such data within 90 days of budget adoption by their respective agencies." The last sentence in this section is acceptable as presented.

3. Illicit Connections and Discharges - C, 2. - Language should require some degree of proof on the part of the Executive Officer that any conditionally exempted discharges are in fact causing significant impact on the receiving waters - particularly in the area of waterline flushing and swimming pool discharges. This would especially be applicable if in some areas, this created a problem that would not exist in other locations or under other permittees. This should probably refer to "limited prohibitions in such locations where harm would or could occur."

4. Development Planning and Construction - Aside from the fact that you can always tell a planner, but you can't tell them much, directing a planning commission to consider anything in a General Plan Revision would be an exercise in futility, unless that requirement was in law, not regulation. I would suggest that this be rephrased to include, once potential stormwater management considerations have been identified by the Principal Permittee, those should be presented to each permittees planning department for inclusion in the General Plan during any revision.

a. Construction Control Measures - The Regional Board needs to inform all permittees on a real time basis of all NPDES Permits issued by the Board that fall within a permittees jurisdiction.

5. Public Agency Activities - Parking Facilities Management - Maintenance of large parking lots with regard to debris is typically not a significant problem, however the cleaning to eliminate the oil and grease, petroleum by-products and metals is yet another question. Development of procedures to accomplish these goals in a reasonable and cost efficient manner should be the responsibility of either the Board or the Principal Permittee - not for each one of the 80+ to try out something in hopes of solving the problem. The schedule should reflect that this factor has been considered.

6. Public Information and Participation - First, I would like to say that to the extent that the Board has finally figured out what it will take to clean up our waters, I applaud this effort!! However, the following represents a partial list of criticisms on that which was presented:

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- a. Immediate Outreach - A.1., a. iii. Training materials for education of permittee employees. This program needs to be developed - Most probably by the Principal Permittee and or the City of Los Angeles, then implemented by the other permittees. This item, if professionally done by each permittee, could cause a significant "Dent" in a meager storm water budget. While I agree in principal with one of my peers, "If you have the permit, you have the curriculum!", lack of professional training material planning could have significant long impacts on the program! Far too many persons feel that "they can teach anything" and the only thing worse than no instruction is improper instruction. Obviously, each agency will have their own specific problems which need to be addressed, however minor modifications on a standardized program module are significantly easier than development of the module itself.
- b. Immediate Outreach - A.1., a. liv. - Who defines who is qualified in this area - needs more specificity - probably by the Principal Permittee.
- c. Immediate Outreach - A.3. - Analysis, in 30 months, will not truly reflect the effectiveness or lack thereof of any PIP program. It has been proven, thru many studies, that behavior modification requires between 5 to 10 years to occur, once the need has been identified and addressed. While we have one or two years of public information/ outreach under our belt at this time with the current permit, this needs to be done in conjunction with the ROWD at the end of this permit period to truly reflect any degree of accomplishment in this area. 30 months into the next permit would be the appropriate location to truly judge the program effectiveness!!
- d. Educational site visits - GREAT, however funding for staffing for those who do not have their own Health and Fire Departments, could result in a significant fiscal impact. If the principal permittee can "Lock" County health & Fire Departments into the loop, it would be a great deal more viable concept. Additionally, in some types of businesses, the owners or higher management are not available [or will not make themselves available] to a City staff person. Personally I have been told, by a business owner, that "I am not going to talk to you and unless you have a search warrant or court order, stay the @#@!! of my property."
- e. While the "Piggyback Concept" is very positive and is encouraged within the permit, it may take some time to implement within the various jurisdictions, departments and agencies within a given permittee's organizational structure. It is the only thing that makes sense to accomplish our goals and objectives, however any change in the way things are or have been done takes time, and the larger the permittee, the more time it takes.

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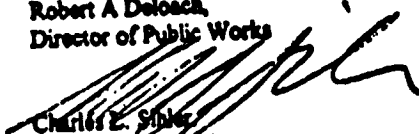


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These comments are offered in a spirit of constructive criticism. Please feel free to contact me if you have any questions on either the wording or intent of the various comments within this letter. If more time were available, significantly more items would have been addressed, however due to the time frames, I intentionally overlooked small impact items or those that would not have any effect upon our agency. We do appreciate the opportunity to comment on the draft and hope that our comments will be incorporated within the body of the final permit.

Sincerely,

Robert A Deloach,  
Director of Public Works



Charles E. Sibley  
Engineering Associate

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R0031300

To: Catherine Tyrrell

From: Rufus C. Young, Jr.

6-26-96 8:01PM P. 1 of 11

**LAW OFFICES  
BURKE, WILLIAMS & SORENSEN**

811 WEST SIXTH STREET, SUITE 2500  
LOS ANGELES, CALIFORNIA 90017  
(213) 236-0600

VENTURA COUNTY OFFICE  
2310 PEACOCKS DRIVE  
SUITE 1  
CAMARILLO, CALIFORNIA 93010  
(805) 887-3400

ORANGE COUNTY OFFICE  
2700 PAUL CENTER DRIVE  
SUITE 750  
COSTA MESA, CALIFORNIA 92626  
(714) 946-4800

TELECOPIER: (213) 236-2700

FRESNO OFFICE  
3100 NORTH BROAD STREET  
SUITE 401  
FRESNO, CALIFORNIA 93726 2626  
(209) 261-0100

BURKE, WILLIAMS, SORENSEN & BARR  
LONDON PLAZA  
7200 COLLEGE BOULEVARD  
SUITE 200  
OVERLAND PARK, KANSAS 66210  
(913) 236-0700

FOR ASSISTANCE PLEASE CALL: (213) 236-2730  
OUR TELECOPIER NUMBER IS: (213) 236-2700

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To: Catherine Tyrrell  
From: Rufus C. Young, Jr.

Date: 6-26-96  
Page 1 of 11

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To: Catherine Tyrrell

From: Rufus C. Young, Jr.

6-26-96 8:01pm p. 2 of 11

**LAW OFFICES  
BURKE, WILLIAMS & SORENSEN**

VENTURA COUNTY OFFICE  
1316 PENDERGAST DRIVE  
SUITE 1  
CARMARLEO, CALIFORNIA 93016  
(805) 887-3488

811 WEST 84TH STREET, SUITE 2500  
LOS ANGELES, CALIFORNIA 90017  
(213) 238-0900

GRAND COUNTY OFFICE  
2108 PARK CENTER DRIVE  
SUITE 700  
SANTA ANA, CALIFORNIA 92705  
(714) 846-8888

TELECOPIER (213) 238-2700

WATERBURY STREET OFFICE  
318-120-1821  
MEMPHIS (901) 252-0000  
OUR FILE NO. 00000 070, 00100-001,  
00111 430 & 01001-001

June 26, 1996

BY TELECOPIER TO: (213) 266-7600

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Tentative Waste Discharge Requirements for Municipal Storm Water and  
Urban Runoff Discharges Within the County of Los Angeles (NPDES No.  
CAS614001) (Draft of May 23, 1996)

Dear Ms. Tyrrell:

I write on behalf of the City of Downey regarding the Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) (Draft of May 23, 1996). The City is committed to full compliance with the requirements of the Clean Water Act and to cooperation with the Board and its staff in the development of a workable Permit which will carry out the objectives of the Act. We understand you seek comments on this draft by the close of business on June 26, 1996. This letter provides interim comments and requests extension of the time for submission of comments on the May 23rd draft until July 10, 1996.

Extension of the comment period is necessary only because of the delays by the Board Staff in responding to our several Public Records Act requests. For example, we have yet to receive a meaningful reply to our Public Records Act request of February 15, 1996 and the Board Staff has informed me that it will not be able to have requested materials available for review until Monday, July 1, 1996. Only when we have the Board's response will we be able to provide fully informed comments.

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Ms. Catherine Tyrrell  
June 26, 1996  
Page 2

In the interim, please consider the attached comments in preparing your revisions. The City reserves the right to submit further comments.

Very truly yours,

RUFUS C. YOUNG, JR.  
OF BURKE, WILLIAMS & SORENSEN

- cc: City of Alhambra:
  - Julio Fuentes, City Manager
  - Terry L. James, Assistant City Manager and Public Works Director
  - Leland C. Dolley, City Attorney
- City of Downey:
  - Gerald Caton, City Manager
  - Richard C. Redmayne, Director of Public Works
  - Robert Rugroden, Office Engineer
  - Timothy B. McOster, City Attorney
- City of Bellflower:
  - Michael J. Egan, Deputy City Administrator
  - Michele R. Vadon, City Attorney
- City of El Segundo:
  - James W. Morrison, City Manager
  - Eduard Schroder, Director of Public Works
  - Leland C. Dolley, City Attorney

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**June 26, 1996, Interim Comments  
Submitted on Behalf of the  
City of Downey  
on  
Tentative Waste Discharge Requirements  
for  
Municipal Storm Water and Urban Runoff Discharges  
Within the County of Los Angeles  
(NPDES No. CAS614001) (Draft of May 23, 1996)**

1. In order to strengthen Finding No. 4 of the Tentative Permit, the "studies" referred to should be specifically identified, lest critics attack the Finding as being without factual basis. The following quote illustrates a weakness in the Finding:

Studies have shown that storm water runoff from urban and industrial areas typically contains the same general types of pollutants found in wastewater in industrial discharges.

Contrary to the assertion in the finding, no "studies" are cited as providing a factual basis for this finding. Instead, only the EPA Guidance Manual is cited, and it is not specific to waters in the County of Los Angeles. Unless the Board strengthens this Finding by demonstrating that there are "studies" specific to Los Angeles County on which this proposed finding is based, this "finding" is vulnerable, and, in the interests of strengthening the permit, should be deleted from the permit. If such studies do in fact exist, they should be identified and made available for review by our technical experts.

2. With respect to that portion of Finding No. 5 which refers to the "impairment of a number of water bodies in Los Angeles County, which are either impaired or threatened to be impaired", no studies which are specific to each water body, or which establish the beneficial use of each water body, and the "[p]ollutants found causing impairment" as to each such water body are identified as providing a basis for this finding. To strengthen this Finding, the Board should demonstrate that there are "studies" specific to each water body in Los Angeles County which provide a basis for this sweeping proposed finding. Of course, if there are no such studies, this "finding" should be deleted from the permit. The permit will gain strength by identifying the studies, and making them available for review by technical experts. After that is accomplished, the Tentative permit should be returned to the Board.
3. With respect to proposed Finding No. 6, which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ."

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- No studies which provide a scientific basis for that part of the proposed Finding to the effect that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies in Los Angeles" are cited (or known to exist). For example, some might not agree that the Santa Monica Bay Study has any relevance to the Upper San Gabriel River.
  - Until and unless the Board can identify and make available for review and comment those studies which provide a scientific basis for the sweeping proposed "Finding" that "the results [of the Santa Monica Bay studies] may be extrapolated to other water bodies . . ." this sweeping proposed "Finding" will render this permit vulnerable. We call upon the Board to identify the scientific basis for the "extrapolation" statement, and add it to this finding. Of course, if none exists, it should be deleted from the permit.
4. Proposed Finding No. 7 is based on the extrapolation referred to in item 3, above. As pointed out there, no scientific basis has been provided for that portion of Finding 6 which states that "the foregoing studies were done on the Santa Monica Bay, the results can be extrapolated to other water bodies in Los Angeles . . ." As Finding 7 rests on Finding 6, and as the "extrapolated" statement in Finding 6 has no demonstrated scientific basis, Finding 7 would be strengthened also if the scientific studies were specifically identified. Unfortunately, the converse is also true: if there are no such studies, Finding 7 must be deleted.
  5. In the interests of grammatical clarity and legal accuracy, please revise the second sentence of Proposed Finding 13 to read as follows:
 

The regulations recognize that certain categories of non-storm water discharges shall not be prohibited unless they have been determined to be significant sources of pollutants.
  6. With respect to Finding No. 19, with respect to beneficial uses of water bodies in the County of Los Angeles, the second paragraph clearly permits an inference to be drawn that all of the water bodies in the County have all of the beneficial uses listed, including hydropower generation and ocean commercial fishing, which statement is obviously not true. If it is the intention of the Board to incorporate by reference the Basin Plan, the Board should say so, and saying so would strengthen the permit. Otherwise, the Board should state, for each water body each beneficial use, and should identify and make available for review and comment all documents are relied upon as the basis for such findings. If this Finding is not corrected, it could be argued that the Permittees have violated the Permit if any of the bodies of water in the county fail to

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have any of the beneficial uses listed in this finding. While we believe that such arguments would be completely without merit, the Permittees should not be exposed to potential litigation on this point.

- 7. With respect to Finding No. 25, the Finding refers to, but does not identify . . .

A compliance review of municipal pretreatment and results to date of storm water inspection programs in California [which] confirm the USEPA findings.

No information to identify the "compliance review" or the "results to date" of stormwater inspection programs, or whether they are specific to the County of Los Angeles, or by whom they were conducted or compiled is provided as a basis for this alleged finding. Obviously, to strengthen the permit, the "compliance review" should be identified by author, the methods used, and the peer reviews conducted should be cited. Similarly, the "results to date" should be identified by author, criteria used, peer reviews conducted, where published, etc. Unless the Board does identify the authors, document title and record of determination that the "compliance review" and the "results to date" confirm the EPA findings, and provide a reasonable opportunity for experts to review the "compliance review" and "results to date" and the qualifications of those who conducted/compiled them, this "finding" creates an inappropriate vulnerability in the permit, and it should be deleted.

- 8. With respect to Finding No. 26, please add the following to balance the finding and to reflect other studies:

But studies also demonstrate that for metals, the maximum concentrations of most constituents detected in Retail Gasoline Outlet ("RGO") runoff water samples are lower than U.S. EPA primary and secondary drinking water maximum contaminant levels ("MCLs"). Studies further indicate that VOC concentrations found in stormwater runoff from the pavement at RGOs are below the EPA MCLs. *Service Station Storm Water Runoff Study*, Western States Petroleum Association, October 5, 1993. Contamination from roads and highways is more than twice as great as that from residential and commercial areas. U.S. DOT, 1986, U.S. EPA, 1983. A study of vehicles in the Santa Clara Valley found that vehicles were the source of 67% of the zinc, 50% of the copper and 50% of the cadmium found in runoff. *Santa Clara Valley Nonpoint Source Pollution Control Program*, cited in Weiss, 1993. Nevertheless, Permittees lack authority to control vehicles as sources of pollution.

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- 9. With respect to Finding 29, as revised on 6/17/96, please add the following in order to strengthen the permit:

The Board recognizes that Permittees have no control over how much rain falls and only limited control over the amount of pollutants within their boundaries which flowing stormwater may pick up. Accordingly, the occurrence of a violation of water quality objective nor a condition of nuisance shall not constitute a violation of this order.

Failure to incorporate this change could subject the Permittees to litigation seeking to hold them to an impossible "strict liability" standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible or to require absurd results. *Hughey v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

- 10. The second sentence of Finding 31 would be clarified and strengthened if it were revised as follows:

Each Permittee is required to comply only with the requirements of the Order applicable to those discharges which originate from those places within its boundaries over which it has authority to enforce the requirements of this Order, and not those discharges outside its boundaries, nor discharges within its boundaries over which it has no authority.

- 11. In Part 1.1, Discharge Prohibition, in order to strengthen and clarify the first sentence, please revise it to read as follows:

Each Permittee shall prohibit non-storm water discharges into its municipal storm sewer system (MS4) and into watercourses within its jurisdiction except where such discharges are . . . .

- 12. In Part 1.1, Discharge Prohibition, in order to strengthen and clarify this provision, please add the following new last sentence:

The Board recognizes that Permittees have only limited control over those who may unlawfully or inadvertently dump pollutants into a storm drain inlet. Accordingly, the occurrence of a non-storm water discharge, per se, shall not constitute a violation of this Order.

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Failure to incorporate this change could subject the Permittees to litigation seeking to hold them to an impossible "strict liability" standard. The Clean Water Act does not, and should not be construed by the Board, to require the impossible, or to require absurd results. *Hughey v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1996).

- 13. We understand that Part 1.II has been changed in its entirety as reflected in the Board's letter of June 17, 1996.

- 14. Part 2.I.E. Legal Authority is inconsistent with the remainder of the permit and creates doubts as to the intended scope of the remainder of the Permit. In addition, it is inconsistent with, and exceeds the provisions of 40 CFR 122.26(d)(2)(i)(D) and the EPA Guidance Manual For The Preparation of Part 2 Of The NPDES Permit Applications For Discharges from Municipal Separate Storm Sewer Systems (EPA 833-B-92-002, November, 1992), Section 3-3, page 3-4. This section of the Tentative Permit should be revised accordingly.

- 15. Part 2.I.E.1.a.i, under Legal Authority, uses a vague term where precision is required. It states that each Permittee is to possess the authority to do the following:

Prohibit the discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned.

As no definition of "similar use facilities" is provided in the order, and "similar use facilities" is obviously too vague to serve as a basis for prosecution. Please specify, by SIC numbers, just what is meant by the term "similar use facilities" so that we will be able to include all such facilities in appropriate ordinances.

- 16. Part 2.I.E.1.c.iii, under Legal Authority, is obviously and unnecessarily redundant, and possibly futile, as it requires Permittees to enact ordinances in an area already arguably fully occupied by federal and state legislation. It would require Permittees to prohibit conduct already prohibited by the federal and state governments. It states that each shall:

Prohibit the use of any pesticide, fungicide, or herbicide, the use of which is prohibited by the USEPA or the California Department of Pesticide Regulation.

No useful purpose would be served by prohibiting that which is already prohibited. Moreover, for the Board to require a redundant local prohibition might well be counterproductive: it could well be that a local ordinance would be held to have been preempted by virtue of the preexisting federal and state prohibitions. See, e.g., the

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Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. §§ 136-136y. For these reasons, this provision should be deleted from the permit.

- 17. Part 2.I.E.1.a.iv, under Legal Authority, uses a vague term where precision is required. It states that each Permittee is to possess the authority to do the following:

Require *proper disposal* of food wastes by the food service and food distribution industry.

As no definition of "*proper disposal*" is provided in the order, and as "*proper disposal*" might be regarded as too vague to serve as a basis for prosecution, please specify, just what is meant by the term "*proper disposal*" to assist in the drafting of appropriate ordinances to cover the "*proper disposal*" of food wastes.

- 18. Part 2.I.E.1.c.v, under Legal Authority, is obviously and unnecessarily redundant, and possibly futile, as it would require Permittees to legislate in an area already occupied, and almost certainly preempted, by federal and state legislation. It states that each Permittee shall:

Require disposal of hazardous wastes at appropriate disposal sites and not in trash containers used for municipal trash disposal.

The proper disposal of hazardous waste is already subject to elaborate statutory and regulatory schemes on the federal and state levels. See, e.g., the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.* and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.* No useful purpose would be served by attempting to regulate and prohibit that which is already regulated. Moreover, this requirement in the Order may well prove to be counterproductive: a redundant local prohibition might well be held to have been preempted by virtue of the preexisting federal and state prohibitions which appear to have occupied the field. For these reasons, this provision should be deleted from the permit.

- 19. Part 2.I.E.2.a.i, under Legal Authority, would require each Permittee to provide:

A statement by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, referencing that legal authority with specificity . . . .

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As pointed out above, there is considerable doubt as to whether local regulations called for by this order would be void for vagueness (what is meant by "similar use facilities" and "proper disposal").

It further appears that others, such as the provisions regarding pesticides and hazardous waste disposal, are preempted as a matter of law.

Moreover, this Order is replete with provisions calling for programs which are yet to be developed but which have significant legal implications. (See Part 2.II.A.1.e, regarding an as yet undeveloped program for "enforcement procedures to terminate illicit connections." Just how a "representative legal counsel" could possibly certify that the permittee has "all necessary legal authority" for programs which have yet to be developed, is not entirely clear.

For these reasons, to require a statement by the "representative legal counsel" that the permittee has "all necessary legal authority" given malpractice liability implications, is to require the impossible. We recommend that this matter be referred to Mr. Leon, and invite him to work with attorneys for the cities and the County to develop appropriate language.

- 20. Part 2.I.G. Administrative Review, which provides a system for administrative resolution for questions as to the adequacy of a Permittee's program, falls short of implementing a system adequate to the task of achieving clean water rather than expensive lawsuits. For this reason, we strongly recommend the addition of a new subsection 2.I.G.2.d, to read as follows:

- d. A Permittee shall not be in violation of any term or condition of this permit until completion of all of the foregoing steps.

- 21. General Comment: Effective Date vs. Date of Adoption. Although the Order sets compliance dates in terms of a time period after the date of adoption of the order, the Order provides that it does not take effect upon adoption. Instead, the Order

- shall take effect at the end of 15 days from the dated of its adoption, provided the Regional Administrator of the U.S. Environmental Protection Agency, Region IX, has no objections.

We point out that the order might not take effect at all if it is appealed to the State Water Resources Control Board. Some might question whether the Board has the authority to set a compliance period to begin with the date of adoption, fifteen days before the Order becomes effective. We recommend that a global search be performed with the word processor used for the preparation of the order. The search should be conducted for

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"after adoption of this order" and that should be replaced with "after the effective date of this Order." In this manner, in each instance in which the Order prescribes a compliance date, the date would be described as running from the effective date of the order, as follows: ". . . not later than [x] months after the effective date of this order."

22. **General Comment: Budget Cycles.** In numerous places throughout the Order, compliance dates have been set for implementation of programs dependent of findings of studies yet to be conducted, and without regard to municipal budget cycles. As a result, there appears to be a substantial risk that a Permittee might be required by the Order to implement a program for which no provision had, or reasonably could have, been made in the Permittee's municipal budget. The permit should be revised to correct this problem.

Should there be any questions regarding the foregoing comments, please do not hesitate to call.

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ROBERT A. DELOACH  
Director  
30 May 1996

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THE CITY OF  
**POMONA**  
Public Works Department  
QUALITY CONTROL  
LOS ANGELES REGION



California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

VIA

Los Angeles County Department of Public Works  
900 Fremont Street  
Alhambra, CA 91803

Attention: Gary Hildbrand - Environmental Affairs

Subject: **NPDES Permit No. CA0061654, CI 6948 -  
Co-Permittee Compliance and New Programs Status Request**

We are in receipt of the April 29, 1996 letter with the request for Permit compliance status and a summary listing of new BMPs or programs implemented by the Permittees. Due to a variety of issues, the letter was not received until the 23rd, and due to high priority projects and the Holiday this week, we have been unable to respond until now.

***Compliance with the permit and Conditions thereof.***

The City of Pomona has implemented all of the early action BMPs that were initially transmitted to you, and continues to do so to the best of its abilities. However, certain activities that had been assigned to the Pomona Fire Department were transferred to the County with their acquisition of the Fire Department, and we have not been able to monitor or follow through on those specific BMP activities. The 13 Baseline [or mandatory] BMPs have all been implemented and the City of Pomona continues to work to improve the execution of all BMPs.

***New BMPs / Programs - 1995 - 1996***

Most "new" activities are either an extension of or outgrowth from the original activities required, however the following represent our most significant efforts in that regard:

- > Developed and implemented a funding source for storm water management and related environmental programs, through the elimination of loopholes, while having minimal impact on the average citizen of Pomona.
- > Integrating the drain system into the GIS system for monitoring of activities.

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- > Development of several minor public information/outreach handouts, most of which are plagiarized from other Southern California agencies. This would include the combination of different materials from different sources.
- > Development of alternative catch basin marking system [not yet completed].
- > The publication of storm drain informational materials in the City "Newsletter," distributed to residents.
- > Participation City sponsored activities, including the writer being in a "dunk" tank to bring the public to our booth to receive information.
- > Utilization of volunteers [Boy Scout troop & "Eagle" candidates] for handing out informational materials and the stenciling of catch basins - over 10% of households and 50% of City owned catch basins were covered in this manner.
- > Staff persons are all encouraged to find better ways to implement all of the BMPs.

In summary, Pomona, like many other municipalities, is struggling to do its best to meet or exceed all permit conditions, while exploring to find new or innovative methods to comply with and/or better perform the required activities. We remain committed to implement the permit to the fullest possible extent, while remaining fiscally responsible to our citizens.

Please do not hesitate to contact this office if you have any questions or require clarification of any of the contents of this letter. My direct telephone line is 909-620-2238; Fax line 909-620-2269.

Sincerely yours,

**ROBERT A DELOACH**  
Director of Public Works



Charles L. Siller  
Engineering Associate

Enclosures:

cc: CRWQCB - Attn Carlos Urrunaga  
City Engineer

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City Of Redondo Beach 415 Diamond Street Redondo Beach, CA 90277

# FAX

Date: 6/26/96

Number of pages including cover sheet: 4

**To:**

California Regional Water  
Quality Board, Los Angeles  
Region

101 Centre Plaza Drive

Monterey Park, CA 91754

Phone: 213-266-7500

Fax phone: 213-266-7600

CC:

**From:**

Steve Huang, Acting City  
Engineer

City of Redondo Beach

415 Diamond Street

Redondo Beach, CA 90277

Phone: 310-372-1171 ext. 2431

Fax phone: 310-372-8021

**REMARKS:**

Urgent

For your review

Reply ASAP

Please comment

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City of Redondo Beach  
July 2, 1996

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Storm Water Permit

**TO:** Mayor and City Council  
**FROM:** Steve Huang, Acting City Engineer  
**SUBJECT:** Tentative Municipal Storm Water Permit for the County of Los Angeles (CAS614001)

**RECOMMENDATION:**

That the City Council request the Regional Water Quality Board return the Tentative Municipal Storm Water Permit for the County of Los Angeles (CAS614001) to staff to address unresolved issues of concern to local municipalities.

**BACKGROUND:**

On June 18, 1990, the Regional Water Quality Board adopted Order No.90-079 (NPDES No. CA00611654) regulating storm waste and urban runoff discharges from separate storm water sewers throughout Los Angeles County to comply with amendments to the Federal Clean Water Act of 1971. The City of Redondo Beach is a co-permittee along with the County of Los Angeles, all incorporated cities in the County of Los Angeles, Caltrans and the unincorporated areas of Ventura County. The permit adopted in 1990 was a five year permit which provides that all permittees are in compliance with the Clean Waste Act so long as "Best Management Practices" (BMP's) designed to reduce pollution of surface runoff are implemented. The City implemented the following programs and procedures in order to maintain compliance with the Storm Water Permit:

- ◆ Adopted a Storm Water Ordinance
- ◆ Implemented storm water and education outreach programs to schools and businesses which include:
  - Two annual workshops on storm water pollution for businesses
  - Adoption of the Ocean Smart Business Program
  - Presentations to schools utilizing a fiber optic display which explains the difference between sewers and storm drains.

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City of Redondo Beach  
July 2, 1996

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Storm Water Permit

**SUMMARY:**

The Regional Water Quality Board is reissuing the permit this year for another five year term. A draft permit has been developed which will be reviewed by the Board on July 15, 1996. The permit has been revised to provide specific actions required to comply with permit requirements. The 1990 permit was general in nature providing cities with the flexibility to develop storm water programs to address local pollution concerns with available local resources.

The Draft Permit was developed through negotiations among the Regional Water Quality Board, Los Angeles County, Environmental Groups and the Executive Advisory Council (EAC). The EAC consists of representatives elected by the 88 cities to negotiate on their behalf. The EAC has raised many concerns which are not incorporated into the Draft Permit. Specifically some areas of substantial concern are:

- The Draft Permit will expose Cities to increased liability to lawsuits for the following reasons:
  - Numerous Findings cited in the Draft Permit are not supported by hard data or scientific studies.
  - Cities are responsible for implementing numerous programs which are vaguely written or are to be determined in future planning documents.
- The Draft Permit as currently proposed would impose financial obligations on cities which are not currently quantifiable but are potentially significant.
- Permittees should be given a more active role in developing and approving all plans and programs. As the permit is currently written this is the responsibility of Los Angeles County with input from Cities.

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City of Redondo Beach  
July 2, 1996

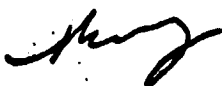
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Storm Water Permit

- Compliance dates, for many of the programs, are too short and do not fit into the budget cycle. This will make it virtually impossible for many local agencies to implement programs.

**CONCLUSION:**

The City is interested in continuing its existing storm water prevention programs and working the with Regional Board in order to develop a new Storm Water Permit which prevents pollution in a manner which is consistent with local concerns and within the City's budgetary resources. The Draft Permit as currently written would expose the City to increased liability to lawsuits and require a substantial financial commitment in order to meet its requirements.

Submitted by:



Steve Huang  
Acting City Engineer

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City Of Redondo Beach 415 Diamond Street Redondo Beach, CA 90277

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# FAX

Date: 6/26/96

Number of pages including cover sheet: 9

**To:**

Dr. Robert Ghirelli, Executive Officer

California Regional Water Quality Board, Los Angeles Region

101 Centre Plaza Drive

Monterey Park, CA 91754

Phone: 213-266-7500

Fax phone: 213-266-7600

CC:

**From:**

Joseph C. Dawidziak, Councilman

City of Redondo Beach

415 Diamond Street

Redondo Beach, CA 90277

Phone: 310-372-1171

Fax phone: 310-379-9268

**REMARKS:**

- Urgent
- For your review
- Reply ASAP
- Please comment

03-4-03

JUN 26 '96 05:17PM CITY OF REDONDO BCH

P.6

JOSEPH C. DAWIDZIAK  
COUNCILMAN  
DISTRICT 1



TEL: (310) 372-1171  
FAX: (310) 372-2268  
E-Mail: CWOJ01@REDONDO.ORG

# CITY OF REDONDO BEACH CALIFORNIA

Redondo Beach Rejuvenation Agency  
Chairman, 1994  
Redondo Beach Economic Development Council  
Chair, the Boardmember, 1994  
Los Angeles Metropolitan Transit Authority  
Member of the Board, 1995  
Southern California Association of Governments  
Regional Council Member, 1994  
South Bay Area Council of Governments  
Secretary/Treasurer, 1993  
Independent Cities Best Management Authority  
President/Chairman, 1993

415 DIAMOND STREET  
POST OFFICE BOX 270  
REDONDO BEACH, CALIFORNIA 90277-0270

June 26, 1996

Dr. Robert Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Dr. Ghirelli:

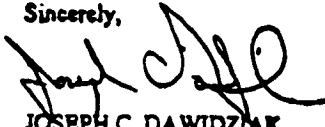
Attached is an agenda item including the resolution which I am placing before the City Council on July 2, 1996. I will ask the Council to adopt the resolution and to concur with my objections to the permit.

Considering the fact that our Council and staff have had less than one month to analyze the physical and financial impacts of the tentative NPDES permit, I believe it is not realistic for municipalities to appropriately respond. The CRWQCB staff's actions do not allow for any public hearings so that our citizens can have input. The permit as drafted will have significant fiscal impact on cities, and unless the public is allowed into the process, only chaos will follow.

I urge you to consider your staff's opinion. I believe you should recommend to the CRWQCB a delay of three months during which time an implementation plan could be worked out.

Should you have any questions, please contact me or our interim City Engineer Steve Huang at (310) 372-1171, ext. 2431.

Sincerely,

  
JOSEPH C. DAWIDZIAK  
Councilman

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City of Redondo Beach  
July 2, 1996

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Storm Water Permit

**TO:** Mayor and City Council  
**FROM:** Joe Dawidziak, Councilman  
**SUBJECT:** Tentative Municipal Storm Water Permit for the County of Los Angeles  
(CAS614001)

**RECOMMENDATION:**

The Mayor and City Council adopt the resolution by title only, waiving further reading:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES CAS614001) WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGE WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OR MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES.**

**INTRODUCTION:**

The Clean Water Act of 1987 established requirements for storm water discharges under the National Pollution Discharge Elimination System (NPDES). The City of Redondo Beach is co-permittee along with all incorporated cities in the County of Los Angeles, Caltrans unincorporated areas for Ventura County under the Los Angeles County storm water permit. The original Storm Water Permit was issued in 1990 for a five year period by the Regional Water Quality Control Board. The Regional Water Quality Board has developed a draft permit for the re-issuance of another five year Storm Water Permit. This draft permit will be reviewed by the Board on July 15, 1996.

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City of Redondo Beach  
July 2, 1996

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Storm Water Permit

**SUMMARY:**

The Regional Water Quality Board is reissuing the permit this year. The permit has been revised to provide specific actions required to comply with permit requirements. The 1990 permit was general in nature providing cities with the flexibility to develop storm water programs to address local pollution concerns with available local resources.

The Draft Permit does not consider the practical implementation issues cities must address in order to meet the permits requirements. If the Draft Permit is adopted as currently written, cities could be forced to implement untested costly programs in order to maintain compliance. Some specific areas of concern are:

- The permit as written would impose financial obligations on cities which are not currently quantifiable but are potentially of significant magnitude.
- The Draft Permit appears to shift the State's statutory responsibilities for industrial and commercial sources of pollution to permittees without providing any funding to carry out these programs.
- Numerous Findings cited in the Permit are not supported by hard data nor scientific studies.
- Permittees should be given a more active role in developing and approving all plans and programs.
- Compliance dates, for many of the programs, are too short and do not fit into the budget cycle. This will make it virtually impossible for many local agencies to implement the programs.

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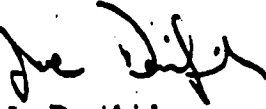
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City of Redondo Beach  
July 2, 1996

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Storm Water Permit

The Draft Permit as currently written will be extremely burdensome and costly to local cities. For this reason, I strongly encourage the City of Redondo Beach submit comments to the Regional Water Quality Board opposing permit as currently written.

Submitted by:



Joe Dawidziak  
Councilmember

Attachment

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R0031322

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF REDONDO BEACH

URGING THE REGIONAL WATER QUALITY CONTROL BOARD  
TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001),  
WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM  
WATER AND URBAN RUNOFF DISCHARGE WITHIN THE  
COUNTY OF LOS ANGELES. TO STAFF FOR RESOLUTION OF  
ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND  
DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE  
GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, the City Council of the City of Redondo Beach, is committed to taking all  
steps required for the City to be in full compliance with the requirements of the Clean Water  
Act;

WHEREAS, the City Council of the City of Redondo Beach is committed to  
cooperation with the Regional Water Quality Control Board to develop a workable and  
effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban  
Runoff Discharges within the County of Los Angeles (NPDES No. CAS 614001) which will  
implement the requirements of the Clean Water Act;

WHEREAS, Finding 4 of the Tentative Order is based on a federal guidance document  
which is general in nature, not studies shown to be relevant to water bodies in Los Angeles  
County;

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WHEREAS, Finding 5 of the Tentative Order fails to identify which water bodies within L.A. County are impaired and fails to identify the sources of pollutants causing impairment.

WHEREAS; Finding 6 of the Tentative Order is relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, certain pollutants present in storm water are contributed by activities which the permittees cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of permittee cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, Finding 19 of the Tentative Order sets both narrative and numerical water quality objectives which would hold the permittees to an impossible standard and would expose them to litigation;

WHEREAS, the Clean Water Act does not require inclusion of receiving water limitations and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (Hughes v. JMS Development Corp., 4Z PRC 449 (11th Cir., April 1, 1996));

WHEREAS, Finding 25, 26 and 27 are based on generalized statements or studies none of which quantify if a problem exists in Los Angeles County or are relevant to water bodies in Los Angeles County;

WHEREAS, the Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or

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lawsuits claiming that all water bodies in the County are to have all beneficial users listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat;

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GLASP") and a General Construction Activity Storm Water Permit (the "GCASP") and the administration of the GLASP and the GCASP are the responsibility of the Regional Water Quality Control Board;

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Redondo Beach calls upon the Regional Water Quality Control Board to direct its staff to review the Tentative Order to:

- A. Delete Findings 4, 5, 6, 19, 25, 26 and 27. Prepare findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete Receiving Water Limitations as permit requirement;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question;

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D. Delete requirements that the permittees are to administer all or any part of the GLASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate;

E. Delete finding and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees;

F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.

SECTION 2. The City Clerk shall certify the adoption of this resolution.

Passed, approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1996

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

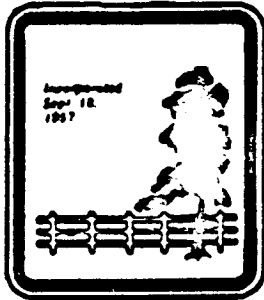
(SEAL)

APPROVED TO FORM:

\_\_\_\_\_  
City Attorney

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THE CITY OF  
**ROLLING HILLS ESTATES**  
 ONE PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA. 90274  
 TELEPHONE - 377-1577

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**FACSIMILE TRANSMISSION COVER SHEET**

DATE June 25

TO: Catherine Lyzell

FIRM NAME: Calif Reg. Water Quality Control Board

FAX NO: (213) 266-7600 MAIN NUMBER: \_\_\_\_\_

FROM: Sam Wise

FAX NO. (310) 377-4468 MAIN PHONE: (310) 377-1577

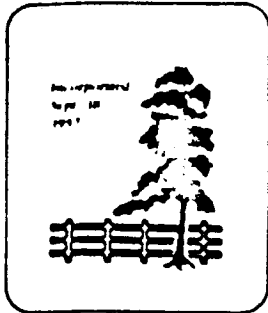
THIS FAX CONSISTS OF 5 PAGES (INCLUDING COVER SHEET). IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CONTACT: Ellen

TRANSMISSION COMPLETED BY: \_\_\_\_\_ TIME: \_\_\_\_\_

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6/29

PETER M. WEINER  
Mayor  
SUSAN SEAMANS  
Mayor Pro Tem  
JACKI MCGUIRE  
Council Member  
BARBARA BAUCH  
Council Member  
ROBERT W. BECK  
Council Member  
DOUGLAS B. PRICHARD  
City Manager



RECEIVED  
THE CITY OF ROLLING HILLS ESTATES  
JUN 25 11:50 AM '96

6045 PALOS VERDES DRIVE NORTH, ROLLING HILLS ESTATES, CA 90274  
TELEPHONE-377-1577

June 25, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality  
Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrrell:

In response to the tentative order (Draft NPDES Storm Water Permit), please be advised that the City of Rolling Hills Estates concurs with the Executive Advisory Committee's concerns as indicated in the attached outline.

Please do not hesitate to contact me if you need additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Samuel R. Wise'.

Samuel R. Wise  
Assistant City Manager

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**EAC CONCERNS ON TENTATIVE ORDER NO. 96-XXX  
(NPDES NO. CAS614001)**

**Findings (Nature of Discharges and Source of Pollutants)**

- Statements on the impairment of receiving waters, water quality data, and extrapolation of data to other water bodies (Findings Nos. 4, 5, 6, 19, 25, 26, and 27) are not supported by hard data nor scientific studies and should be deleted.
- Finding No. 23 regarding duplication of regulatory efforts clearly suggests that local agencies should not be involved in oversight of the State General Permit, this finding is confusing and should be deleted.

**Discharge Prohibition and Receiving Water Limitations**

- This section will put Permittees into non-compliance immediately upon the issuance of the Permit. It serves limited purpose and is not mandated by the Federal regulation. It should, therefore, be removed from the Permit.

**Program Management**

- Permittees should be given a more active role in developing and approving all the plans and programs under the Permit. Merely soliciting their input is not sufficient.
- Legal authority requirements and the need for inter-agency agreements for cooperative efforts are written too specific in the Permit. Each agency handles legal issues in a different manner and should be allowed to deal with legal authorities more in-line with their current practices provided it is in compliance with Federal regulations.
- The Water Board should bear the burden of proof to disallow any substitution of BMPs and/or their modifications.
- Failure to comment on any submittal by the Permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal.

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**Illicit Connection and Illicit Discharge**

- Exemptions for non-stormwater discharges are not sufficiently inclusive. Examples, such as street and sidewalk washing, residential swimming pool discharging, and reclaim and potable water line flushing should be allowed unless evidence can indicate that it causes major adverse impact on the receiving water.
- Program should allow municipal employees to be observant of illicit discharges during their routine assignments and initiate follow-up actions rather than establishing completely separate illicit discharge surveillance program. Part 2, Section II.B.1.d of the tentative order should be deleted.

**Public Agency Activities**

- Formal evaluation of all public agency activities as part of developing the model program for public agency activities is not needed.

**Public Information and Participation**

- Site visit requirements which also require follow-up visits are no different than inspections. Such visits should only be for public information purposes. Perhaps utilizing a check list for self assessment would be appropriate. Such visits should not involve any follow-up activities which will likely require enforcement actions.
- Requirement to analyze the success of public information programs in only 2-1/2 years upon the initiation of the program is too short. Such evaluation should be at the end of the five-year program.

**Monitoring Program**

- The focus of the program should be on developing baseline data.
- The Permit should clearly state that the water quality monitoring program shall satisfy the requirements of monitoring for all parties to this Permit.

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**Others**

- Compliance dates, for many of the programs, are too short and do not fit into the budget cycle. This will make it virtually impossible for many local agencies to implement the programs. Implementation of approval programs is not required until Permittees are able to include them in the next available budget cycle.
- Permit compliance date should be tied to the effective date of the order and not the date of adoption.
- Development and implementation of Countywide Storm Water Management Plan during the five-year Permit term will be an ambitious undertaking. Developing Performance Standards, a good concept, is beyond the scope of what can successfully be accomplished during this Permit.
- Evaluation of effectiveness of BMPs should not be separately reported, but should be a part of the end of permit report (Report of Waste Discharge).

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EP-3/06/17/96

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PETER M. WEBER  
Mayor  
SUSAN SEAMANS  
Mayor Pro Tem  
JACOB McGUIRE  
Council Member  
BARBARA BAUGH  
Council Member  
ROBERT W. BECK  
Council Member  
DOUGLAS R. PITCHARD  
City Manager



THE CITY OF  
**ROLLING HILLS ESTATES**

4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274  
TELEPHONE-377-1577

July 10, 1996

Post-It® Fax Note	7671	Date	7/10/96	# of Pages	2
To	Catherine Tyrrell	From	Sam Weiss		
Co./Dept.	High Quality Control	Co	City of RHE		
Phone #		Phone #			
Fax #	3-266-7650	Fax #			

Ms. Catherine Tyrrell  
California Regional Quality  
Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrrell:

Thank you for discussing the Revised Tentative NPDES Permit with me recently. The purpose of this letter is to confirm our interpretation of the permit requirements for controlling *animal wastes*.

As discussed, the City of Rolling Hills Estates is an equestrian-oriented community with over 25 miles of horse trails. The City maintains strict standards for the removal and proper disposal of horse wastes from stables and equestrian properties; however, it is impractical to require equestrians to collect occasional manure deposits from the trail system. It is also impractical to utilize City staff/contractual services to find and remove these wastes.

In reviewing the permit, we agreed there was no language within the document that would require such an impractical and onerous trail manure pickup program. We did, however, discuss several alternative trail maintenance activities that would maximize on-site drainage and minimize runoff.

Following our conversation, I presented the Revised Tentative Permit to the City Council at their regularly scheduled meeting of July 9, 1996. City Council reiterated their support for this program and their commitment to preserving and enhancing the quality of the environment, particularly the Santa Monica Bay.

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Ms. Catherine Tyrrell

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July 10, 1996

I appreciate the diligence of the Regional Water Quality Control Board in structuring a permit that meets the unique needs of the cities. I also appreciate your personal assistance in interpreting specific permit requirements as applicable to the City of Rolling Hills Estates. If I have misstated or misunderstood any part of our conversation as summarized in this letter, please contact me immediately. Otherwise, I look forward to working with the Regional Board in implementing the requirements of this important environmental mandate.

Sincerely,



Samuel R. Wise  
Assistant City Manager

SRW:es

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MAYOR  
MARGARET CLARK  
MAYOR PRO TEM  
JAY M. SPYGLA  
COUNCIL MEMBERS  
JIM VAUGHAN  
ROBERT W. HARRISON  
LARRY A. TAYLOR



# City of Rosemead

8838 E. VALLEY BOULEVARD • P.O. BOX 399  
ROSEMEAD, CALIFORNIA 91770  
TELEPHONE (818) 288-6671  
TELECOPIER 8183079218

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June 26, 1996

Ms Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91734-2156

QUALITY CONTROL BOARD  
LOS ANGELES REGION  
96 JUN 26 AM 10:21

Subject: City of Rosemead's Comments on the Tentative NPDES Permit

Dear Ms Tyrrell:

We have reviewed the tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles transmitted to this City on May 23, 1996. The following are our comments, stated in the order as presented by Permit Sections, on the cited document.

### FINDINGS

1. Finding Nos. 4, 5, 6, 19, 25, 26, and 27 should be deleted. We base this on our concern that these findings were made based on specifics found on one particular water shed not necessarily appropriate for the Los Angeles River watershed. Assuming that the required monitoring of the watershed will be undertaken once the permit is issued, specific pollutants will be reported and acted upon by all cities within the Los Angeles River watershed.
2. Finding No. 23 should be deleted. We feel that the finding is too confusing especially with regards to intent. If anything, the finding should just state that local agencies should not be involved in any oversight of the State General Permit.

### DISCHARGE PROHIBITION AND RECEIVING WATER LIMITATIONS

1. This section should be removed from the permit. If not mandated by Federal regulation it should not be included.

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June 26, 1996  
Page 2

**PROGRAM MANAGEMENT**

1. All plans and programs should include an active role of all permittees in their development and approval.
2. Failure to comment on any submittal by the permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal. The state should respond to all submittals in a timely manner just as it is incumbent for all permittees to initiate requirements of the permit within a prescribed time limit.
3. Unless proven detrimental to water quality, more exemptions for non-stormwater discharges should be given. Specifically, street and sidewalk washing, dechlorinated residential swim pool discharges and potable water line flushing.
4. Delete Part 2, Section II.B.1.d of the tentative order. To minimize further the cost of the NPDES program, municipal employees should be allowed to be observant of illicit discharges during their normal course of performing their daily assignments rather than establishing separate illicit discharge surveillance program.

We appreciate the opportunity to comment on the tentative permit. We would also like to express our appreciation to the negotiating team for reducing the original document down to its present form. A job well done and it is hoped that our comments will contribute towards a more cost efficient permit which would facilitate attaining our common goal of a cleaner and more liveable environment.

Yours very truly,

CITY OF ROSEMEAD



Fred Wickman  
City Engineer

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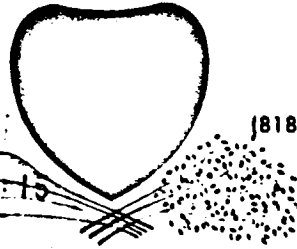
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**CITY OF SAN MARINO**

2200 HUNTINGTON DRIVE, CITY HALL, SAN MARINO, CALIFORNIA 91108-2639

(818) 300-0700



96 MAY 29 PM 1:15

QUALITY CONTROL BOARD  
LOS ANGELES REGION

May 28, 1996

Mr. Frank Kuo  
Los Angeles County Department of Public Works  
Environment Program  
P.O.Box: 1460  
Alhambra, Ca 91802-1460

Dear Mr. Kuo:

This is to re-emphasize the City of San Marino's intent to continue to develop and implement best management practices to reduce and control storm water pollution.

The City's law and code enforcement agents are actively enforcing environmental regulations and contributing to the public awareness. In addition, the City's Public Works work force regularly cleans and maintains a number of catch basins and storm water discharge channels within San Marino.

Should further information be requested or if you have any questions please contact me at (818) 300-0700.

Sincerely,

Maya Mouawad  
Administrative Intern  
City Manager's Office  
a:\MPDES Files\MPDES.112

cc: Ms. Debbie Bell, City Manager  
Ms. Robert P. Ghirelli, Calif. Regional Water Quality Board  
Mr. Donald Wolfe, Chairman, Executive Advisory Committee

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City of  
Santa Clarita

23920 Valencia Blvd. Phone  
Suite 300 (805) 259-2489  
Santa Clarita Fax  
California 91355-2196 (805) 259-8125



June 26, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

LOS ANGELES REGION  
JUN 28 PM 1:34

Subject: May 23, 1996 Draft of Revised NPDES Permit (CA0061654)

Dear Ms Tyrrell:

Thank you for the opportunity to review the May 23, 1996, draft of the revised NPDES Permit. While we reserve the right to provide additional comment to the Regional Water Quality Control Board (RWQCB) at the hearing on July 15, 1996, at this time we would like to submit the following comments and recommendations for consideration by the RWQCB staff.

**General Concerns**

Statements on the impairment of receiving waters, water quality data, and extrapolation of data to other water bodies are not supported by hard data or any scientific studies and should be deleted. Finding No. 23, regarding duplication of regulatory efforts, suggests that local agencies should not be involved in oversight of the RWQCB's general permit, and should be deleted.

Overall, the section on "Discharge Prohibition and Receiving Water Limitations" will put the Permittees into non-compliance immediately upon the issuance of the Permit. It serves a limited purpose and is not mandated by the Federal regulations. As such, this section should be deleted from the Permit.

Permittees should be given a more active role in developing and approving the plans and programs specified under the Permit for program management. Legal authority requirements and the need for inter-agency agreements for cooperative efforts are written too specifically in the Permit. Each agency handles legal issues differently, and should be allowed to address legal authorities more in line with their current policies and practices, provided they are in substantial compliance with the federal regulations (40 CFR).

The burden of proof to disallow any substitution of BMP's and/or their modification should be placed upon the RWQCB. Failure of the RWQCB to comment upon any submittal by a Permittee within the set period of time under the Permit should constitute approval of the submittal by the RWQCB.

We acknowledge that illicit connections and prohibited discharges are a significant component of the Permit. Exemptions for non-stormwater discharges are not

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Ms. Catherine Tyrrell  
June 26, 1996  
Page 2

sufficiently inclusive. Examples, including washing of impervious surfaces, sidewalk washing, occasional car washes, reclaimed water line flushing, and residential swimming pools, should be allowed unless evidence can be provided to indicate that such use causes major impacts upon receiving waters.

The program should allow municipal employees to be observant of illicit discharges during their routine assignments, and initiate follow-up actions, rather than establishing a completely separate surveillance/inspection program. This requirement should be deleted. Local agencies should be held to the same standards as the public. Formal evaluation of all public agency activities as part of developing the model program for public agency activities is not needed and should be required.

Site visit requirements which also require follow-up visits are no different than inspections. Such visits should only be for public information purposes. Perhaps a self assessment checklist for the public would be appropriate. Such visits should not involve any follow-up activities which will likely require enforcement actions.

The requirement to analyze the success of public information programs in two and one-half years (upon initiation of the program) is too short. This evaluation should be done at the end of the required five-year program.

The focus of the program should be on developing baseline data. The Permit should clearly state that the water quality monitoring program shall satisfy the requirements of monitoring for all parties to this Permit.

Development of performance standards, for activities under this permit, is beyond the scope of what can be successfully accomplished, since many of the programs will be newly developed and likely need to be refined. Evaluation of effectiveness of BMPs should not be separately reported, but should be a part of the end of permit report (Report of Waste Discharge).

#### **Specific Concern**

(Attachment C-3) The new Permit requires a significant work effort within the first year after approval of the permit. Four of the items deal with education and public outreach and about one-third of the items relate to illicit discharges and commercial and industrial inspection activities. We are concerned about the specific limitations indicated in this attachment.

For example, the City operates a dewatering system for an area of high ground water. This system has pump stations that pump ground water out of the ground which is then discharged back into a channel downstream. The water then percolates back into the ground. This ground water has total dissolved solids and chlorides which exceed the effluent limitations. It is time consuming and costly to negotiate to have these limits changed.

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Ms. Catherine Tyrrell  
June 26, 1996  
Page 3

We are concerned about the validity of the limits and possible similar problems which may arise in the future because of the restrictions on effluent limitations. Individually, the requirements and compliance dates seem minor, but collectively they represent a major work effort. We believe that the compliance time frames for implementing Permit requirements should be revised to allow Permittees a reasonable response period to comply.

(Page 3, Item 11.) This indicates that the City of Santa Clarita and County of Los Angeles need to coordinate with Ventura County for the successful comprehensive management of the entire Santa Clara River watershed. However, this Permit does not specify the level of effort or specific actions needed to assure consistency between the NPDES Permits of both Ventura and Los Angeles Counties. We are concerned with this item because the City of Santa Clarita may become subject to conflicting requirements from differing Permits. Coordination among municipalities in the Santa Clara River Watershed should be done by the RWQCB.

(Page 12, Item A.) Regarding discharge conditions for receiving waters from the Municipal Separate Storm Sewer System (MS4), we are concerned with the narrative versus numerical requirements. We appreciate the objectives of the Permit, but we feel that it may be necessary to establish objective thresholds to adequately measure receiving water conditions in a consistent manner. Clarification and threshold levels of pollutant constituents may need to be established for qualitative phrases such as: "adversely affect"; "create nuisance"; "undesirable coloration"; "objectionable aquatic growth"; "concentrations that are toxic"; and, "recurring exceedance".

(Page 15, Table 1.) The compliance periods to submit a budget summary and demonstrate legal authority may not provide adequate time for the Permittees to prepare and submit adequate documentation. Please consider extending these time periods.

(Page 16, Item B.) This section should include a provision that the Permittee be required only to comply with requirements of the SWMP and CSWMP that are applicable to the watershed in which they are located (i.e., the City of Santa Clarita for requirements applicable to the Santa Clara River Watershed.)

(Page 25, Item A. 1. c.) Please expand and clarify the methods to utilize results of field screening activities, and indicate the responsible party for performing these field activities.

(Page 27, Item 2.) The "Industry-wide Standard Pollution Prevention Practices" developed by the AWWA, California-Nevada Section, should be included as an appendix. "Street washing" discharges should be clarified in this document to differentiate from street sweeping, which has been identified and accepted as an effective BMP measure that is currently employed by several Permittees.

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Ms. Catherine Tyrrell  
June 26, 1996  
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(Page 28, Item 3.) Permittees should be allowed to review and comment on future BMP's which the Executive Officer may determine necessary for implementation. The burden of proof to disallow any substitution of any BMP and/or their modification should be the responsibility of the RWQCB.

(Page 29, Item 3.) Define "reportable quantity". Incidents should also be reported to the Los Angeles County Fire Department's Hazardous Materials Response Team.

(Page 39, Item 1. b.) We would agree that sewage systems operations efficiency is a key component to maintaining good quality of discharge to receiving waters, and that cooperation between several agencies is necessary to assure this. However, we feel that the responsibility of constructing, repairing, and monitoring sewage system operations should rest solely with the Los Angeles County Sanitation Districts Nos. 26 and 32 within the Santa Clarita Valley.

(Page 52, Item 3. A. viii.) Please explain the maximum limit requirement of 3,000 additional site visits. This number seems arbitrary. Site visits should be required to adequately assess a site's receiving water impact, determine Permit violations, and to acquire monitoring information. The number of visits may vary for individual sites, thereby affecting the total number of site visits with a Permittee's jurisdiction.

(Page 59, Item D.) It is our understanding that the Principal Permittee will be solely responsible for water quality sampling, and testing for the receiving waters impact reports. The language in the permit should be revised to clarify this.

(Page 61, Item D.) The Principal Permittee and the Permittees should be able to participate in the Permit revision process. This should include making the determination of applicability of such laws and regulations to the Permit, and any necessary revisions to the Permit through an appropriate review and adoption process.

(Page C-1, Items 4. and 6.) The Permittees should be allowed to participate in the selection process with the Principal Permittee in defining the role and responsibilities of the participants in monitoring studies, and the selection of monitoring indicators.

(Page C-5, Item 4.) The revised Permit should clearly indicate who is responsible for implementing the work plan for the loads assessment model.

(Page C-5, Item 5.) This item indicates the Principal Permittee has the discretion of choosing participants in the funding of a receiving waters study to assess the impacts to beneficial uses of the Santa Monica Bay. We would like to make the point that the City of Santa Clarita is within the Santa Clara River watershed, and does not drain into the Santa Monica Bay. For this reason, we respectfully request that the City of Santa Clarita be exempted from this provision.

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Ms. Catherine Tyrrell  
June 26, 1996  
Page 5

Part 2.I.E.1.a.i uses a vague term where precision is required. It states that each Permittee is to possess the authority to do the following:

Prohibit the discharge of untreated wash waters into the MS4 when gas stations, auto repair garages, or similar use facilities are cleaned.

As no definition of "similar use facilities" is provided in the order, and as "similar use facilities" might be regarded as too vague to serve as a basis for prosecution, please specify, by SIC numbers, just what is meant by the term "similar use facilities."

Part 2.I.E.1.c.iii is obviously and unnecessarily redundant, and possibly futile. It would require Permittees to prohibit conduct already prohibited by the federal and state governments. It states that each shall:

Prohibit the use of any pesticide, fungicide, or herbicide, the use of which is prohibited by the USEPA or the California Department of Pesticide Regulation.

No useful purpose would be served by prohibiting that which is already prohibited. Moreover, a redundant local prohibition might well be held to have been preempted by virtue of the preexisting federal and state prohibitions. For these reasons, this provision should be deleted from the Permit.

Part 2.I.E.a.iv uses a vague term where precision is required. It states that each Permittee is to possess the authority to do the following:

Require proper disposal of food wastes by the food service and food distribution industry.

As no definition of "proper disposal" is provided in the order, and as "proper disposal" might be regarded as too vague to serve as a basis for prosecution, please specify, by SIC numbers, just what is meant by the term "proper disposal."

Part 2.I.E.c.v is obviously and unnecessarily redundant, and possibly futile, as it would require Permittees to legislate an area already occupied, and almost certainly preempted, by the federal and state legislation. It states that each Permittee shall:

Require disposal of hazardous wastes at appropriate disposal sites and not in trash containers used for municipal trash disposal.

The proper disposal of hazardous waste is already subject to elaborate statutory and regulatory schemes on the federal and state levels. See, e.g., the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.* and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.* No useful purpose would be served by attempting to regulate and prohibit that

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Ms. Catherine Tyrrell  
June 26, 1996  
Page 6

which is already regulated. Moreover, a redundant local prohibition might well be held to have been preempted by virtue of the preexisting federal and state prohibitions. For these reasons, this provision should be deleted from the permit.

Part 2.I.E.2.a.i. would require each Permittee to provide:

A statement by its representative legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order, referencing that legal authority with specificity...

As pointed out above, there is considerable doubt as to whether local regulations called for by this order would be void for vagueness (what is meant by "similar use facilities" and "proper disposal").


It further appears that others, such as the provisions regarding pesticides and hazardous waste disposal, are preempted as a matter of law.

Moreover, this Order is replete with provisions calling for programs which are yet to be developed but which have significant legal implications. (See Part 2.II.A.1.e, regarding an as yet to be developed program for "enforcement procedures to terminate illicit connections." Just how a "representative legal counsel" could possibly certify that the permittee has "all necessary legal authority" for programs which have yet to be developed, is not entirely clear.

For these reasons, to require a statement by the "representative legal counsel" that the permittee has "all necessary legal authority" given malpractice liability implications, is to require the impossible. We recommend that this matter be referred to Mr. Leon, and invite him to work with attorneys for the cities and the County to develop appropriate language.

We feel that further revisions and clarification of the aforementioned issues should be addressed in order to make the revised permit an effective document for implementation. We look forward to continue working with you and your staff to finalize efficient and effective revisions to the NPDES. Should you have any questions or need additional information, please contact me at (805) 255-4963.

Sincerely,

  
Anthony J. Nisich, P.E.  
City Engineer

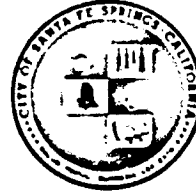
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update 1/26/98 11:48

cc: Don Williams, Stormwater Utility Program Coordinator

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# CITY OF SANTA FE SPRINGS



11710 TELEGRAPH ROAD 90670-3858 - PO BOX 2120 - (310) 868-0511 - FAX (310) 868-7112

June 26, 1996

California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention: Catherine Tyrrell, Assistant Executive Officer Surface Water Programs  
Subject: NPDES Latest Five-Year Permit Draft Review

56 JUN 28 PM 1:26  
LOS ANGELES REGION

Dear Ms. Tyrrell:

As requested in your May 23, 1996 letter, I am submitting for your information a few general comments regarding the May 23, 1996 release of the NPDES Five-Year Permit. This letter is to document the City's concurrence of the problem areas brought to your attention by the Executive Advisory Committee and various other agencies in the San Gabriel River Watershed. I would also like to take this opportunity to emphasize a few of our basic concerns with this permit. After a quick review of the permit it appears there are still areas of concern. Many of these concerns could possibly be resolved with mere modifications in language or requirement standards.

The following are listed comments regarding the tentative permit:

1. The Findings sections of the permit should be more concise, and give only factual information directly related and necessary to the forthcoming requirements.
2. Various non-stormwater discharges such as street and sidewalk washing, reclaimed and potable water line flushing, and residential swimming pool discharges should be allowed unless the Board can provide proof that these discharges cause major adverse effects on the receiving waters.
3. Analysis of the public information programs made only two and a half years into the permit, would not necessarily produce accurate results. The analysis should be placed at the end of the permit.
4. The allotted time periods for many of the programs do not allow enough time for inclusion in the budget cycle.
5. Report of effectiveness of implemented BMP's should be included in the end of year reports instead of in a separate submittal.

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California Regional Water Quality Control Board  
Los Angeles Region  
June 26, 1996  
Page 2

Due to the short time period allowed for review of this draft, only our highest priority concerns are listed here. Our staff is currently in the process of reviewing the permit in a more detailed manner.

Thank you for your time and consideration, if you have any questions or comments, please feel free to contact George O'Brien at (310) 868-0511, Extension 267.

Very truly yours,



John R. Price  
Director of Public Works

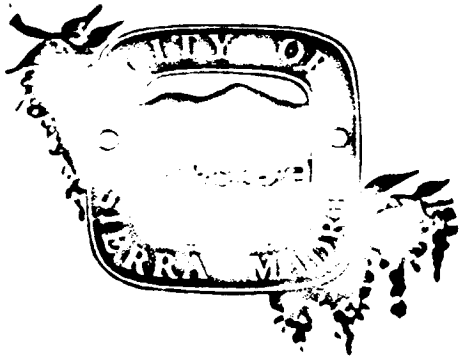
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cc: Frank Kuo, Los Angeles County Department of Public Works,  
Waste Management Division, P.O. Box 1460, Alhambra, CA 91802-1460

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R0031344



# City of Sierra Madre

232 WEST SIERRA MADRE BOULEVARD  
SIERRA MADRE, CALIFORNIA 91024  
(818) 358-7195

June 27, 1996

Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

LOS ANGELES REGION  
96 JUL -1 PM 2:44

**SUBJECT: TENTATIVE NPDES STORMWATER PERMIT**

Dear Ms. Tyrrell:

We have reviewed the May 23, 1996 Tentative NPDES permit and have several major concerns. Below are several items which we feel should be significantly modified prior to the adoption of this permit. The Executive Advisory Committee has also identified several major concerns with the permit. Attached is the list of EAC concerns of which we concur.

1. Every section of the tentative permit contains several tasks which are yet to be defined. For example: Table 2 on page 24, the permittees are required to implement an illicit connection elimination program four months after the County's plan is approved. There are three other tasks in Table 2 requiring action after the County's plan is approved. There are four similar tasks in Table 3, two in Table 4 and so on. A further example is item I-B-1 on page 15: "each permittee shall comply with the requirements of the SWMP and CSWMP."

Since the County's plan has made broad promises that they, as a fellow permittee, will not impose excessive requirements within each of the tasks. But at this point in time, permittees cannot know whether to support, oppose, or simply make suggestions to facilitate implementation of the tasks since the program does not yet exist.

If a particular future task presents a unique and unusual hardship on a permittee, what recourse does the permittee have to modify or eliminate that requirement?

2. Permittees may petition the Board to modify or substitute BMP's. No mention is made of how to eliminate ineffective BMP's. A line "F-2-d: The BMP is not effective" should be added to Section 1.

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Also, what format is used for this petition? There is no guidance as to whether it should be a single page request or a multi-volume scientific study? Since the BMP's were chosen not on the basis of rigorous scientific studies, but rather on the general likelihood of reducing pollution, the same standard should be applied to removing ineffective BMP's.

3. The receiving water limitations section first gives the impression that numerical limits or objective standards must be met, then in the following paragraph, it states that if the permittee is adequately implementing BMP's, then the limitations are met. This is confusing.

The word "limitation" implies an objective measurement which implementing BMP's is not. The word "limitation" should be eliminated as should any reference to the Basin Plan from which it could be inappropriately implied by third parties that numerical limits or other objective standards exist.

The definition of what constitutes "adequately implementing BMP's" and who determines this should be clearly and unequivocally stated. The sole determination should be that of the Board and the Board's Executive Officer (EO) and unless the Board or the Board's EO has specifically notified the permittee that BMP's are not being adequately implemented, the permittee should be considered to be in compliance of the permit requirements. Without this, the permittees may be immediately exposed to third party lawsuits upon the adoption of the permit.

Thank you for your consideration.

Sincerely,

  
John Davidson  
Director of Public Works

03458



**CITY OF SIGNAL HILL**

2175 Cherry Avenue • Signal Hill, California 90806 • (310) 989-7300 • FAX (310) 989-7393/7391

June 26, 1996

Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

96 JUL -1 PM 2:43  
Specialty Control Division  
LOS ANGELES REGION

**Subject: Tentative NPDES Stormwater Permit**

Dear Ms. Tyrrell:

We have reviewed the May 23, 1996 Tentative NPDES permit and have several major concerns. Below are several items which we feel should be significantly modified prior to the adoption of this permit. The Executive Advisory Committee has also identified several major concerns with the permit. Attached is the list of EAC concerns of which we concur.

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If a particular future task presents a unique and unusual hardship on a permittee, what recourse does the permittee have to modify or eliminate that requirement?

- 2) Permittees may petition the Board to modify or substitute BMPs. No mention is made of how to eliminate ineffective BMPs. A line "F-2-d: The BMP is not effective" should be added to Section 1.

Also, what format is used for this petition? there is no guidance as to whether it should be a single page request or a multi-volume scientific study? Since the BMPs were chosen not on the basis of rigorous scientific studies, but rather on the generally likelihood of reducing pollution, the same standard should be applied to removing ineffective BMPs.

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The word "limitation" implies an objective measurement which implementing BMPs is not. The word "limitation" should be eliminated as should any reference to the Basin Plan from which it could be inappropriately implied by third parties that numerical limits or other objective standards exist.

The definition of what constitutes "adequately implementing BMPs" and who determines this should be clearly and unequivocally stated. The sole determination should be that of the Board and the Board's executive officer and unless the Board or the Board's EO has specifically notified the permittee that BMPs are not being adequately implemented, the permittee should be considered to be in compliance of the permit requirements. Without this, the permittees may be immediately exposed to third party lawsuits upon the adoption of the permit.

Thank you for your consideration.

Sincerely,



John L. Hunter, P.E.  
Environmental Protection Specialist

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**EAC CONCERNS ON TENTATIVE ORDER NO. 96-XXX  
(NPDES NO. CAS614001)**

**Findings (Nature of Discharges and Source of Pollutants)**

- Statements on the impairment of receiving waters, water quality data, and extrapolation of data to other water bodies (Findings Nos. 4, 5, 6, 19, 25, 26, and 27) are not supported by hard data nor scientific studies and should be deleted.
- Finding No. 23 regarding duplication of regulatory efforts clearly suggests that local agencies should not be involved in oversight of the State General Permit, this finding is confusing and should be deleted.

**Discharge Prohibition and Receiving Water Limitations**

- This section will put Permittees into non-compliance immediately upon the issuance of the Permit. It serves limited purpose and is not mandated by the Federal regulation. It should, therefore, be removed from the Permit.

**Program Management**

- Permittees should be given a more active role in developing and approving all the plans and programs under the Permit. Merely soliciting their input is not sufficient.
- Legal authority requirements and the need for inter-agency agreements for cooperative efforts are written too specific in the Permit. Each agency handles legal issues in a different manner and should be allowed to deal with legal authorities more in-line with their current practices provided it is in compliance with Federal regulations.
- The Water Board should bear the burden of proof to disallow any substitution of BMPs and/or their modifications.
- Failure to comment on any submittal by the Permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal.

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**Illicit Connection and Illicit Discharge**

- Exemptions for non-stormwater discharges are not sufficiently inclusive. Examples, such as street and sidewalk washing, residential swimming pool discharging, and reclaim and potable water line flushing should be allowed unless evidence can indicate that it causes major adverse impact on the receiving water.
- Program should allow municipal employees to be observant of illicit discharges during their routine assignments and initiate follow-up actions rather than establishing completely separate illicit discharge surveillance program. Part 2, Section II.B.1.d of the tentative order should be deleted.

**Public Agency Activities**

- Formal evaluation of all public agency activities as part of developing the model program for public agency activities is not needed.

**Public Information and Participation**

- Site visit requirements which also require follow-up visits are no different than inspections. Such visits should only be for public information purposes. Perhaps utilizing a check list for self assessment would be appropriate. Such visits should not involve any follow-up activities which will likely require enforcement actions.
- Requirement to analyze the success of public information programs in only 2-1/2 years upon the initiation of the program is too short. Such evaluation should be at the end of the five-year program.

**Monitoring Program**

- The focus of the program should be on developing baseline data.
- The Permit should clearly state that the water quality monitoring program shall satisfy the requirements of monitoring for all parties to this Permit.

2552

**Others**

- Compliance dates, for many of the programs, are too short and do not fit into the budget cycle. This will make it virtually impossible for many local agencies to implement the programs. Implementation of approval programs is not required until Permittees are able to include them in the next available budget cycle.
- Permit compliance date should be tied to the effective date of the order and not the date of adoption.
- Development and implementation of Countywide Storm Water Management Plan during the five-year Permit term will be an ambitious undertaking. Developing Performance Standards, a good concept, is beyond the scope of what can successfully be accomplished during this Permit.
- Evaluation of effectiveness of BMPs should not be separately reported, but should be a part of the end of permit report (Report of Waste Discharge).

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EP-3/06/17/96

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**CITY OF SOUTH EL MONTE**

1415 N. SANTA ANITA AVENUE  
SOUTH EL MONTE, CALIFORNIA 91733  
(818) 579-6540 • (213) 686-0460 • FAX (818) 579-2107

95 JUL -5 PM 2:10  
-MILITARY DISTRICT  
LOS ANGELES REGION

July 3, 1996

Ms. Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Re: Tentative NPDES Stormwater Permit

Dear Ms. Tyrrell:

We have reviewed the May 23, 1996 Tentative NPDES Permit and have several major concerns. Below are several items which we feel should be significantly modified prior to the adoption of this permit. The Executive Advisory Committee has also identified several major concerns with the permit. Attached is a list of EAC concerns of which we concur.

1. Every section of the tentative permit contains several tasks which are yet to be defined. For example: Table 2 on page 24, requires the permittees to implement an illicit connection elimination program four months after the County's plan is approved. There are three other tasks in Table 2 requiring action after the County's plan is approved. There are four similar tasks in Table 3, two in Table 4, and so on. A further example is item I-B-1 on page 16, "... each permittee shall comply with the requirements of the SWMP and CSWMP".

Since the County's plan has not yet been developed, permittees should not be expected to comment on the adequacy, scope of work, potential costs or implementation of these activities. While the County has made broad promises that they, as a fellow permittee, will not impose excessive requirements within each of the tasks, permittees cannot factually know whether to support, oppose or simply make suggestions to facilitate the implementation of these tasks since the program does not exist. Should a particular future task present a unique and unusual hardship on a permittee, what recourse does the permittee have to modify or eliminate that requirement?

2. Permittees may petition the Board to modify or substitute BMP's. No mention is made of how to eliminate ineffective BMP's. A line "F-2-d: The BMP is not effective..." should be added to Section 1.

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Also, what format is used for this petition? There is no guidance as to whether it should be a single-page request or a multi-volume scientific study. Since the BMP's were chosen not on the basis of rigorous scientific studies, but rather on the general likelihood of reducing pollution, and in some cases arbitrary whims, the same standard should be applied to removing ineffective BMP's.

3. The receiving water limitations section first gives the impression that numerical limits or objective standards must be met, then, in the following paragraph, states that if the permittee is adequately implementing BMP's, then the limitations are met. This is confusing.

The word "limitation" implies an objective measurement which implementing BMP's is not. The word "limitation" should be eliminated as should any reference to the Basin Plan from which it could be inappropriately implied by third parties that numerical limits or other objective standards exist.

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On behalf of the City of South El Monte, I thank you for the opportunity to provide you with our concerns related to the Tentative Stormwater Permit and for your consideration of our comments.

Respectfully,



Steve A. Henley  
Assistant City Manager/  
Director of Public Works

Enclosure

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**EAC CONCERNS ON TENTATIVE ORDER NO. 96-XXX  
(NPDES NO. CAS614001)**

**Findings (Nature of Discharges and Source of Pollutants)**

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- Finding No. 23 regarding duplication of regulatory efforts clearly suggests that local agencies should not be involved in oversight of the State General Permit, which is confusing and should be deleted.

**Discharge Prohibition and Receiving Water Limitations**

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**Program Management**

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- The Water Board should bear the burden of proof to disallow any substitution of BMP's and/or their modifications.
- Failure to comment on any submittal by the Permittees within the set period of time under the Permit should constitute approval by the Water Board of the particular submittal.

**Illicit Connection and Illicit Discharge**

- Exemptions for non-stormwater discharges are not sufficiently inclusive. Examples, such as street and sidewalk washing, residential swimming pool discharging, and reclaim and potable water line flushing should be allowed unless evidence can indicate that it causes major adverse impact on the receiving water.

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**Others**

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Evaluation of effectiveness of BMP's should not be separately reported, but should be a part of the end of permit report (Report of Waste Discharge).

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CITY OF SOUTH GATE ♦ DEPARTMENT OF PUBLIC WORKS  
8650 California Avenue  
South Gate, CA 90280  
(213) 563-9537  
Fax (213) 563-9572

# Fax

To: Catherine Tyrrell, California Regional Water  
Quality Control Board

Fax #: 213/266-7600

From: John Garcia

Date: June 27, 1996

Subject: Tentative NPDES Stormwater Permit

Pages: 6

NOTES:

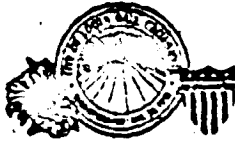
IF YOU DO NOT RECEIVE ALL PAGES INDICATED ABOVE, OR IF YOU HAVE ANY QUESTIONS REGARDING THIS TRANSMITTAL, PLEASE CALL (213) 563-9537.

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# City of South Gate

8950 CALIFORNIA AVENUE • SOUTH GATE, CA 90280-2675 • (213) 963-9287  
FAX (213) 963-9973

FROM THE OFFICE OF  
JAMES A. BIERY, P.E.  
DIRECTOR OF PUBLIC WORKS  
CITY ENGINEER

June 26, 1996

Catherine Tyrrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

Subject: Tentative NPDES Stormwater Permit

Dear Ms. Tyrrell:

We have reviewed the May 23, 1996 Tentative NPDES permit and have several major concerns. Below are several items which we feel should be significantly modified prior to the adoption of this permit. The Executive Advisory Committee has also identified several major concerns with the permit. Attached is the list of EAC concerns of which we concur.

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Thank you for your consideration.

Sincerely,

*John M. Garcia*  
 John M. Garcia, P.E.  
 Assistant City Engineer

004771

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(NPDES NO. CAS614001)**

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**Illicit Connection and Illicit Discharge**

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Others

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**CITY COUNCIL**

**LEONIS C. MALBURG**

Mayor

**THOMAS A. YBARRA**

Mayor Pro-Tem

**Wm. "BILL" DAVIS**

Councilman

**H. "LARRY" GONZALES**

Councilman

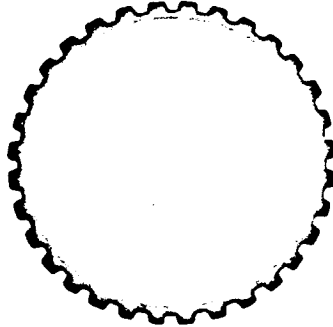
**W. MICHAEL McCORMICK**

Councilman

**BRUCE V. MALKENHORST**

City Administrator/City Clerk

FAX: (213) 581-7924



**CITY HALL**

4305 SANTA FE AVENUE, VERNON, CALIFORNIA 90058

TELEPHONE (213) 581-8811

June 25, 1996

**DAVID B. BREARLEY**

City Attorney

FAX: (818) 330-5818

**KEVIN WILSON**

Director of Community Services & Water

FAX: (213) 588-2761

**KENNETH J. DeDARIO**

Director of Light & Power

FAX: (213) 583-1983

**DAVE TELFORD**

Fire Chief

FAX: (213) 581-1385

**LOUIS ROSENKRANTZ**

Police Chief

FAX: (213) 581-1178

RECEIVED  
JUN 27 11:13 AM '96  
CITY OF VERNON  
POLICE DEPARTMENT

Catherine Tyrrell  
Assistant Executive Officer  
Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: Tentative NPDES Permit

Dear Catherine,

We have received and reviewed the Tentative NPDES Permit that your staff has prepared. In general, this Tentative Permit is superior to the December 18, 1995 draft in almost every way. The document seems to be better organized and more focused than the December 18, 1995 draft. We were also happy to see that some of the recommendations that the Permittees had made were incorporated into the Tentative Permit.

There are, however, a few issues that need to be resolved before we can give our full support to the Permit. These issues are outlined below:

- 1) Part 1.II.A : Receiving Water Limitations - While we understand the Regional Board's need to include some language about Receiving Water Limitations, we feel that the Limitations outlined in Section IIA are unreasonable. It is clear that virtually every Permittee will be in immediate non-compliance with these limitations. We understand that such exceedances will not place a Permittee in violation of the Permit as long as the Storm Water Management Program (SWMP) requirements are fulfilled. The main problem is that Part 1.II.B allows the Executive Officer of the Regional Board to require the Permittees to revise their SWMP to prevent these exceedances from recurring in the future. The language of the Permit seems to indicate that this would be an unlikely occurrence, but in reality, Part 1.II.B could be invoked immediately after Permit adoption.

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Page 2  
June 25, 1996  
Ms. Catherine Tyrrell

In addition, many of these limitations to which the Permittees must adhere cannot be controlled by the Permittees. In any urban area there will be litter, oil, grease, rubber, and other substances deposited continually on the surface of streets, and from there these pollutants are washed into the storm drain. The Permittees have little or no control over these types of discharges. Even with daily street sweeping, it would be impossible for the Permittee to prevent every piece of litter from reaching the river. It is unfair to hold the Permittees responsible for discharges over which they have no control.

In order to rectify this problem, we propose that the receiving water limitations be eliminated and replaced with a more relaxed form of receiving water "goals". These "goals" should be worded so that the Permittees are not in immediate non-compliance upon Permit adoption. The Permittees should be encouraged to make every effort to meet these goals. These goals should only address items that each Permittee can effectively control.

In addition, we feel that the powers given to the Executive Officer in Part 1.II.B are a bit too broad. We feel that any modifications to the SWMP that include additional activities and requirements for the Permittees to enact should receive a full public hearing and final approval from the Regional Board. This will ensure a fair and open process of modification.

2) **Part 2.I.F Best Management Practice (BMP) or Requirement Substitution/Elimination** - Again, our main objection here is that the Executive Officer has been given powers that should remain in the hands of the Regional Board. The petition for the substitution or elimination of a BMP by a Permittee deserves the attention of the Regional Board.

3) **Part 2.1.G Administrative Review** - This process of administrative review is for the most part a very good procedure. However, there are a few problems. First, the 120 day review period seems a bit excessive. Requiring a Permittee to wait 4 months to find out if its documentation is sufficient is unacceptable. A more reasonable time period would be at most 60 days. If the Regional Board does not currently have enough staff to review these documents expediently, it is our suggestion that the Regional Board adjust it's own budget to meet the requirements of the Permit.

In addition, this section again gives a bit too much power to the Executive Officer. It is our opinion that the Regional

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Page 3  
Ms. Catherine Tyrrell  
June 25, 1996

Board, and only the Regional Board, can make any decision that would require a Permittee to do anything. In fact, it is questionable that the Regional Board itself even possesses the legal authority to force Permittees to do anything. It is certain that the Executive Officer does not possess this authority. Our City Attorney's office will be sending under separate cover comments regarding these legal aspects of the proposed Permit.

3) **Part 2 - General Comments** - This objection extends to other various provisions of the Permit in which the Executive Officer must approve model programs developed by the Principal Permittee. There are a host of model programs and BMPs that the Principal Permittee must develop as a part of the Permit. Once these programs are approved, each Permittee is expected to implement these programs. While the Principal Permittee is directed to develop these programs "in consultation" with the Permittees, there is no requirement that these programs be approved by the Permittees.

These programs will define what types of activities each Permittee will be required to perform as a part of the Permit. We feel very strongly that since these programs will define the activities of the Permittees, these programs must be approved by the Regional Board in an open, public approval process. Allowing these programs to be developed by the Principal Permittee and approved by the Executive Officer without public review and comment is unacceptable.

Please take these comments into consideration as the final draft of the Permit is assembled. If possible, we would like to review a copy of the final draft before the July 15, 1996 meeting of the Regional Board. If you have any questions or comments regarding these comments please contact myself or Tom Kennedy at (213) 583-8811.

Very truly yours,



Samuel Kevin Wilson

Director of Community Services and Water

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**CITY COUNCIL**

**LEONIS C. MALBURG**  
Mayor

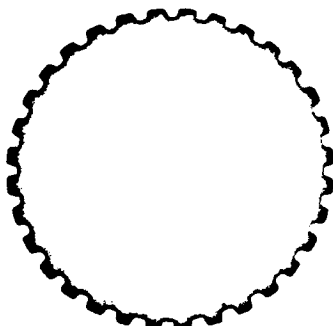
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City Administrator/City Clerk  
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**CITY HALL**

4305 SANTA FE AVENUE, VERNON, CALIFORNIA 90058  
TELEPHONE (213) 583-8811

June 26, 1996

DAVID B. BREARLEY  
City Attorney  
FAX: (818) 330-5818

S. KEVIN WILSON  
Acting Director of Community Services & Water  
FAX: (213) 588-2761

KENNETH J. DeDARIO  
Director of Light & Power  
FAX: (213) 583-1983

DAVE TELFORD  
Fire Chief  
FAX: (213) 581-1385

LOUIS ROSENKRANTZ  
Police Chief  
FAX: (213) 581-1178

**VIA FACSIMILE AND MAIL**

Ms. Catherine Tyrell, Assistant Executive Officer  
California Regional Water Quality Control Board,  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156  
Facsimile No.: (213) 266-7600

LOS ANGELES REGION  
JUN 27 PM 12:41

Re: Proposed Regional Water Quality Control Board Order for  
Los Angeles County and the Cities Therein

Dear Ms. Tyrell:

The City of Vernon has submitted arguments on the jurisdictional question of whether the Regional Board can issue directives to the cities to adopt ordinances and regulations. It is requested that such submissions be included with the legal analysis attached hereto dealing with (1) the specific code sections in the Water Quality Control Act which limit the jurisdiction of the state and regional boards and (2) 40 CFR 122.26.

If the proposed RWQCB order were drafted as has been requested in the form of specific regulations for waste discharge requirements (defined as NPDES permits in Water Code § 13374) rather than as directives to the county and cities to prohibit certain activities or to adopt regulations, it would help avoid the jurisdictional issue. The jurisdictional issue is complicated by the use of the word "permittee" for a city in the proposed order. Such usage conflicts with 42 CFR § 122.26 and masks the differentiation between a permittee and a co-permittee.

In addition, the proposed order will result in a proliferation of inconsistent local regulations rather than the uniform waste discharge requirements required by the Water Code. It will require the unnecessary expenditure of time and effort by

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Ms. Catherine Tyrell  
June 26, 1996  
Page 2

the legal and engineering staffs of 86 agencies in drafting regulations in addition to the preliminary work by your staff. Moreover, your staff will be required to review 86 different sets of regulations instead of the simpler procedure of drafting a single set of waste discharge requirements.

The attached legal analysis will be sent to all of the agencies which have been involved in the legal negotiations.

If you have any questions, please give me a call.

Very truly yours,

*David B. Brearley*  
David B. Brearley  
City Attorney

DBB:JDF:nc  
Enclosure

cc: List Attached  
Mr. Kevin Wilson

Attyr-nq.cb

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David Burhenn LA County	Sidley & Austin	555 W. Fifth St. 40th Fl Los Angeles, CA 90013-1010
Betty Miller Jenning	SWRCB	901 "P" St. Sacramento, CA 95814
Gina Marie Aguirre	El Monte	11333 Valley Blvd. El Monte, CA 91731
Winnie Jesena	RWQCB-LA	101 Centre Plaza Dr. Monterey Park, CA 91754
Carlos Urrunaga	CRWQCB-LA	101 Centre Plaza Dr. Monterey Park, CA 91754
Xavior Swamikannu	CRWQCB-LA	101 Centre Plaza Dr. Monterey Park, CA 91754
Christina Sansone	Glendale	613 E. Broadway #220 Glendale, CA 91206
Jorge Leon	CRWQCB	901 "P" Street Sacramento, CA 95812

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ATTACHMENT NO. 1

LEGAL ANALYSIS OF THE JURISDICTIONAL ISSUE  
CONTAINED IN THE PROPOSED ORDER BY THE REGIONAL  
WATER QUALITY CONTROL BOARD FOR LOS ANGELES COUNTY

I. Water Code §§ 13000 and 13001. Water Code §13000 gives the Legislative Findings and Declarations and closes with the statement, "The statewide program for Water Quality Control can be most effectively administered regionally, within a framework of statewide coordination and policy." This declaration makes it clear that the state Legislature had no intention of promoting a series of local ordinances for governing water quality control. The attempt by the Regional Board to require each local agency to adopt its own regulations is therefore exactly counter to the legislative intent.

This is reinforced by § 13001 which states, "It is the intent of the Legislature that the state boards and each regional board shall be the principal state agencies with the primary responsibility for the coordination and control of water quality." It cannot be any clearer that the state did not intend any diversification of regulations throughout a region, and, in fact, § 13001 mandates: "The state board and regional boards in exercising any power granted in this division shall conform to and implement the policies of this chapter and shall, at all times, coordinate their respective activities so as to achieve a unified and effective water quality control program in this state."

The order which the Regional Board is proposing is neither a unified nor effective water quality control program. It will result in a multiplicity of local regulations which may conflict with each other and cause unneeded difficulty for businesses which operate in multiple jurisdictions.

II. Water Code §§13002. Section 13002 contains a specific delineation of the separate powers of the cities and counties, of the attorney general, and "of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer." Nowhere in the statute is there a reference to cities or counties administering the Water Quality Control Act.

III. Water Code § 13050. Section 13050 defines the word "person" to include any city and county, but also includes the State and the United States to the extent authorized by federal law. The city and county are subject to the same prohibitions that are imposed on other persons under the Code, but this section is not a grant of blanket jurisdiction to the State and regional boards, otherwise they could claim jurisdiction over the United States.

IV. Water Code §§13140 to 13147. The adoption of the state policy for the Water Quality Control is delegated to the state board and

does not concern the cities, except to the extent that § 13144 requires the state board to consult and carefully evaluate the recommendations of local agencies.

V. Water Code § 13160. Section 13160, in defining the authorization given to the state board, makes a specific reference to "any person subject to the jurisdiction of the state board". The term "jurisdiction" is not defined and must be interpreted in accordance with the overall purpose of the Water Quality Control Act. The City as a person is subject to the jurisdiction of the state board with regard to complying with regulations pertaining to waste water discharge. That is not the same as the state or regional board asserting jurisdiction over local agencies and requiring them to adopt ordinances and regulations.

Subparagraph (b) of § 13160 provides that the state board is "authorized to exercise any powers delegated to the state by the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) and acts amendatory thereto." The state board has the ability to exercise its powers by the adoption of statewide regulations to control waste discharges. There is no authority in state law for requiring local agencies to adopt such regulations.

In order to avoid the legislative mandate for a statewide regulatory program with uniform wastewater discharge requirements, the regional board is relying on Title 33, Section 1342, of the United States Codes which establishes requirements for NPDES permits for discharges from municipal storm sewers. But such requirements must be construed as part of the overall regulatory scheme.

A single sentence requiring the state board to exercise powers under the Federal Water Pollution Control Act is not a preemption of local autonomy, particularly when it is compared to other sections in the same statute which specifically protect the rights of the cities.

VI. Water Code § 13164. The California Water Plan includes both the state policy for water control and regional water quality control plans (§ 13141). Section 13164 requires the state board to develop "general procedures for the formulation, adoption and implementation by regional boards of water quality control plans" (defined in Section 13050). Section 13243 makes a distinction between a water quality control plan and waste discharge requirements (defined in Section 13374), but both these are adopted by the regional board and not by a county or city.

VII. Water Code § 13165. As part of its general responsibilities for water quality control, the state board is given specific jurisdiction over both state and local agencies for purposes of gathering information. The authority of the state board to obtain information and reports from local agencies is reasserted in §§ 13225, 13266, 13267, 13271, 13272, and 13383. The repetition of this grant of power to the state and regional boards again implies that any other jurisdiction over the city or county fails to exist.

VIII. Water Code § 13172. Section 13172 shows how the doctrine of uniformity can be used by the State of California to preempt local regulation. With regard to waste disposal sites, the opening sentence states, "To ensure adequate protection of water quality and statewide uniformity in the siting, operation, and closure of waste disposal sites,...the state board shall do all of the following:...."

IX. Water Code §§ 13222 and 13223. With regard to the question of whether a regional board can adopt regulations to be implemented by local agencies, § 13222 is very specific that, pursuant to state board guidelines, a regional board may adopt regulations to carry out its powers and duties. However, Section 13223 specifically restricts the adoption of such regulations to the regional board and bars any delegation of such powers and duties to the executive officer. This includes promulgation of regulations and waste discharge requirements.

The term "waste discharge requirements" (Section 13374) is equivalent to the term "permits" in the FWPC Act. Thus, when United States Code Title 33, Section 1342(p), requires certain prohibitions and controls to be included in a permit for municipal discharges, those are to be included in the permit adopted by the regional board. Thus, in effect it reads, "[waste discharge requirements] for discharges from municipal storm sewers...(ii) shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers."

This does not mean that the regional board merely tell the county and cities to adopt such prohibitions. It means that the permit issued by the regional board must contain such prohibitions.

X. Water Code § 13225. Pursuant to § 13225, the regional board is authorized to "obtain coordinated action in water quality control, including the prevention and abatement of water pollution and nuisance." If the regional board issues its own regulations, it will produce coordinated action by all of the cities and the county consistent with the state statute. Requiring the cities and county to independently adopt such regulations is the opposite of coordinated action.

Subparagraph (c) of § 13225 contains the specific power of the regional board over a state or local agency, i.e., "Require as necessary any state or local agency to investigate and report on any technical factors involved in water quality control or to obtain and submit analyses of water...." Subparagraph (d) is even more limiting. The regional board is authorized to "Request enforcement by appropriate federal, state and local agencies of their respective water quality control laws."

Thus, the regional board cannot require a local agency to enforce its own water quality control law. The board is authorized to make a request, but not to give a directive. How then can it dictate to a local agency what to include in an ordinance? Again,

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subparagraph (f) authorizes the regional board to report to a local health officer in a case of suspected contamination in the region. The regional boards jurisdiction does not extend beyond making the report. It cannot issue a directive to the local health officer.

XI. Water Code §§ 13240 through 13247. The article containing §§ 13240, et seq. gives guidelines for the adoption of the regional water quality control plan. Presumably a "water quality control plan" (defined in Section 13050) contains a general program as opposed to the more specific "waste discharge requirements" provided for in the succeeding article. In implementing the program, § 13242 authorizes the regional board to include recommendations for action by a public entity. A recommendation is not a directive. Section 13243 defines the power of the regional board with regard to its Water Quality Control Plan and with regard to waste discharge requirements. The regional board may "specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted." These constitute powers of the regional board, not requirements which may be imposed on a city or county.

XII. Water Code §§ 13260 through 13274. The next article (§§ 13260-13274) governs implementation of the waste discharge requirements adopted pursuant to §§ 13222 and 13223. The implementation is framed in terms of reports by persons discharging waste, with the regional board being given authority by § 13263 to prescribe additional requirements if no discharge report has been filed.

Indeed, perhaps it is the circuitous method of civil enforcement of the waste discharge requirements set forth in the state statute that has led the state and regional boards to propose an order in which local agencies would be required to adopt regulations. However, the nature of the state statute leads to the opposite conclusion. If the state legislature has placed limitations on the exercise of power by the state and regional boards, those limitations cannot be evaded by transferring those powers and duties to local agencies. A violation may be prosecuted, either criminally or civilly, but only after the violation has been called to the attention of the person in writing by the regional board. Although a city or county could enforce its own ordinances, the authority of § 13265 is given to the regional board to enforce its own waste discharge requirements.

XIII. Water Code §§ 13300 through 13361. Chapter 5 of the Water Quality Control Act pertains to enforcement and implementation by the regional board. It is written within the scope of the regional board's waste discharge requirements and the responsibility of enforcement is entirely vested in the regional board. In fact, § 13301 anticipates a violation by the operator of a community sewer system. How then can a city be given the responsibility for adopting an ordinance which is to be enforced by the regional board? Will the city issue an order against itself to cease and desist?

Indeed, the Chapter imposes the requirement of notice and

hearing upon the regional board and sets forth the procedure which is to be followed. § 13306 provides that a majority vote of the entire membership of regional board is required to take enforcement action. Section 13320 allows the state board to intervene if the regional board fails to take action, and § 13330 authorizes an aggrieved party to petition for a writ of mandate in the superior court if a regional board fails to take action.

The complete statutory procedure for enforcement of waste discharge requirements would be circumvented by the order being proposed for adoption by the Los Angeles County RWQCB. The same type of circumvention would occur with respect to § 13360 which limits the method whereby a person should comply with waste discharge requirements of a regional or state board.

XIV. Water Code §§ 13370 through 13389. Chapter 5.5 supplements the delegation of authority in § 13160 with regard to the implementation of the FWPC Act in the State of California. Section 13377 states,

"Notwithstanding any other provision of this division, the state board or the regional boards shall, as required or authorized by the Federal Water Pollution Control Act, as amended, issue waste discharge requirements and dredge or fill material permits which apply and ensure compliance with all applicable provisions of the act and acts amendatory thereof or supplementary, thereto, together with any more stringent effluent standards or limitations necessary to implement water quality control plans, or for the protection of beneficial uses, or to prevent nuisance."

The statute provides that the permits issued by the regional board, not local ordinances, ensure compliance. The case of Southern California Edison Co. v. State Water Resources Control Bd. (1981) 116 CA3d 751, 172 Cal.Rptr. 306, shows that the courts will apply a strict standard of interpretation to the statutory provisions. In the same way the regional board does not have the authority to go beyond or to escape the statutory scheme by seeking to impose a requirement upon local agencies to adopt regulations. Indeed, §§ 13378 through 13382.5 specify that the adoption of certain waste discharge requirements (permits) and dredged or fill material permits is a function of the state and regional board.

Section 13383 authorizes the state or regional board to require monitoring and reporting by any person under its jurisdiction. However, Section 13384 requires a public hearing by the regional board prior to the adoption of the waste discharge requirements (permits). Again, the statutory scheme would be evaded by imposing the adoption of the regulatory scheme upon local agencies.

XV. Water Code §§ 13390 through 13396.7. Chapter 5.6 pertains to bay protection and toxic cleanup with the state board and regional boards having the responsibility of the adoption of programs to provide maximum protection. Pursuant to § 13391, the basic Water Quality Control Plan is to be adopted by the state board.

Subparagraph (d) states, "Each regional board shall review and, if necessary, revise waste discharge requirements that are inconsistent with those policies and principles." Once again, the responsibility is placed on the regional boards to adopt waste discharge requirements (permits). Local agencies are not given any jurisdiction over the plan, and the advisory committee established by § 13394.6 does not include representatives from local agencies.

XVI. Water Code §§ 13397 to 13398.9. Chapter 5.7 pertains to the drainage of waste water from abandoned mines and for the first time shifts the regulatory burden to local public agencies for purposes of remediation. The state board or a regional board may act as a public agency, but will function primarily in the role of an oversight agency. The contrast in approach is critical. It shows that the State Legislature can deliberately require public agency regulation when it so chooses. By implication, public agency regulation is not required unless the statute so specifies.

XVII. Water Code §§ 13400 through 13485. Chapter 6 provides for the establishment of the state Water Quality Control Fund and provides for loans to public agencies, including cities and counties, for investigation and development of waste water reclamation, and, to a limited extent, for the abatement of waste. Chapter 6.1 is similar and establishes the Water Conservation and Water Quality Bond Law of 1986. Chapter 6.5 creates the state Water Pollution Control Revolving Fund. Any regulations adopted pursuant to Chapters 6.0, 6.1 and 6.5 are not directly related to the regulation of waste water discharges.

XVIII. Water Code §§ 13500, et seq. The balance of the Water Quality Control Act does not involve the discharge of waste water in the storm drains and is not pertinent to our discussion, except for one example which is illustrative of the issue being considered in this analysis.

XIX. Water Code §§ 13900 through 13908. Chapter 11 is concerned with waste discharges from houseboats on or in the waters of the state. In order to control the discharge of such wastes § 13904 provides, "Each such affected city or county shall within 120 days of receipt of the notice from the regional board, adopt an ordinance for control of discharges of waste from houseboats within the area for which notice was given by the board." Then § 13906 provides that if the city or county fails to adopt such an ordinance, "the regional board may adopt regulations necessary for the control of discharges of waste from houseboats for the area designated." Section 13908 (similar to § 13002) acknowledges the autonomous power of cities to regulate discharges of waste from houseboats by adopting additional ordinances or regulations.

The language in these sections recognizes the distinction between local regulation as opposed to regulation by the state and regional boards. The State Legislature is perfectly capable of

delineating the functions which it wishes to have assumed by local agencies. When it does not and states unequivocally that such functions are to be performed by the state and the regional boards, then neither board has the authority to circumvent the statute and impose its own responsibilities upon local agencies.

XX. 40 CFR 5 122.26. Section 122.26 of 40 CFR imposes a permit requirement on discharges from large and medium municipal separate storm sewer systems. Cities under 100,000 population are exempt unless designated as part of the medium municipal separate storm sewer system, in which case the system is required to obtain a permit pursuant to § 122.26(d).

A. The application for a system permit requires the applicant (the County of Los Angeles) to demonstrate that it has legal authority to control discharges to the municipal separate storm sewer system. This is provided for generally under Part 1 of the application and more specifically under Part 2 of the application, which contains a definition of "Adequate legal authority". A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance, or series of contracts...." The subparagraphs thereafter supplement this list by adding the words "permits" and "similar means."

1. The use of the term "Permittee" for a city in the regional board's order is incorrect. In 40 CFR 122.26, the terms "permittee and co-permittee" [Sec. (a)(3)(iii)(A)] are applicable to the county and cities, respectively. The term "co-permittee" is defined in Section 122.26(b)(1) and along with Section 122.26(a)(3)(vi) sets the standard that "Co-permittees need only comply with permit conditions relating to discharges from the municipal separate storm sewers for which they are operators." Although "permittee" is not specifically defined, the County's jurisdiction is necessarily broader.

2. The permittee (County) as the "applicant" is responsible for filing parts 1 and 2 of the application for large and medium separate storm sewer discharges [Sec. 122.26(d)(i)]. Other participants in the permit application are called "co-applicants." In part 2 of the application, the "applicant" or County of Los Angeles is required to show legal authority for operating the system. Part of this legal authority includes "interagency agreements among the co-applicants" [Sec. 122.26(d)(2)(D)]. Adequate legal authority may include County and city ordinances, but it also includes any statutory authority such as the "waste discharge requirements" or regulations adopted by the regional board.

3. If the Regional Board had chosen to apply for a regional permit with all of the counties and cities in the region as co-applicants, then pursuant to Section 122.26(a)(3)(C)(3), each of the co-applicants would have been required to "comply with the application requirements of paragraph (d) of this section." Since the Regional Board did not choose a regional application, that provision does not apply.

4. Under Section 122.26(a)(iii)(A) only the "applicant" or

County of Los Angeles is required to comply with paragraph (d). The compliance of the co-applicants is accomplished through the County and the regulations and contracts which it chooses to adopt, but primarily through interagency agreements.

5. The "proposed management program" is to be prepared by the County. Section 122.26 (d)(iv) provides that, "Separate proposed programs may be submitted by each co-applicant." However, this is permissive, and a program is not required of each co-applicant.

6. Section 122.26(d)(vii) qualifies the information which is to be provided by the County on behalf of the co-applicants:

"Where more than one legal entity submits an application, the application shall contain a description of the roles and responsibilities of each legal entity and procedures to ensure effective coordination."

B. The state and regional boards in reviewing the application for an NPDES permit can appropriately examine whether adequate legal authority has been demonstrated by the County. But such demonstration would include the RWQCB regulations for waste discharge requirements, as well as county regulations, agreements, and ordinances. Since the list of legal authorities includes "statute," and the statutes of the State of California require the state and regional boards to adopt regulations as part of waste discharge requirements (permits) for storm water discharges, those become the primary legal authority under which the cities and counties should operate.

C. If the state and regional boards choose not to adopt prohibitions and controls as part of waste discharge requirements (permits), then the boards have in effect determined that no such waste discharge requirements are necessary. If the boards choose to abnegate their statutory obligations, they cannot establish an obligation on the part of the county and/or cities to adopt such requirements. The county and cities could independently determine what steps to take through ordinances, permits, contracts, orders, or similar means without specific direction from the state and regional boards. Nevertheless, the right to examine the legal authority of the county and cities is not the same as issuing an order requiring the county and cities to adopt regulations prohibiting certain activities. If the state and regional board believe certain standards should be enforced by the county and cities, then those should be adopted as part of the waste discharge requirements (permit) pursuant to the statute.

D. The State of California has been granted the legal authority to enforce the Federal Water Pollution Control Act, and the statutory scheme which was adopted under the California Water Quality Control Act provides the method whereby the state and regional boards are authorized to act. The state and regional boards cannot independently legislate or innovate a new methodology for accomplishing the purposes of the Act.

SENT BY: CITY OF WHITTIER : 6-26-96 : 2:33PM : FAX: (310) 464 3572-



# City of Whittier

13230 Penn Street, Whittier, California 90602-1772  
(310) 945-8200

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Phone:		Phone:	(310) 464-3511		
Fax:	(310) 464-7880	Fax:			

June 26, 1996

Ms. Catherine Tyrell  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Ms. Tyrell:

Subject: Comments Regarding Tentative Waste Discharge Order

Enclosed are the City of Whittier comments regarding tentative waste discharge order dated May 23, 1996.

If you have any questions regarding this submittal, please call me at (310) 464-3510.

Sincerely,

*David T. Mochizuki*  
David T. Mochizuki  
Director of Public Works

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City of Whittier  
to LARWQCB  
Comments/6-26-96

COMMENTS IN RE: TENTATIVE WASTE DISCHARGE ORDER

The following problem areas require attention.

1. The tentative permit contains conflicting provisions which, if not corrected, could impede or prevent effective compliance, that could expose the City to citizen law suits.
2. Findings 4,5, and 6 are too either too general or inaccurate for the purpose of justifying current and future requirements under the tentative permit and, therefore, should be explained more fully or deleted.
3. The tentative permit contains provisions, which if adopted, would impose requirements on the City that exceed federal storm water provisions of the Clean Water Act (hereinafter "CWA"). In many cases these requirements are redundant. Furthermore, the Ninth Circuit Court is now leaning toward the judicial belief that state-mandated requirements contained in an NPDES permit are covered under the Clean Water Act. Therefore, any violation of such requirements could expose the City to citizen law suits. In order words, local ordinance requirements could literally be transformed into federal issues.
4. The revised tentative permit's receiving water limitations, if adopted, would still place the City into a state of non-compliance, thereby exposing it to citizen law suits. The reason: permittees can only be excused from receiving water violations if the discharges are allowed under the tentative permit. Regional board staff should consider using the same receiving water limitation language used in the Santa Clara permit -- notwithstanding that it has been reputed by the USEPA as being the most stringent permit in the state.
5. The tentative permit still contains provisions that are unclear and confusing which, if not corrected, would lead the City into partial or non-compliance, thereby causing the City's exposure to citizen law suits.
6. Street washing is listed under conditionally exempted discharges and designated discharges.
7. The tentative permit, as in the case of the December 18, permit still contains provisions that call for the development and implementation of a county-wide storm water management plan and/or a watershed management plan, neither of which is adequately defined. Furthermore, it is not clear which of the two plans cities will be required to comply with: the county-wide plan or the watershed management plan -- or both?

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City of Whittier  
to LARWQCB  
Comments/6-26-96

- 8. The tentative permit is redundant in that it requires the City to prohibit littering (even if the litter does not enter to the MS4), and the disposal of leaves, dirt, or other landscape debris into a storm drain. However, it overlooks the fact that the permit also prohibits illicit discharges, which broadly includes the discharge of any material other than storm water to the MS4, unless such discharge is exempted by an NPDES permit.
- 9. The tentative permit calls for the "proper" disposal of food wastes by the food service and food distribution industry, but it does not define what "proper disposal" means; nor does it provide a definition of food service or food service distribution industry.
- 10. The tentative permit contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, even if such water does not cause the delivery of refuse or other pollutants into the MS4 (includes streets, alleys, curbs, catch basins, and other conveyances).
- 11. The tentative permit requires the City to establish legal authority to control the pollutants to the MS4 by discharges associated with industrial activity. These facilities are already regulated by the regional board. Therefore, cities should not have to establish legal authority to control pollutants from these facilities.
- 12. The tentative permit, under legal authority requirements, contains provisions which contradict your assertion that industrial/commercial site visits for the purpose of inspection have been eliminated in deference to public education visits.
- 13. The tentative permit contains legal authority requirements (mandated by the federal storm water regulations), that are still vague and offer no guidance on how to achieve compliance with them.
- 14. The tentative permit contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, without any explanation as to why potable water discharges are a problem.
- 15. Several terms that are contained in the permit such as "proper disposal" and hazardous waste are not defined.
- 16. The tentative permit refers to a document prepared by the American Water Works Association relevant to the conditional discharge of potable water, but is not appended to it. In order to understand and evaluate this requirement, it is important that we see it.

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City of Whittier  
to LARWQCB  
Comments/6-26-96

17. The tentative permit, because of comment #16 and other reasons, is incomplete and is still being revised by the regional board staff (most recently, on June 17, 1996).

We also concur with many of the concerns identified by the Executive Advisory Committee.

It should also be noted that the City is concerned about the short time frame it has been given to comment on the revised permit. 30 days really is not enough to fully evaluate and respond to its provisions, especially since the permit is not complete. Beyond this, the City is concerned about how the regional board intends to respond to its comments, given that the tentative permit is scheduled for adoption on July 15 -- about two weeks from now. Will the regional board, in response to the cities' comments, continue issuing revisions to the tentative permit right up until the July 15 regional board meeting? Clearly, cities should have sufficient time to comment on a full permit instead of an incomplete one that still in the process of evolving. Therefore, the City recommends that the adoption date be extended to a time mutually agreed upon between the cities and the regional board.

We look forward to the opportunity of discussing and resolving these problems with you and/or staff as soon as possible. Their correction will further improve the quality of permit and facilitate compliance with its requirements -- a goal that we all share. To that end, if you or your staff require any assistance, please let us know.

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Catherine Tyrrell  
Assistant Executive Officer  
Los Angeles RWQCB  
101 Centre Plaza Drive  
Monterey Park, Ca 91754-2156

96 JUN 20 PH 1:21

QUALITY CONTROL BOARD  
LOS ANGELES REGION

June 16, 1996

Dear Catherine;

I am writing you to suggest a change in the NPEDS permit and monitoring of Storm Drain Runoff. I learned that not all storm drain runoff is the same and that urban runoff cannot be compared to other urban runoff in the ocean.

I also learned that Santa Monica Bay is monitored extensively. After listening to the monitoring experts at the workshop I felt that the monitoring emphasis should be focused more on the actual storm drains ( a point source) rather than the vast ( non point) Santa Monica Bay. By monitoring SM Bay we can tell if our efforts to reduce pollution is working but it doesn't tell us who is doing the polluting.

Ocean monitoring is an important education tool to tell us where it is safe to swim or not to swim. This monitoring only tells us three days after we've been in the water. Don't get me wrong. It needs to continue. Although I feel that more emphasis needs to be brought on the storm drains to catch the perpetrators that pollute so they can be educated.

If a regulator test a pipe he can tell if there is pollution and trace it back up the pipe. A storm drain channel is just a big pipe. If he tests the ocean, the sample is diluted and harder to trace.

I suggest that the NPEDS permit focus more on enforcement monitoring and finding the true sources of the pollution.

My other thought is on trash and debris. If more fences (such as the one at the end of La Ballona Creek) were installed and maintained regularly this would reduce visible pollution and hazards to marine life. Again, by keeping the debris in a narrow channel and collecting it there is a BMP and cost effective. To Collect it in the ocean or on the miles of beaches is expensive and labor intensive. Lets stop this pollution before it hits the ocean.

Lastly, I will work with you on diverting these storm drains off our public beaches. It would be easier to clean up 15 drains rather than 30. Again trying to concentrate all efforts by narrowing down the points of pollution.

Sincerely yours,



Angus Alexander

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Catherine Tyrrell  
Assistant Executive Officer  
Los Angeles RWQCB  
101 Centre Plaza Drive  
Monterey Park, Ca 91754-2156

96 JUN 20 PH 1:21

QUALITY CONTROL BOARD  
LOS ANGELES REGION

June 16, 1996

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Angus Alexander

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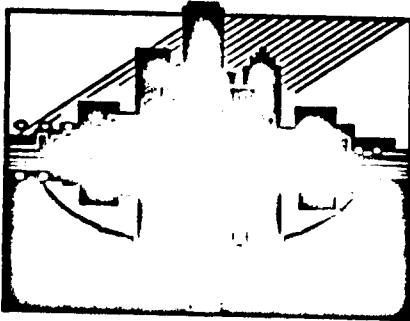
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## Workshop Objective

To discuss the following:

- Permit requirements and how the key issues were addressed;
- Costs involved and benefits that will be derived from storm water management; and,
- What comprises the monitoring program and what information will be derived from it.



REVISED



# WORKSHOP

LOS ANGELES COUNTY  
MUNICIPAL STORM WATER  
NPDES PERMIT

JUNE 18, 1996  
9:30 A.M. TO 4:00 P.M.

Los Angeles City Hall  
Board of Public Works Hearing Room  
200 North Spring Street  
Los Angeles, California

Presented by:  
California Regional Water Quality Control Board  
Los Angeles Region

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**REVISED WORKSHOP PROGRAM**  
June 18, 1996

R0031384

9:30 a.m. **WELCOME & INTRODUCTION TO THE PERMIT**  
*Catherine Tyrrell, Los Angeles RWQCB*

**THE STORM WATER PROGRAM - A NATIONAL OVERVIEW**  
*Catherine Kuhlman, United States Environmental Protection Agency*

**SESSION 1**

**WHAT THE PERMIT IS ALL ABOUT**

Moderator: Hon. Robert Pinzler, Council Member  
City of Redondo Beach

9:55 a.m. Opening Remarks  
*Hon. Robert Pinzler*

Panel Presentations

**PRINCIPAL PERMITTEE'S PERSPECTIVE**  
*Don Wolfe, Los Angeles County Department of Public Works*

**PERMITTEE'S PERSPECTIVE**  
*Ora Lampman, City of Burbank*

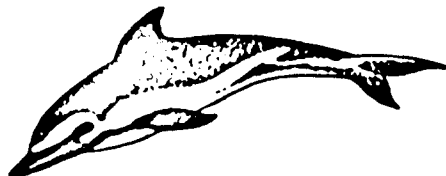
**BUSINESS AND INDUSTRY'S PERSPECTIVE**  
*Amy Glad, Building Industry Association*  
*Michael Kissel, Carl Karcher Enterprises*

**ENVIRONMENTAL COMMUNITY'S PERSPECTIVE**  
*Dr. Mark Gold, Heal the Bay*

**PERMIT-RELATED LEGAL ISSUES**  
*Elizabeth Jennings, State Water Resources Control Board*

11:15 a.m. Questions and Answers

12:15 - 1:15 p.m. LUNCH BREAK



**SESSION 2**

**COSTS AND BENEFITS OF STORM WATER MANAGEMENT**

Moderator: Hon. Dennis Washburn, Council Member  
City of Calabasas

1:15 p.m. Opening Remarks  
*Hon. Dennis Washburn*

Panel Presentations

**COMPARATIVE COST OF THE LOS ANGELES COUNTY STORM WATER MANAGEMENT PROGRAM**  
*Marianne Yamaguchi and Dr. Guangyu Wang*  
*Santa Monica Bay Restoration Project*

**COST OF THE STORM WATER PROGRAM FOR THE CITY OF MANHATTAN BEACH**  
*Neil Miller, City of Manhattan Beach*

**RESOURCE BENEFIT ANALYSIS OF A STORM WATER MANAGEMENT PROGRAM**  
*Dr. Wes Ingram, State Water Resources Control Board*

2:15 p.m. Questions and Answers

**SESSION 3**

**MONITORING PROGRAM**

3:15 p.m. Speakers:  
*Dr. Peter Mangarella, Woodward-Clyde Consultants*  
*Dr. Burton Jones, University of Southern California*

3:45 p.m. Questions and Answers

4:15 p.m. WRAP UP

PLEASE SIGN FOR RECORD OF PARTICIPATION:

WORKSHOP - LOS ANGELES COUNTY MUNICIPAL  
STORM WATER NPDES PERMIT

Location: LOS ANGELES CITY HALL, BOARD OF PUBLIC WORKS HEARING ROOM  
200 NO. SPRING STREET, LOS ANGELES, CALIFORNIA

Date: JUNE 18, 1996

~~PLEASE WRITE LEGIBLY~~

	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
1.	ANGEUS ALEXANDER	LA Co. LIFEGUARDS	15222 PUEBLO AVE GARDENA 90249	310 769-6107	
2.	SHARON PERLSTEIN	CITY OF WEST HOLLYWOOD	8300 SANTA MONICA BL W.H 90269	213 798-6383	
3.	ED SCHEGGAL	EL SEGUNDO	350 MAIN ST	310 607-2230	
4.	GARY HILDEBRAND	LA Co. Dept. of PW	900 S. FRENCH AVE ALHAMBRA CA 91803	818 955-5998	818 958-3534
5.	Steve Finton	City of Gardena	1717 W. 162nd St Gardena 90247	310 277-5600 x328	310 217 9676
6.	JOHN KAO	OFC OAKLAND	255 N. BAYVIEW BLVD OAKLAND 570222	415 377-0776	
7.	PETER MANGARELLA	WOODWARD CLYDE	500 12th STREET OAKLAND CA 94607	510 874-3022	3268
8.	BOB PINZEX	CITY OF REDONDO BEACH	1801 STANFORD REDONDO BEACH 90275	310 774-9163	MINZEP AUG. 1004
9.	Kou Putnam	City of Monrovia	415 S. IVY AVE Monrovia 91016	818 359-3236	

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
10.	BILL DEPOTO	L.A. CO. DPW	700 So Fremont ALHAMBRA 91803	818 458-3537	3534
11.	STEPHEN YANEZ	CITY OF DOWNEY	1111 Brookshire Ave Downey CA 90241	710 9047110	710 904-7296
12.	Menerva Daoud	LA CDPW	900 S Fremont	818 4585975	X3534
13.	MIKE KISSEL	CARL KARLISER ENTERPRISES	1200 N HARBOR BL ANAHEIM, CA 92801	714 774-5796	714 790-3639
14.	George Musu	MWD	P.O. Box 699 SAN DIMAS, CA	(909) 392-2938	(909) 392-2477
15.	Betty Seldner	Seldner Environmental	28944 90E Cuocenta Valencia 91355	805 255-6427	805 255-7603
16.	Melissa B. Clack	Calif. Environmental Assoc.	423 Washington SF, CA 94111 3rd	415 421-4213	415 982-7989
17.	CHARLES SILLER	CITY OF POMONA PUBLIC WORKS	Box 660 POMONA 91769	909 620-2238	909 620-2238
18.	Maryann Jones	DWRCE	901 P ST Sacramento CA 95811	916 6570783	
19.	Lisa Peckay Melstien	Dep City Atty Long Beach	333 W. Ocean Blvd 90802	(310) 570-2227	
20.	Ramona Gonzalez	Arce dia	240 W HUNTINGTON	818 574542	
21.	MAS NAGOMI	CUDAP MAYWOOD		818-596-2161	
22.	Don Wolf	L A County DPW		818 484219	

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
23.	Orlando Lampman	Burbank	275 E. Olive Ave.	(818) 238-3915	(818) 238-3918
24.	Luis Ramirez	CITY OF BELE	6330 PINE AVE.	(213) 588-6211 R220	(213) 771-6473
25.	Andrea Smith	LACSD	1955 WORKMAN MILL RD	(310) 699-7411	
26.	James Leserman	Water Department	1221 E. 116th St. Cerritos, CA 90709	310/ 921-5524	310 921-6101
27.	Lisa Derman	California Restaurant Assn.	3436 Wilshire, #2030 LA 90010	213- 384-1000	213- 384-1623
28.	G. BREITBART	✓	✓	✓	✓
29.	Charles Posner	Cal. Coastal Comm.	245 W. Bond St #300LB 90305	310 590 5070	5084
30.	Jim Valentine	City of Pasadena	100 N. Garfield Pasadena	(610) 405-4265	(610) 405-4257
31.	Ken Keaton	Caltrans	120 S Spring St LA 90012	215-691-5636	215-691-9083
32.	Amy Amirani	City of Hermosa Beach	1315 Valley Dr. HB 90254	310 318-0211	310-937-5015
33.	Dave Berheum	Sidkey Austin for Council of Los Angeles	555 W. Fifth LA 90013-1010	(213) 896-6617	(213) 896-6600
34.	N. Abbaszadeh	City of Azusa	213 E. Foothill Blvd.	818/812-5261	818/812-9517
35.	W. L. Moore	Highway Ceramics	P.O. Box 6506 Yuma AZ	520 726-0244	520 344 2044

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL NO.	FAX NO.
36.	Jim Van Winkle	City of South Pasadena	1414 Mission St South Pasadena CA	818 441-7836	
37.	Joyce Truhan	MWD	P.O. Box 699 San Dimas, CA 91016	(909) 392-2505	392-2525
38.	CHARLES REDDEN	CITY OF COVINA	125 E. COLLEGE ST. COVINA CA 91723	(818) 858-7204	(818) 858-5556
39.	Deborah Jayne	RWRCB, San Diego	9371 Clarendon Mansions <del>Clarendon St. A</del>	(419) 467-2972	
40.	FRANK MELBOURN	"	"	(619) 467-2973	(619) 571-6972
41.	EUGENE BROMLEY	EPA, Region 9 (W-5-1)	75 HAWTHORNE STREET	415-744-1926	415-744-1235
42.	JACK STOECKER	BROWN AND CALDWELL	IRVINE, CA	714 260 6193	
43.	BELLETE W. YOHANN	BUREAU OF SANITATION Industrial Waste	4590 Colorado Blvd L.A. 90039	(213) 485-5872	(213) 237-0304
44.	Gerald Greene	Boyle Engineering	P.O. Box 3030 Newport Beach	714 478 3713	714 721 7111
45.	Michael Ritchey	Torrance	3031 Torrance Blvd. Torrance	(310) 614 2420	(310) 619-2822
46.	Uzi Daniel	City Alhambra	111 1st Street Alhambra	(818) 570 3259	
47.	Jaque Forrest	Heal the Bay	2701 Ocean Park Blvd	310 581 4188	310 581 4125
48.					

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
49.	JAMES LOYD	CITY OF PASADENA	100 N GARFIELD PASADENA, CA 91105	(818) 405 4287	
50.	Maya Mounwad	City of San Marino	2200 Huntington Dr. San Marino, Ca 91108	(818) 360-0700	(818) 360-0709
51.	SAM WISE	City of Rolling Hills Estates	4045 Palis Verdes Dr North Rolling Hills Estates 90274	(310) 377-1577	(310) 377-4462
52.	AMY AMIRANI	CITY OF HERMOSA BEACH	1315 VALLEY DR. H.B. CA 90254	310 3180217	
53.	HOMAYDUN BEHBOODI	"	"	310 3180212	
54.	ANDREW WARRINEZ	City of CALARCOAS	26135 MURCOUR RD	514-876-4285	
55.	David Colloso	City of Whittier	13236 E. Penn St. Whittier 90727	310 814-3570	310 469-3572
56.	Pam Keyes	City of Culver City	9770 CULVER BLVD 90232	310/2535621	310 2535621
57.	Gretchen Struwe	Congresswoman Harman	5720 W. Century Blvd Gardena LA, 90247	310 288 8220	
58.	Mark Wirth	Rep Jim Harman	127 E Prado Torrance 90501	310 870767	
59.	Rick Sase	Main San Gabriel Watermark	Azusa	818 815-1260	
60.	JOE ANCHETA	KEYSUR CENTURY	26000 SPARKY BROOK AUSTIN	202-259-2160	
61.	Maury Rosen	Barber Healthcare Corp	4001 Colorado Blvd. Los Angeles CA 90039	(818) 507-8613	

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
62.	Leslie Lair Steve Huang	City of Redondo Beach	415 Diamond St Rt. 1 CA 90277	310 310-0661	310/372 8021
63.	Rod Posada	City of Cerritos	P.O. Box 3130 Cerritos, CA 90703	310-916-1224	310-916-3174
64.	Vivian Magaña	City of LA	650 S. Hill St 7th fl LA 90014	(213) 847-4890	(213) 847-0331
65.	DON MAY	CALIFORNIA WATER CORPS	4927 MINTURN Ave Lakewood 90712	(40) 670-1491	670-4653
66.	DORIANNE Campbell	Southern CA Coalition for Pollution Prevention	355 So GRAND, 404 F1 L.A. CA 90071	683 8717	683-0225
67.	Melek Tavel	City of Hawthorne	4455 W. 126th St Hawthorne 90250	310 970-7964	970-7999
68.	MARY BERLEN	SCWRP	7171 Peacock Lane Westminster, CA 92683	(714) 894-2222	(714) 894-9699
69.	Shuli Kennedy	John L Hunter <sup>ASSN</sup> E.	330 Firestone #A2 S.F.S.	310 802-7880	310- 802-2297
70.	John Hunter	"	"	"	"
71.	Susan Yoder	U.S.C. Sea Grant Program	21 USC 90089 Los Angeles CA 0373	213 740-1965	213 740-5936
72.	Bill Gibson	Cal. State Long Beach Sociology	12518 Box 101 LA 50066	(310) 398- 0526	(310) 398- 0526
73.	Don Duke	UCLA	Environmental Sciences & Planning UCLA School of Public Health Los Angeles 90095-1772	310-794- 2164	310-206- 3758
74.	NANCY HUPAR	CITY OF BALDWIN PARK	14403 E. PACIFIC Ave. BALDWIN PARK, CA 4706	818-813- 5261	818-962- 2625

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
75.	Jed Ireland	City of Malibu	23555 Civic Center Way Malibu CA 90265	310-456-2409	(310) 456-5511
76.	Joan Hartmann	Am Ocean Company	1725 Striz Avenue	310 576-616	70
77.	RICHARD KENON	INGLEWOOD	ONE MANCHESTER ING. 90301	310 412-5333	412-5552
78.	CHRISTINA SARKONE	CITY OF GLENDALE	613 E BROADWAY GLEN 91202	818-548- 2080	
79.	DESI ALVAREZ	GLENDALE	635 E Broadway #205 Glendale Ca 91206	818- 548-3945	
80.	JOAN HARRIS	RWU	333 SVORE ST LOS AN 90071	(213) 614-8414	(213) 624-0178
81.	Sandy Brown	San Tomé Garden	10951 W. Pico #202 90064	3.441 9084	3.441 0724
82.	George Nutt	SANITATION / I.W.M.D	4590 COLORADO BLVD. L.A., 90039	(213) 485-5874	7-0304
83.	Shane Overton	"	"	"	"
84.	Mank Gold	HETS	2201 Ocean Park Blvd #150 SM 90405	310 581-4185	
85.	Gail Feuer	NRDC	6310 San Vicente Blvd LA 90048	213 934 6900	213 934 1210
86.	Heather Lea Wurtz	Charles Adolph Assoc.	3711 Kenless #200 - ENTRANCE 90039	210 2257R	310 2209FB
87.	Carl Tripp	City of L.A. I.W.M.D	4590 Colorado Blvd L.A. 90039 #20911	485-5874	232-0304

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
88.	Jawabur Pshel	City of LA/Sanct.	200 N Main St LA. CA 90012	485-1810	485-3000
89.	LEON MARTIN	City of La Brea			
90.	Romeo DAVID	"	"	944-2688	
91.	Katherine Maulk	City Attorney / City of Whittier		(714) 255- 8500	714-529- 0538
92.	Katherine Rubin	CA DWP	111 N. Hope St., Rm 1116	213-367- 0436	213-367- 0402
93.	Sid J. Mousavi	City of Baldwin Park	14403 E. Pacific Ave <sup>D.P.</sup>	(615) 813-725	
94.	HECTOR FLUNA	CITY OF BALDWIN PARK	" " "	(818) 813-5255	
95.	Gene ESTRADA	COUNTY OF ORANGE	P.O. Box 4248 SANTA ANA, CA. 92702	(714) 834-7677 4-48	
96.	Kimble Sheets	EKI	2951 28th Street Suite SM, CA 90405 1020	310-314-8855	310-314-8800
97.	JOHN WISZ	CITY OF CARSON	701 E CARSON ST 90745	310-552-1700	310-513- 6243
98.	R. TAHIR	WHITTIER	11500 W. Whittier	310-444-7115	
99.	Brian McClure	City of La Mirada	15515 Phoebe Ave	714 522-6821	714 522-5800
100.	KRISHNA PATEL	CITY OF SAN DIMAS	245 E BONITA AVE	(951) 354-6240	

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
101.	Matthew Proffman	City of Arcadia	240 W. Huntington Dr.	574-5481	
102.	Judy Chin	CITY OF Arcadia	"	574-5289	
103.	William Kapp	City of Rosewood	5050 Clark Ave. Rosewood, CA 92712	310-866-9771 310-866-5501	310-866-0525
104.	William Jones	Charles Miller Assoc. 371 Van Ness Way Berkeley, CA 94704		510-212-5225 510-212-0883	
105.	Dave Forrest	Woodward-Cunroe Suite 1000 San Diego, CA 92108	615 Murray Canyon Rd San Diego, CA 92108	(619) 254-4400	253-7720
106.	Alyse & Brett	SRP. Jewelry Products	214 C. Market Rd. Arcadia	(818) 7977100	
107.	Phil Fishback	City of LA		213-8476544	
108.	ADG	"		213-947-8520	
109.	Karin R. Smith	City of L.A. EAD	201 N. Figueroa St. #m200	213-570-1000	
110.	Doc Zinke	Building Industry Assn.	2405 Kona Blvd. #1335 9802	(818) 531- (818) 25-2858	0072
111.	Kev Schiff	So Cal Coastal Water Research	7171 Fenwick Ln. Westminster 92683	714 854 2222	-9699
112.	Steve Boy	So Calif Coastal Water Research	7171 Fenwick Lane	719-894-2222	-9699
113.			Westminster, CA 92683	719-894-2222	

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
114.	LAURA KEEDNEY	LAMIRADA- ENVIRONMENTAL SERVICES	1519 ADEPS AVE LAMIRADA CA 90638	310 943-0131	714 5225820
115.	Rosemarie Petersen	CITY OF SAN DIMAS	245 E. BONITA AVE SAN DIMAS, CA 91773	909 394-6244	909 394-6209
116.	JERRY WOODING	CITY OF SAN BERNARDINO	117 MACNEIL ST SE 91303	916 598-122T	916 345-8096
117.	Billi Roman	City of Santa Monica	1212 5th St SM 90401	310-34 458-8231	
118.	NEIL MILLER	MANHATTAN BEACH	14001 WILSON MB 90266	545-5671 x387	909 546-1752
119.	DENNIS WASHBURN	CITY OF CALABASAS RCD of Santa Monica Mtns	26135 Moreau Rd Calabasas 91302	818 878- 4225	878-4215
120.	Tony Nisich	Santa Clarita	27920 Voltaire Blvd Santa Clarita, CA 91355	805 256 4923	-
121.	Don W. Wilson	" "	"	805 255-4343	-
122.	Donald Kirkland	JENSEN PRECAST	9401 ETIWAVER #109 ETI 91757	909 355-1819	909 355-1986
123.	Don Schilling	County of Orange	10652 Don Hill Rd Anaheim 92806	714 5676365	
124.	Jack Petrak	L.A. Co DWS	2525 Corporate A #150 Monterey Park 91754	213-881-4011	213-269-4327
125.	Wes Ingram	SWRCB	901 P St. Sac 95814	916-653-3977	916-657-2304
126.	May McMaster	Officer Voss, Auditor Murphy, O'Leary	281 S. Risueno St	213-621-2000	

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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
127.	Scott Porehn	City of Lakewood		310-866-9771	310-866-0505
128.	Red Posner	City of Cerritos		310-916-1229	
129.	Rick Morgan	Malibu		310-456-2489 242	
130.	Chris Salvaggio	Los Angeles		213-847-5212	
131.	Alan Hsu	SMBRP		213 2667583	
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	NAME	AGENCY/COMPANY/ RESIDENT	ADDRESS	TEL. NO.	FAX NO.
140.	Don F Keene	(LAG Ret) Consulting	7314 Verdugo Toluca Hills Creative	818 352 5712	
141.	ARJAN IDNA	Baldwin PAME HIMS	14403E. PACIFIC AVE	818 813-5255	
142.	Burton Jones	USC	Los Angeles CA 90089-0371	213-740-3725	213-740-5801
143.	MIKE KANTOR	CITY OF LOS ANGELES	600 S. SPRING - Rm 700 LA, CA 90014	212 847-5209	847-5443
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**PERMIT "LITE"**

**for the Non-Technical Reader**

*A Summary  
of the Los Angeles County  
Municipal Storm Water NPDES Permit*

*May 1996*

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### About Urban and Storm Water Runoff...

Urban and storm water runoff is a serious concern, in both dry and rainy seasons. It is contaminated with pesticides, fertilizers, animal droppings, trash, food wastes, automotive by-products and other toxic substances that are part of our urban environment. Waters that flow over streets, parking lots, construction sites and industrial facilities carry these pollutants through a 5,000-mile storm drain network directly to the lakes, streams and beaches of southern California.

Urban runoff is the largest source of unregulated pollution to the waterways and coastal areas of the United States. Locally, we see the impacts in increased health risks to swimmers near storm drains, high concentrations of toxic metals in harbor and ocean sediments, and toxicity to aquatic life.

These impacts translate into losses to the County's \$2 billion a year tourism economy, loss of recreational resources, dramatic cost increases for cleaning up contaminated sediments and impaired function and vitality of our natural resources.

### History

The Clean Water Act of 1967 established requirements for storm water discharges under the National Pollution Discharge Elimination System (NPDES) program. In response to those requirements, the State of California issued a five-year permit for municipal storm water discharges to Los Angeles County in June 1990.

The 1990 permit was very general in nature, resulting in storm water programs that varied widely from city to city. The 1996 permit, a re-issuance of the 1990 permit, therefore seeks to provide better direction by specifying actions needed to comply with permit requirements.

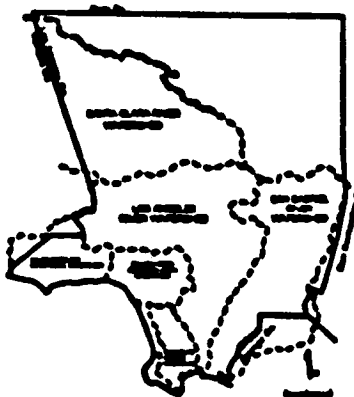
This permit is the result of 1-1/2 years of discussions between representatives of the Los Angeles Regional Water Quality Control Board (Regional Board), Los Angeles County, the City of Los Angeles, three smaller cities, and the environmental community. It also incorporates

extensive comments received from all interested parties on two earlier drafts.

The permit (formally known as an "Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles") will be considered by the Regional Board on July 15, 1996.

### Goals of the Municipal Storm Water Permit

- To attain and protect the beneficial uses of water bodies in Los Angeles County;
- To reduce pollutants in storm water to the maximum extent practicable; and
- To evaluate compliance with the objectives and requirements contained in the permit.



### Requirements of the Storm Water Management Program

In general, the permit requires implementation of both the Storm Water Management Program contained in the permit, and the elements of the Countywide Storm Water Management Plan (CSWMP) or Watershed Management Area Plans (WMAF) that will be developed pursuant to the permit.

### The Countywide Storm Water Management Plan and Watershed Management Area Plans

Much of the permit details the Storm Water Management Program elements and "what" should be included in the CSWMP. Developing the specified program elements will require that Permittees determine "how" actions will be implemented. Program elements, once developed, will then be compiled into the unified implementation plan known as the CSWMP.

The Watershed Management Area Plans are to be developed later in the permit cycle. They are based on the requirements of the permit and the CSWMP, but will also include actions that address water quality problems and concerns that are unique to the six watershed areas of Los Angeles County. Once developed and approved, the WMAF supersedes the CSWMP.

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The storm water management program is comprised of seven elements, the objectives of which are to:

1. Effectively manage and coordinate implementation of the storm water program;
2. Identify and eliminate illicit connections and illicit discharges to the storm drain system;
3. Reduce storm water impacts associated with development and redevelopment projects;
4. Reduce storm water quality impacts associated with public agency activities;
5. Increase public knowledge about the impacts of storm water pollution and about actions that can be taken to prevent pollution;
6. Increase knowledge and understanding about the quality, quantity, sources, and impacts of urban runoff; and
7. Evaluate the effectiveness of implementing storm water management programs.

Summarized below are the program elements to carry out these objectives.

**Framework for Program Management**

The permit designates responsibilities for managing and executing storm water pollution reduction activities between the Principal Permittee (Los Angeles County) and Permittees (the County and the 85 municipalities).

Within this framework, the Principal Permittee must carry out responsibilities as a Permittee, as well as responsibilities on behalf of all Permittees. (The Principal Permittee, however, is not responsible for ensuring compliance of any individual Permittee.)

**The Principal Permittee's responsibilities are to:**

- Coordinate activities among Permittees, including the development of the CSWMP;
- Act as liaison between Permittees and the Regional Board;
- Provide staff and financial resources for the development of storm water management plans, program components, annual reports and other required reports;
- Convene and provide support for committees organized to implement the permit;

- Develop the Five-Year Storm Water Public Education Strategy; and
- Implement the county-wide storm water monitoring program.

**All Permittees are required to:**

- Comply with the requirements of the storm water management program and the CSWMP;
- Coordinate implementation of permit requirements within its own jurisdiction;
- Participate in developing the CSWMP;
- Provide information to the County for annual reports to the Regional Board; and
- Participate in developing Watershed Management Area Plans.

Permittees must also prepare a summary of the resources that have been dedicated to implement the storm water program, and demonstrate, through an ordinance or guidance document, that they possess the legal authority necessary to control storm water discharges within their jurisdiction.

**Elimination of Illicit Connections and Discharges**

The Clean Water Act requires that permits for municipal storm water systems prohibit all discharges of "non-storm" water. Since there are many types of "non-storm" discharges that are regulated under separate permits or are not considered significant pollutant sources, the permit exempts certain discharges from the prohibition.

However, to eliminate all non-exempt discharges, Permittees must:

- Identify and eliminate illicit connections and illicit discharges to storm drains; and
- Facilitate the public's ability to report illicit connections and discharges.

**Development Planning and Construction**

This program is designed to ensure that storm water management considerations are integrated into planning, permitting and construction of development projects. As part of this program, the County, in consultation with Cities, will prepare:

- Countywide guidelines (including recommended Best Management Practices, Standard Urban Storm Water Mitigation Plans and checklists) for development and redevelopment projects that may significantly affect storm water quality;
- Guidelines for use in preparing and reviewing CEQA documents; and

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- Guidance for developers about storm water management, reducing flows from development sites, and cost-effective pollution control measures.

Each Permittee must also develop a program to carry out planning control measures for priority categories of development projects, and require submittal of Urban Storm Water Mitigation Plans prior to issuing any grading or building permit. Permittees must also incorporate watershed and storm water management considerations into any significant re-write of General Plan elements.

The Principal Permittee will develop county-wide guidelines for construction projects that may generate significant pollutant loads, and Permittees must develop regulatory and site inspection programs.

**Public Agency Activities**

Permittees are required to develop a program to reduce the impact of public agency activities on storm water quality. These programs must include the following elements, where applicable:

- Procedures to prevent and respond to spills or leaks from sewage system operations;
- Proper management, design and practices to prevent storm water impacts from public construction projects;
- Pollution prevention plans and BMPs for public vehicle maintenance/material storage facilities that may discharge pollutants into storm water;
- Procedures to minimize storm water pollution associated with landscaping activities, pools and recreation areas;
- BMPs for catch basin and storm drain maintenance;
- Street sweeping and road maintenance programs;
- A program to reduce pollutants from municipal parking lots; and
- Procedures to implement BMPs at Permittee-owned or operated industrial facilities.

**Public Information and Involvement**

Education is crucial for effective storm water management. Information and public outreach programs that encourage target audiences to implement solutions that reduce storm water pollution are cornerstones of the permit.

Education and outreach programs should be targeted to specific audiences such as residents, industrial facility operators, commercial

businesses, school children, and public agency employees.

**Immediate Outreach**

Permittees must provide materials for the general public and targeted audiences that convey information about storm water pollution and what can be done to help solve the problem. Actions can be wide-ranging – phone numbers for the public to report illegal dumping, training materials for employees regarding storm water permit compliance, and educational materials for industry/business sector site visits are but a few examples.

**Site Visits to Businesses and Industries**

Permittees must develop an educational, compliance assistance program for industries and businesses that are potential sources of urban runoff pollutants. The most important component of this program is the educational site visit. Through these visits, Permittees can explain the storm water regulations, provide businesses with information about how to minimize polluted runoff, and if requested, can assist them in understanding and complying with storm water regulations.

To reduce costs associated with instituting a new program, Permittees are encouraged to coordinate this site visit program with existing programs, such as those conducted by fire and health departments or industrial waste inspectors.

**A Five-Year Countywide Storm Water Public Education Strategy**

As part of the CSWMP and subsequent WMAPs, the County must develop a five-year countywide storm water public education strategy. This strategy—which focuses on residents, school children, businesses and public employees—will include a full range of outreach tools and methods for educating and training these audiences about why storm water pollution must be managed and what steps can be taken to prevent it.

**Monitoring**

The County must also develop a storm water quality monitoring program that will:

- Track water quality status and trends,
- Identify watershed-specific pollutants of concern;
- Improve understanding of the relationship between land uses and pollutant loads,

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- Identify sources of pollutants and evaluate significant storm water quality problems;
- Evaluate the effectiveness of storm water management programs, including pollutant reductions achieved by BMPs, and
- Increase knowledge about the impacts of runoff on receiving waters.

**About the  
Santa Monica Bay Restoration Project...**

The Santa Monica Bay Restoration Project is a partnership of government, environmentalists, scientists, industry and the public established in 1988 as part of the Clean Water Act National Estuary Program. Its mission is to find solutions and implement actions that restore and protect Santa Monica Bay.



**Program Reporting and Evaluation**

Reporting and evaluation of results is crucial for effective storm water management. Each year, on April 15, Permittees will be required to submit a program implementation progress report to the Regional Board. This progress report must review the status of implementation, summarize accomplishments and implementation of BMPs, and recommend any changes to the storm water programs or plans.

The Principal Permittee must also submit an annual report on the results of the monitoring program. Four years after the adoption of the permit, the County must submit a report that assesses the effectiveness of BMPs that have been implemented, and make recommendations on performance standards for each Watershed Management Area. A final report on the results of the receiving water impacts assessment will also be completed.

**Conclusion**

This permit is a crucial step in maintaining the progress that has been made to improve the health and values of all water bodies in Los Angeles County. Significant achievements have been made to improve the quality of municipal sewage discharges, therefore urban runoff pollution is now the primary cause of degraded water quality in this region.

Reducing storm water and urban runoff pollution is the highest priority of the Santa Monica Bay Restoration Plan, a comprehensive watershed management plan that has been approved by Governor Wilson and U.S. EPA Administrator Carol Browner. Protecting Santa Monica Bay and the region's many lakes, streams and wetlands is vital to the economy and to the quality of life that we enjoy in Southern California.

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June 10, 1996

**COMPARISON OF LOS ANGELES COUNTY DRAFT STORM WATER PERMIT  
WITH SIMILAR PERMITS IN ORANGE AND SANTA CLARA COUNTIES  
EPA, Region 9**

The California Regional Water Quality Control Boards (RWQCBs) are in the process of reissuing the "early" municipal storm water permits which were originally issued in 1990. The permits are considered "early" because they were issued prior to the final EPA storm water regulations of November, 1990. "Early" permit were issued in San Diego, Orange, Riverside, San Bernardino, Los Angeles, Santa Clara and Sacramento Counties. Final permits have now been reissued for Santa Clara, Orange, Riverside, Sacramento and San Bernardino Counties. Draft permits have been prepared for Los Angeles and San Diego Counties.

Los Angeles County and many of its 86 co-permittees argued that the draft permit of December 18, 1995 which was prepared by the Los Angeles RWQCB was too detailed and contained excessive requirements. However, a revised draft permit has now been prepared by the Los Angeles RWQCB and was public noticed on May 23, 1996. To evaluate the claims of the permittees, EPA, Region 9 prepared a comparison (dated March 25, 1996) of the more controversial requirements of the December 18, 1995 version of the Los Angeles County permit with the corresponding requirements of the Santa Clara County and Orange County permits. We also reviewed the May 23, 1996 version of the Los Angeles County permit to produce this update of the comparison with the Orange and Santa Clara County permits. The Santa Clara County program is an outstanding program and was the winner of EPA's 1993 national award for excellence in storm water quality management. The Orange County program would be considered at least a representative, if not above average program.

Table 1 summarizes the principal requirements of concern in the Los Angeles County permit in comparison with the permits for Santa Clara County and Orange County. Appendix 1 discusses these requirements in more detail. Appendix 2 highlights principal areas where the latest Los Angeles County draft permit appears to be more stringent or more detailed than one or the other of the Santa Clara County or Orange County permits. The differences do not seem to be particularly significant, however.

It should also be noted that the Los Angeles County permit does not reference the storm water program proposals in the permit applications as is done for the permits for Santa Clara County and Orange County. The Los Angeles RWQCB found the Los Angeles County permit application deficient in many respects and elected to write all the requirements into the permit. This factor contributes substantially to the length and detail of the Los Angeles County permit as compared to the other two permits.

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**TABLE 1 - SUMMARY PERMIT COMPARISON**

Permit Requirements	Los Angeles County	Santa Clara County	Orange County
Receiving Water Limitations	Compliance Via BMPs <sup>1</sup>	Compliance Via BMPs	Compliance Via BMPs <sup>1</sup>
Program Management	Implement Permittee Proposal <sup>2</sup>	Implement Permittee Proposal	Implement Permittee Proposal
Illicit Discharges	Inspection Schedule Developed by Permittees  BMPs Required for Street and Sidewalk Washing	Inspection Schedule Developed by Permittees  BMPs Required for Street and Sidewalk Washing Plus Review of 12 Other Discharges	Inspection Schedule Developed by Permittees
Industrial/Commercial - Inspections <sup>3</sup>	Specifies Inspection Schedule Plus Types of Facilities to be Inspected	Inspection Schedule Proposed by Permittees	Inspection Schedule Based on Other Inspection Programs
Industrial/Commercial - Specific BMPs	Requires Legal Authority for Specific BMPs	Developed by Permittees	Developed by Permittees
New Developments <sup>4</sup>	Storm Water BMPs Required	Storm Water BMPs Required	Storm Water BMPs Required
Monitoring Requirements	Basic Program Plus Critical Source Monitoring	Basic Program Plus Pilot Projects	Basic Program Plus Upgrades to Meet Permit Goals
Street Sweeping	Once/Month or More	Once/Month or More	Once/Month or More

<sup>1</sup> Includes provision that permittees would not be in violation of receiving water limitations if they implement required BMPs.

<sup>2</sup> More complicated due to 6 watersheds; individual Watershed Management Committees are required.

<sup>3</sup> Inspections slightly more frequent in the Los Angeles County permit than in a proposal from the Santa Clara County permittees. For Orange County, the inspection frequency of the other programs (e.g. hazardous wastes) is somewhat greater than the requirements of the Los Angeles permit. However, Orange County is still in the process of incorporating storm water into the other inspection programs and no specific schedule is included in the permit for this task.

<sup>4</sup> Slightly differing requirements on applicability and BMPs.

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APPENDIX 1 - COMPARISON OF PERMIT CONDITIONS OF PRINCIPAL CONCERN

1) Receiving Water Limitations:

The RWQCBs are attempting to standardize the language in all the State's municipal storm water permits concerning receiving water limitations. A workgroup was formed in early 1996 and model permit language was developed which has been appearing in recent permits (with minor variations) prepared by the California RWQCBs.

The model permit language essentially requires compliance with receiving water limitations via implementation of storm water BMPs. Storm water monitoring is required with additional BMPs as necessary to ensure compliance with the receiving water limitations. The model language also states that permittees will not be in violation of the permit provision requiring compliance with the receiving water limitations as long as they implement the required BMPs.

The model language was incorporated into the final permit for Orange County which was issued on March 8, 1996 by the Santa Ana RWQCB, and also the May 23, 1996 draft Los Angeles County permit. The Santa Clara County permit and the previous draft Los Angeles County permit of December 18, 1995 include similar language without, however, the provision that the permittees would be in compliance with the receiving water limitations if they implement the required BMPs.

EPA, in conjunction with the National Urban Wet Weather Flows Advisory Committee, is in the process of developing a national policy to address receiving water limitations for storm water permits. The national policy, which is still in draft form, basically recommends that storm water permits focus on BMPs for the moment due to a lack of adequate information regarding how to incorporate receiving water limitations into storm permits. This is generally consistent with the requirements of the California storm water permits. Although the draft national policy may be modified in response to comments received, we doubt that the final version will differ significantly from the latest draft, and that the current California storm water permits will likely be consistent with the final policy as well.

2) Program Management

Several Los Angeles County co-permittees objected to the permit requirements for program management and coordination in the December 18, 1995 draft permit. In particular, the draft

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permit had required the establishment of an Executive Advisory Committee (EAC) and also specified the membership. In addition, Watershed Management Committees (WMCs) were mandated by the permit. A couple of co-permittees argued that the EAC should not be required and that they should be allowed to choose their own organizational structure. A more common complaint pertained to the specification of the membership on the EAC.

The permit application submitted by Los Angeles County on behalf of the co-permittees proposed the same basic program management requirements as in the December 18, 1995 draft permit, including the establishment of the EAC and the WMCs. As such, it was not clear why any co-permittees would object to this structure. Nevertheless, the May 23, 1996 version of the draft permit omits all the requirements related to the EAC, and it would seem likely that this would adequately address the concerns of most co-permittees.

Both the Santa Clara County and Orange County co-permittees voluntarily developed suitable implementation agreements to coordinate the individual storm water programs of the various co-permittees. The permits for these Counties simply require that the co-permittees follow through with their own proposals. The May 23, 1996 draft Los Angeles County permit would in effect be comparable to the Santa Clara County and Orange County permits since all co-permittees would basically be implementing their own proposals.

In response to those co-permittees who have argued that program management requirements are illegal and not mandated by the CWA, we would point to NPDES regulations at 40 CFR 122.26(d)(2)(iv) which require "where necessary intergovernmental coordination" in developing and implementing a storm water management program. WMCs could be considered an appropriate means of ensuring the necessary coordination.

3) **Illicit Discharges**

The Los Angeles, Santa Clara and Orange County permits all require programs to prevent illicit discharges which are based on the requirements of the EPA regulations. The Santa Clara County permit requires that the co-permittees develop performance standards to set forth the level of activity (e.g., number of inspections) of the program. The Orange County permit requires submittal of a schedule for periodic inspections to be approved by the Santa Ana RWQCB. The Los Angeles County permit requires the development of a program which presumably would be similar to those developed in Santa Clara County and Orange County.

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The Los Angeles County permit does go beyond the Orange County permit in the area of non-storm water discharges. The Los Angeles County permit specifically requires that BMPs must be developed for street and sidewalk washing. The Orange County permit provides that the permittees need not prohibit these discharges unless they are determined to be a source of pollutants.

The Santa Clara County permit also requires that BMPs be developed and implemented to reduce pollutants from street and sidewalk washing operations. In addition, the Santa Clara County permit requires that permittees evaluate a list of 12 other non-storm water discharges and consider the need for additional BMPs. Overall, in the area of illicit discharges, the Los Angeles County permit would seem to be midway in stringency between the Orange County and Santa Clara County permits.

4) Controls for Industrial/Commercial Sources

a) Inspections

The draft Los Angeles County permit sets forth the specific types of facilities which must be inspected and the inspection frequencies. In this regard the permit goes beyond the requirements of both the Orange County and Santa Clara County permits. The Santa Clara County permit requires that the co-permittees develop a performance standard for the industrial/commercial runoff control program including an appropriate inspection program. The Orange County permit requires that co-permittees incorporate storm water inspections into previously existing inspection programs (e.g., hazardous waste, pretreatment), and thus the inspection frequency and types of facilities which are inspected depend on the nature of these other inspection programs.

The Santa Clara County permittees have submitted their proposal for a performance standard for inspections to the San Francisco Bay RWQCB. The types of facilities which would be inspected are similar to the requirements of the Los Angeles County permit; however, the proposed inspections are slightly less frequent. For example:

<u>Facility Type</u>	<u>Santa Clara</u>	<u>Los Angeles</u>
Vehicle Repair Facility	once/2 years	once/2 years
Restaurants	once/3 years	once/2 years
Facility with Pretreatment Permit	once/2 years	once/2 years

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As noted above, the types of facilities to be inspected in the Orange County program depend on the types already being inspected under the existing inspection programs. However, these types of facilities are similar to the facilities which would be inspected in the other Counties. The number of inspections conducted annually by the Orange County Health Care Agency is 5,500, another 7,000 inspections are conducted annually by Orange County fire departments. The City of Los Angeles has estimated that 12,000 inspections would have been required per year under the proposed permit of December 18, 1995 for the City alone. Given that the population of the City of Los Angeles is about 3.5 million (vs. 2.6 million for Orange County), the inspection frequency for the December 18, 1995 Los Angeles County permit would be less than the Orange County permit. In addition, the inspection frequencies were reduced somewhat for May 23, 1996 version of the Los Angeles County permit, thereby further reducing the inspection burden in Los Angeles County versus Orange County. It should also be noted, however, that Orange County is still in process of incorporating storm water into the other inspection programs. No specific schedule is included in the Orange County permit to complete this task.

b). Specific BMPs

Many Los Angeles County co-permittees objected to the highly specific BMPs which the draft permit of December 18, 1995 had required for industrial and commercial facilities. Examples cited by the City of Long Beach included the requirement for regular sweeping of parking lots with more than 25 spaces, and the prohibition on the repair of machinery or vehicles in areas exposed to storm water, if they are visibly leaking oil or other fluids. However, for the May 23, 1996 version of the Los Angeles County permit, these requirements were omitted and replaced with requirements to obtain legal authority to require such BMPs. In addition, the revised permit would only require legal authority to prohibit discharges to the maximum extent practicable from areas where repair of machinery or vehicles occurs, if leaks of fluids are visible.

The Santa Clara County program is currently conducting a study of parking lot runoff, and the co-permittees have committed to consider appropriate parking lot BMPs after the study has been completed. The nature of the BMPs and the size of the affected facilities remain to be determined. The Orange County permit requires inspections of commercial and industrial facilities and general pollution prevention would be required (which could include regular sweeping). In addition, for new developments with a property owners association, sweeping of parking lots is required prior to the wet season.

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With regards to the example involving the repair of machinery or vehicles, the Santa Clara County permit requires a performance standard for industrial/commercial runoff control. The draft performance standard which has been submitted by the co-permittees would not necessarily prohibit outdoor repairs, but would require appropriate BMPs for such activities. The Orange County permit would essentially require BMPs based on the judgment of the co-permittees.

The legal authority requirements of the Santa Clara County and Orange County permits are less specific than those in the May 23, 1996 draft Los Angeles County permit. However, the BMPs which Santa Clara County and Orange County ultimately require are likely to be similar to those for which Los Angeles County would be required to have legal authority to prescribe. Moreover, the May 23, 1996 draft Los Angeles County permit focuses on educational site visits rather than heavy-handed enforcement. As such, the permit difference does not seem especially significant.

5) Controls for New Developments

The Los Angeles County co-permittees expressed various concerns regarding the proposed requirements in the December 18, 1995 draft permit for storm water controls for new developments. In particular, co-permittees objected to the classification scheme for prioritizing projects. Projects were classified as high priority, priority or limited priority depending on detailed criteria in the permit. In addition, objections were raised regarding the requirement for a storm water mitigation plan for priority and high priority projects. The May 23, 1996 draft Los Angeles County permit modified the prioritization requirements somewhat; however, the requirement for a storm water mitigation plan was retained.

The requirement for a storm water mitigation plan does not seem to be excessive considering the requirements of the Santa Clara County and Orange County permits. The Santa Clara County permit requires the development of a performance standard by co-permittees by September 1, 1996. Co-permittees would develop and then require specific BMPs to be included in development projects which are proposed. The equivalent of a storm water mitigation plan would be required to be submitted by a developer for review by the appropriate municipality. The specific BMPs remain to be developed, but would be based on a 1994 guidance memorandum from the San Francisco Bay RWQCB.

The Orange County permit also requires the equivalent of a storm water mitigation plan to be submitted by developers for review. Orange County has also developed detailed guidance for

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developers regarding appropriate storm water BMPs. BMPs are required "in keeping with the size and type of development."

Overall, the draft Los Angeles County permit requirements do not seem excessive in comparison to the Santa Clara County and Orange County permits.

#### 6) Monitoring Requirements

In most respects, the monitoring requirements of the draft Los Angeles County permit are similar to the requirements of the Orange County and Santa Clara County permits. Few adverse comments were received on the December 18, 1995 version. One particular requirement in the Los Angeles County permit which did generate concerns was the requirement for critical source/BMP monitoring. Los Angeles County would be required to monitor runoff from 5 (and possibly 3 more) particular types of sources (industrial, commercial, or construction sites), and subsequently test appropriate BMPs at the sites. Other co-permittees would monitor and evaluate BMPs for 5 more critical sources. Los Angeles County noted that in its recent settlement agreement with NRDC, the County has agreed to implement this type of project; however, the County suggested certain changes to the program set forth in the draft permit. Other co-permittees argued that this type of research is excessive as a permit condition. The May 23, 1996 draft Los Angeles County permit omitted the monitoring requirement for the 5 additional critical sources which co-permittees other than Los Angeles County would have investigated.

The Santa Clara County permit requires the submittal of an annual monitoring program proposal, and also sets forth the general objectives of the monitoring program. Special studies or pilot projects are expected to be part of the proposal in order for the proposal to be approvable, and several such studies are under way or planned by the co-permittees. Examples include a brake pad study and several other metals reductions studies, a parking lot study, a street sweeping study and others.

The Orange County permit establishes various goals for the monitoring program (which include research concerning pollutant sources and BMPs) and requires the submittal of a upgraded monitoring program in 1997. However, the permit also recognizes that the goals may not be achievable in this permit term. It is unclear but probably doubtful that research at the level required by the Los Angeles County permit would be required. Nevertheless, it should also be pointed out that the Orange County program did conduct some pilot projects in the first permit term including monitoring of golf course runoff and runoff from new developments.

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Overall, the permit requirements of the latest Los Angeles County permit related to critical source monitoring would exceed the requirements of the Orange County permit. The source identification and control program required by the Santa Clara County permit, however, would seem comparable to the requirements of the Los Angeles County permit.

7) Street Sweeping

In a cost analysis prepared by the Los Angeles County committees, street sweeping was cited as a particularly high cost item. The cost specifically attributable to the storm water permit was not estimated, however. In comparison with the Santa Clara County and Orange County permits, the requirements of the Los Angeles County permit regarding street sweeping are not excessive.

The May 23, 1996 draft Los Angeles County permit requires (as did the December 18, 1995 draft) sweeping of curbed streets at least monthly, and more frequently where feasible for areas which generate high levels of refuse. In Santa Clara County, the sweeping frequency varies among cities, but generally exceeds once/month. Examples are: Palo Alto, once/week or more; Mountain View, once or twice/month; San Jose, weekly to monthly. In addition, a study is required to investigate improved street sweeping methods with revisions in sweeping programs to be implemented based on the results of the study. In Orange County, sweeping frequencies are also on the order of monthly or more frequent.

The street sweeping requirements of the draft Los Angeles County permit were not among the more controversial aspects of the permit (the City of Los Angeles did recommend in its comments on the December 18, 1995 draft that the monthly frequency be considered a target rather than a requirement). However, the costs associated with the Los Angeles County street sweeping should be comparable to the programs of the other Counties.

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**APPENDIX 2 - KEY LOS ANGELES COUNTY PERMIT REQUIREMENTS WHICH ARE MORE DETAILED OR EXCEED THE REQUIREMENTS OF THE SANTA CLARA COUNTY AND/OR ORANGE COUNTY PERMITS**

- o *Receiving water limitations* - the Santa Clara County permit omits the provision in the draft Los Angeles County permit and the final Orange County permit that the permittees would not be in violation of receiving water limitations if they implement the required BMPs.
- o *BMPs for street and sidewalk washing* - specifically included in the Los Angeles and Santa Clara County permits, but not Orange County. The Santa Clara County permit also requires review of 12 other types of non-storm water discharges for possible BMP requirements.
- o *Specific inspection program for industrial/commercial businesses* - inspection program is developed by the Santa Clara and Orange County permittees, rather than specified by the permit. The proposed Los Angeles County inspection frequency is slightly greater than a proposal from Santa Clara County, but somewhat less than Orange County's frequency. Orange County plans to incorporate storm water inspections into other inspection programs (e.g., hazardous waste). However, Orange County is still in the process of incorporating storm water into the other inspection programs and no specific schedule is included in the permit to complete this task.
- o *Legal authority for specific BMPs for industrial/commercial businesses* - less specific legal authority requirements are found in the Santa Clara County and Orange County permits than the May 23, 1996 draft permit for Los Angeles County. Specific BMP requirements are developed by the Santa Clara County and Orange County permittees, but are likely to be similar to the BMPs for which Los Angeles County would be required to have legal authority to prescribe.
- o *Critical source monitoring* - comparable requirements are found in the Santa Clara County permit, but the Los Angeles County permit generally exceeds Orange County requirements in this area.



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**DRAFT INTERIM PERMITTING APPROACH FOR WATER QUALITY-BASED  
EFFLUENT LIMITATIONS IN STORM WATER PERMITS**

In response to recent questions regarding the type of water quality-based effluent limitations that are most appropriate for National Pollutant Discharge Elimination System (NPDES) storm water permits, the Environmental Protection Agency (EPA) is adopting an interim permitting approach for regulating wet weather storm water discharges. Due to the nature of storm water discharges, and the typical lack of information on which to base numeric water quality-based effluent limitations (expressed as concentration and mass), EPA will use an interim permitting approach for NPDES storm water permits.

The interim permitting approach uses best management practices (BMPs) as water quality-based effluent limitations in first-round storm water permits, and expanded or better-tailored BMPs in subsequent permits, where necessary. In cases where adequate information exists to develop more specific conditions or limitations to meet water quality standards, these conditions or limitations are to be incorporated into storm water permits, as necessary and appropriate. This interim permitting approach is not intended to affect those storm water permits that already include appropriately derived numeric water quality-based effluent limitations or technology-based effluent limitations such as those based on effluent limitations guidelines or developed using best professional judgement (BPJ).

In order to gather necessary information about storm water discharges, storm water permits should include coordinated and cost-effective monitoring programs, such as ambient monitoring, receiving water assessment, discharge monitoring (as needed), or a combination of monitoring procedures designed to gather necessary information.

This interim permitting approach applies only to EPA; however, EPA also encourages authorized States to adopt similar policies for storm water permits. This interim permitting approach provides time, where necessary, to more fully assess the range of issues inherent in the control of storm water discharges for the protection of water quality. This interim permitting approach may be modified as a result of the ongoing Urban Wet Weather Flows Advisory Committee policy dialogue on this subject.

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**DRAFT Qs & As FOR INTERIM PERMITTING APPROACH FOR WATER QUALITY-BASED EFFLUENT LIMITATIONS IN STORM WATER PERMITS**

**Question 1: Must EPA require that storm water dischargers, industrial or municipal, be subject to numeric water quality-based effluent limitations (expressed as concentration and mass) in order to attain water quality standards (WQS)?**

**Answer 1: No, although National Pollutant Discharge Elimination System (NPDES) permits must contain conditions to ensure that water quality standards are met, this does not mandate the use of numeric water quality-based effluent limitations. Under the Clean Water Act (CWA) and NPDES regulations, permitting authorities may employ a variety of controls and limitations in storm water permits, including best management practices, performance objectives, narrative standards, monitoring triggers, action levels (monitoring benchmarks, toxicity reduction evaluation action levels, etc.), etc., as the necessary technology-based or water quality-based controls, where numeric water quality-based effluent limitations are determined to be infeasible.**

**Analysis:**

**A. The statute does not require numeric effluent limitations.**

Section 301 of the statute requires that dischargers comply with effluent limitations necessary to meet State WQS. Section 502 defines "effluent limitation" to mean ANY restriction on quantities, rates, and concentrations of constituents discharged from point sources. Nowhere does the CWA say that effluent limitations need be numeric. As a result, EPA has broad flexibility in terms of how to define effluent limitations.

**B. EPA's regulations do not require numeric effluent limitations.**

EPA has, through regulation, interpreted the statute to allow for non-numeric limitations (e.g., "best management practices" or BMPs, see 40 CFR 122.2) to supplement or replace numeric limitations in specific instances that meet the criteria specified at 40 CFR 122.44(k). This regulation essentially codifies a court case addressing storm water discharges. *NRDC v. Costle*, 568 F.2d 1369 (D.C. Cir. 1977). In that case, the Court stated that EPA need not establish numeric effluent limitations where such limitations were infeasible.

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C. EPA has interpreted the statute and regulations to allow BMPs in lieu of numeric standards.

EPA has defended use of BMPs as a substitute for numeric limitations in litigation involving storm water discharges (CBE v. EPA, 91-70056 (9th Cir.) (brief on merits)) and in correspondence (Letter from Michael Cook, EPA, to Peter Lehner, NRDC, May 31, 1995). EPA has found that numeric limitations for storm water permits can be very difficult to develop at this time because of the existing state of knowledge about the intermittent and variable nature of these types of discharges, their effects on receiving waters, and the effectiveness of control measures in achieving numeric effluent limitations and improving water quality. Some storm water permits, however, currently do contain numeric water quality-based effluent limitations where adequate information exists to derive such limitations.

**Question 2: Has EPA provided guidance on a methodology for deriving numeric water quality-based effluent limitations?**

**Answer 2: Yes, but primarily for continuous wastewater discharges at low flow conditions in the receiving water, not intermittent wet weather discharges during high flow conditions. Regulations at 40 CFR 122.44(d) specify the requirements under which permitting authorities establish water quality-based effluent limitations when a facility has the "reasonable potential" to cause or contribute to an excursion of a numeric or narrative water quality standard. In addition, EPA guidance in the Technical Support Document for Water Quality-Based Toxics Control (TSD) and the NPDES Permit Writers Training Manual, supplemented with total maximum daily load (TMDL) and modeling guidance, supports issuing permits consistent with the regulation and CWA. This guidance was based on crafting numeric water quality-based effluent limitations using TMDLs, or calculations similar to those used in developing TMDLs and wasteload allocations (WLAs), derived through modeling. EPA expects the Urban Wet Weather Flows Advisory Committee (60 FR 21189, May 1, 1995) will review this issue to provide recommendations on how to proceed.**

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**Question 3: Why can numeric water quality-based effluent limitations be difficult to derive for storm water permits?**

**Answer 3:** Storm water discharges are highly variable, and the relationships between discharges, controls and water quality can be complex. The water quality impacts of storm water discharges are related to the uses designated by States and Tribes in their WQS, the quality (e.g., conventional and toxic pollutants conveyed to the receiving water) and quantity (e.g., erosion and loss of habitat caused by increased flows and velocity) of the discharges. Uses may be affected by both water quality and water quantity impacts. Depending on site-specific considerations, some of the water quality impacts of storm water discharges may actually be more related to the physical effects (e.g. stream bank erosion, streambed scouring, extreme temperature variations, sediment smothering) than the pollutants present in the discharge. Although many of the typically used storm water control measures (source controls, traditional structural controls, and other BMPs) will contribute to ensuring that storm water discharges meet WQS, it is currently difficult and resource intensive to accurately quantify the effect of specific BMPs or the cumulative effect of a complex storm water control plan on attaining the numeric pollutant criteria or the designated uses in State or Tribal standards. For municipal storm water permits in particular, the current form of system-wide permits and a variety of jurisdiction-wide BMPs, including programmatic BMPs, does not easily lend itself to the existing procedures for deriving numeric water quality-based effluent limitations. These limitations typically are derived for each specific outfall in consideration of low flows of the receiving water. Because of this, permit writers have not made wide-spread use of existing methodologies and models for municipal storm water discharge permits. Wet weather modeling is technically more difficult and expensive than the simple dilution models generally used in the permitting process. These methodologies were designed primarily for process wastewater (dry weather) discharges which occur at predictable rates with predictable pollutant loadings under low flow conditions in receiving waters.

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**Question 4: Where has EPA recognized the technical difficulty in deriving numeric water quality-based effluent limitations for wet weather discharges?**

**Answer 4:** EPA recognized the technical difficulty in deriving numeric water quality-based effluent limitations for wet weather discharges in its brief on the merits in Citizens for a Better Environment (CBE) v. United States Environmental Protection Agency, 91-70056 (9th Cir.) and in the Great Lakes Water Quality Guidance (58 FR 20841, April 16, 1993).

In the CBE case, EPA claimed that it was technically infeasible to derive numeric water quality-based effluent limitations for the discharge of metals in storm water into South San Francisco Bay and asserted that a water quality-based effluent limitation could take the form of a narrative statement, such as a BMP, if it was infeasible to derive a numeric limitation. In explaining its arguments in the CBE case, EPA cited 40 CFR 122.44(k)(2), which provides that BMPs may be imposed in NPDES permits "to control or abate the discharge of pollutants when ... (2) [n]umeric effluent limitations are infeasible."

In the Great Lakes Water Quality Guidance, EPA did not extend the method for calculating wasteload allocations, the basis for numeric water quality-based effluent limitations, to storm water or combined sewer overflow (CSO) discharges because the varying nature of these discharges is inconsistent with the assumptions used in developing the guidance. The Great Lakes Water Quality Guidance defers to national guidance and policy on wet weather and does not seek to establish a separate and distinct set of wet weather requirements. EPA expects the Urban Wet Weather Flows Advisory Committee (60 FR 21189, May 1, 1995) to provide recommendations about how to address the broader technical issues involved in achieving compliance with WQS in a wet weather context.

**Question 5: What are the potential problems of using standard methodologies to derive numeric water quality-based effluent limitations for storm water permits?**

**Answer 5:** Correctly derived numeric water quality-based effluent limitations provide a greater degree of confidence that a permittee is in compliance with WQS, because numeric water quality-based effluent limitations are derived directly from the numeric component of those standards. In addition, numeric water quality-based effluent limitations can avoid the expense associated with overly protective

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treatment technologies, because numeric water quality-based effluent limitations provide a precise quantifiable target for permittees. Potential problems of incorporating numeric water quality-based effluent limitations rather than BMPs in storm water permits at this time are significant in some cases. Deriving numeric water quality-based effluent limitations for any NPDES permit without an adequate effluent characterization, or an adequate receiving water exposure assessment (which could include the use of dynamic modeling or continuous simulations) may result in the imposition of inappropriate numeric limitations on a discharge. Examples of this include the imposition of numeric water quality criteria as limitations without properly accounting for the receiving water assimilation of the pollutant or failure to account for a mixing zone (if allowed by applicable State WQS). This could lead to overly stringent permit requirements, and excessive and expensive controls on storm water discharges, not necessary to achieve compliance with WQS. Conversely, an inadequate effluent characterization could lead to water quality-based effluent limitations that are not stringent enough to protect designated uses in WQS. This could result because effluent characterization and exposure assessments for discharges with high variability of pollutant concentrations, loadings, and flow are more difficult than with process wastewater discharges at low flows.

**Question 6: Should numeric water quality-based effluent limitations be developed for combined sewer overflow (CSO) discharges?**

**Answer 6: Applying numeric water quality-based effluent limitations to CSOs is also difficult, but does not present all of the same challenges as storm water discharges. In general, more information is available to permit writers about CSOs and their impacts.**

These concepts are reflected in the CSO Control Policy issued by EPA on April 19, 1994 (59 FR 18688), which provides direction on compliance with the technology-based and water quality-based requirements of the CWA for communities with combined sewer systems. The CSO Policy provides for implementation of technology-based requirements (expressed as "nine minimum controls") by January 1, 1997.

In addition, under the CSO Policy, communities are also expected to develop long-term control plans that will provide for attainment of WQS through either the "presumption approach" or the "demonstration approach." Under the presumption approach, CSO controls would be

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presumed to attain WQS if certain performance criteria are met. A program that meets the criteria specified in the CSO policy is presumed to provide an adequate level of control to meet the water quality-based requirements of the CWA, provided the permitting authority determines that such presumption is reasonable based on characterization, monitoring, and modeling of the system, including consideration of sensitive areas. Under the demonstration approach, the permittee would demonstrate that the selected CSO controls, when implemented, will be adequate to meet the water quality-based requirements of the CWA.

The CSO Policy anticipates that it will be difficult in the early stages of permitting to determine whether numeric water quality-based effluent limitations are necessary for CSOs, and, if so, what the limitations should be. For that reason, in the absence of sufficient data to evaluate the need for numeric water quality-based effluent limitations, the Policy recommends that the first phase of CSO permits ("Phase I") contain a narrative limitation to comply with WQS. Further, so-called "Phase II" permits would contain water quality-based effluent limitations, as provided in 40 CFR 122.44(d)(1) and 122.44(k) that may take the form of numeric performance or design standards, such as a certain number of overflow events or a certain percent volume capture. Generally, only after the long-term control plan is in place and after collection of sufficient water quality data (including applicable wasteload allocations developed during a TMDL process) would numeric water quality-based effluent limitations be included in the permit. This would likely occur only after several permitting cycles.

**Question 7: If BMPs alone are demonstrated to provide adequate water quality protection, are additional controls necessary?**

**Answer 7: No.** If the permitting authority determines that, through implementation of appropriate BMPs required by the NPDES storm water permit, the discharges have achieved compliance with WQS and technology-based requirements, additional controls need not be included in the permit. Conversely, if a discharger (municipal or industrial) fails to adopt and implement adequate BMPs as intended, the permitting authority may have to consider more traditional permit controls for water quality protection.

If, however, the permitting authority or States conducting 401 certifications have adequate information on which to base more specific controls or limitations, such limitations are to be incorporated into storm water permits, as necessary and appropriate. Such controls or limitations may

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include an integrated suite of BMPs, performance objectives, narrative standards, monitoring triggers, numeric water quality-based effluent limitations, action levels, etc.

**Question 8: What is EPA going to develop information about the linkage between BMPs and water quality?**

**Answer 8:** The Agency is currently working with WERF (Water Environment Research Foundation) and ASCE (American Society of Civil Engineers) to research which BMPs are most effective under which circumstances. The results of this research will provide permitting authorities and permittees with information about how to evaluate the effectiveness of different kinds of BMPs in different circumstances and to select the most appropriate controls to achieve water quality objectives. In addition, EPA is sponsoring research being conducted by the Watershed Management Institute and other organizations over the next two to four years to examine the capability of storm water BMPs to improve receiving water quality and restore/protect the biological integrity of those waters.

**Question 9: The policy states that permits should incorporate cost-effective monitoring to generate necessary data for the protection of water quality. What types of monitoring should be included and how much monitoring is necessary?**

**Answer 9:** The amount and types of monitoring necessary will vary depending on the individual circumstances of each storm water discharger. EPA encourages dischargers and permitting authorities to carefully evaluate monitoring needs and storm water program objectives so as to select useful and cost-effective monitoring approaches. For most dischargers, storm water monitoring can be conducted for two basic reasons: 1) to identify if problems are present, either in the receiving water or in the discharge, and to characterize the cause(s) of such problems; and 2) to assess the effectiveness of storm water controls in reducing contaminants and making improvements in water quality.

Under the NPDES storm water program, municipal permittees are required to conduct monitoring. EPA recommends that each municipal permittee design the monitoring effort to be supportive of the goals and objectives of its storm water management program when developing such a program for the term of its NPDES permit. To accomplish this, a municipal permittee may use a variety of storm water monitoring tools including receiving water chemistry; receiving water biological assessments (benthic invertebrate surveys, fish



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surveys, habitat assessments, etc.) effluent monitoring; including chemical, whole effluent and visual examinations; illicit connections screening; and combinations thereof or other methods. Techniques that assess receiving waters will help to identify the degree to which storm water discharges are contributing to any water quality problems. Techniques that assess storm water discharge characteristics will help to identify potential causes of any identified water quality problems. The municipal permittee, in conjunction with the applicable NPDES permitting authority, should determine which monitoring approaches would be most appropriate given the objectives of the storm water management program. If municipal permittees conduct ambient monitoring, it may be most cost-effective to pool resources with other organizations (including, for example, other municipalities and States) conducting monitoring within the same watershed. This could be best accomplished through a coordinated watershed monitoring strategy.

For industrial storm water dischargers, monitoring may be required under the terms of NPDES permits for storm water discharges. For those industrial storm water permits that do require monitoring, this is typically done to characterize storm water contaminants that might be found in the industrial runoff and/or to assess the effectiveness of the industrial storm water pollution prevention plan in reducing these contaminants. This typically involves end-of-pipe chemical-specific monitoring. End-of-pipe monitoring may be more appropriate for an industrial facility than for a municipal permittee, given the industrial facility's more discrete site characteristics, which make management strategies such as collection and treatment more feasible. Industries for the most part, have readily defined storm water conveyances into which runoff flows from discrete drainage areas. Industries may more readily identify and control existing on-site sources of storm water contamination or provide collection and treatment within these discrete drainage areas to control pollutant concentrations in their storm water discharges.

EPA and other organizations are currently working to improve approaches for monitoring storm water and the potential effects upon water quality. These new approaches are called storm water program "environmental indicators." Environmental indicators are designed to be more meaningful monitoring tools that storm water dischargers can use to conduct storm water monitoring for the purposes described above. A manual describing each of the recommended storm water program environmental indicators is being prepared by the Center for Watershed Protection in Silver Spring, Maryland. That manual is expected to be ready by the end of

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July 1996 and should provide useful information for storm water dischargers contemplating the need to develop a cost-effective, meaningful storm water monitoring program. In addition, EPA expects the Urban Wet Weather Flows Advisory Committee (60 FR 21189, May 1, 1995) to provide recommendations on how to better monitor storm water and other wet weather discharges using a watershed approach.

**Question 10: Does this policy apply to both storm water discharges associated with industrial activity and storm water discharges from municipal separate storm sewer systems?**

**Answer 10: Yes. This policy is applicable to both discharges from municipal separate storm sewer systems and storm water discharges associated with industrial activity regulated under CFR 122.26(b)(14). The policy would not apply, however, to industrial storm water discharges regulated under an effluent limitations guideline for which technology-based numeric effluent limitations have already been derived for those discharges. In addition, particularly for some industries, adequate information may already have been collected with which to assess the reasonable potential for a storm water discharge to cause or contribute to an excursion of a WQS, and from which a numeric water quality-based effluent limitation can be (or has been) appropriately derived. An adequate amount of storm water pollutant source information may also exist with which to assess the effectiveness of the industrial storm water control measures in complying with the limitations and in reducing storm water contaminants for protecting water quality.**

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LOS ANGELES REGION

CENTRE PLAZA DRIVE  
MONTEREY PARK, CA 91754-3186  
TEL (213) 266-7300  
FAX (213) 266-7600



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June 17, 1996

Interested Party:

TENTATIVE MUNICIPAL STORM WATER PERMIT FOR THE COUNTY OF LOS ANGELES (CAS614001)

Our letter dated May 23, 1996, transmitted the subject tentative permit for your comments. We recognize that there are additional issues that may have to be resolved. Two of these issues are Receiving Water Limitations and Administrative Review requirements. Since May 23, we have conferred with our legal counsels and as a result we are proposing changes to these sections and associated findings. These changes are attached.

Again, we encourage early submittal of your comments so that we can continue the dialogue to resolve issues of concern.

Should you have any questions, please call me at (213) 266-7515, or any of the following Board staff members: Winnie Jesena, (213) 266-7594; Xavier Swamikannu, (213) 266-7592; or Carlos Urrunaga, (213) 266-7598.

CATHERINE TYRRELL  
Assistant Executive Officer

Enclosure: Revisions to the 5/23/96 Tentative Permit

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State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

REVISIONS TO THE 5/23/96 LA COUNTY STORM WATER TENTATIVE PERMIT

RECEIVING WATER LIMITATIONS

1. Change FINDINGS 28 and 29 (page 7) to read:

28. The objective of this Order is to protect the beneficial uses of receiving waters in Los Angeles County. To meet this objective, this Order requires implementation of BMPs intended to reduce pollutants in storm water and urban runoff such that ultimately their discharge will neither cause violations of water quality objectives nor create conditions of nuisance in receiving waters.

29. The Regional Board recognizes the challenges unique to regulating storm water discharges through municipal storm sewer systems, including intermittent and variable nature of discharges, difficulties in monitoring, and limited physical control over the discharge, will require adequate time to implement and evaluate the effectiveness of best management practices required in this Order and to determine whether they will adequately protect the receiving water.

2. Change RECEIVING WATER LIMITATIONS (page 11) to read:

The water quality objectives and water quality standards contained in the Basin Plan (*Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994*), and amendments thereto, shall serve as Receiving Water Limitations for discharges covered under this Order. It is the purpose of this Order that the discharge of storm water, or non-storm water, from a municipal separate storm sewer system (MS4) for which a Permittee is responsible not cause nuisance, continuing or recurring impairment of beneficial uses, or exceedances of water quality objectives in the receiving waters.

Timely and complete implementation by a Permittee of the storm water management programs prescribed in this Order shall satisfy the requirements of this section and constitute compliance with receiving water limitations. However, if the Integrated Receiving Waters Impact Report required in this Order (Section VII.D.) and/or other available information show that discharges authorized under this Order still cause or contribute to the impairment of the beneficial uses or exceedances of water quality objectives, Permittees, as part of their Report of Waste Discharge for the renewal of this Order, shall submit revised storm water management programs that are watershed-specific and will increase the likelihood of preventing future exceedances of water quality objectives.

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3. The above changes in Receiving Water Limitations is accompanied by a change in Annual Program Report, Part VII.A.2.b. (page 58) to read:
  - b. A summary of program accomplishments and self assessments of strategy effectiveness (including how the Permittee arrived at new program elements, if any) by each Permittee, organized by Watershed Management Areas, in the areas of (i) Program Management; (ii) Illicit Connections/Discharges; (iii) Development Planning/Construction; (iv) Public Agency; (v) Public Education/Public Participation.

4. Change Part VII.D. Receiving Water Impacts Report (page 59 & 60) to read:

D. Integrated Receiving Water Impacts Report

The Principal Permittee shall, not later than 54 months after adoption of this Order, prepare and submit an Integrated Receiving Water Impacts Report. The report shall include, but not be limited to, a comprehensive analysis of the results of the different monitoring data (land use, mass emission, critical source, load assessment, receiving waters, and other pertinent studies available), and feasible environmental indicators. It shall also include recommendations on future monitoring requirements, e.g., integration of storm water receiving water monitoring with regional receiving water monitoring, if applicable. This report will be an integral part of the Report of Waste Discharge for the renewal of this Order.

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ADMINISTRATIVE REVIEW

5. Change Part 2.I.G. Administrative Review pages 21 and 22 to read:

G. Administrative Review

The administrative review process formalizes the procedure for review and acceptance of reports and documents submitted to the Regional Board under this Order. In addition, it provides a method to resolve any differences in compliance expectations between the Regional Board and Permittees prior to initiating enforcement action.

1. Storm water program documents, including progress reports, guidelines checklists, BMPs, databases, program summaries, and implementation and compliance schedules, developed by the Principal Permittee or a

Permittee under the provisions of this Order shall be submitted to the Regional Board.

- a. For documents that require Executive Officer's approval, the Executive Officer will notify the Principal Permittee and/or Permittee of the results of the review and approval or disapproval within 120 days. If the Executive Officer has not responded within 120 days following submittal, the Permittee shall notify the Regional Board and interested parties of its intent to implement the program components as submitted. If after 10 days the Executive Officer has not responded, the Permittee will implement the submitted program and the Executive Officer may not make modifications thereof.
  - b. Documents that require formal Regional Board approval will undergo public review and comment before Board consideration at a public meeting.
2. If the Executive Officer determines that a Permittee's storm water program is insufficient to meet the provisions of this Order, the Executive Officer shall send a "Notice of Intent to Meet and Confer (NIMC)" to the Permittee, with specific information in support of the determination. The NIMC shall include a time frame by which the Permittee must meet with Regional Board staff.

**Note:** Subsequent provisions under Administrative Review remain the same as in the 5/23/96 tentative.

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**COMPARATIVE COST OF THE LA COUNTY STORM WATER MANAGEMENT PROGRAM**

Marianne Yamaguchi, Dr. Guang-yu Wang  
Santa Monica Bay Restoration Project

This presentation is aimed at examining two outstanding issues:

1. The projected average cost to municipalities in Los Angeles County for implementing the municipal storm water NPDES program, and
2. The projected cost reduction that municipalities may receive as a result of implementing the revised draft permit.

The information presented here was collected primarily from municipalities in Los Angeles County and from the County of Los Angeles Department of Public Works. It is important to realize that the cost figures are *estimates only*. As pointed out by many people who provided the information, evaluating the cost implications of the storm water NPDES program can be very difficult.

There are two reasons that the cost estimates been so difficult to obtain.

First, the responsibilities for implementing the NPDES program are often shared by many divisions, bureaus, and departments throughout a municipality; they are often piggy-backed on a city's existing operations. It is difficult to single out the cost incurred to a municipality solely for the purpose of storm water management.

Second, some program elements are new for many cities. It is hard to project how much those program elements will cost until the cities have had some experience in implementing them.

Nevertheless, we believe that the information we present here reflect the best estimates that can be expected at this time. We used information that is from sources that have, to the best

of our knowledge, no intention of either inflating or deflating the costs for program implementation. We are also providing as much as possible the sources and assumptions associated with each cost estimate used in this presentation.

The primary source of information on overall cost of the NPDES program is a cost survey conducted by a Task Force under the San Gabriel Valley Council of Governments (SGVCOG). The survey identified nine program areas and related tasks that are required to comply with proposed regulations. Data were collected from six SGVCOG members regarding the cost impacts in their respective communities. Based on the analysis of the sample data, those findings were extrapolated to each of the 26 SGVCOG member cities.

**Table 1. Cost estimate provided by the SGVCOG survey**

Table 1 summarizes those results. All the information in this table are originally from the survey except the column on far right, which we extrapolated from the original data based on average of 3 persons per household. We found that the average per household per month is around \$1.70. We did this extrapolation for comparison with other communities in the State.

It is important to note that the numbers in Table 1 were estimated based on an earlier permit draft (12/18/95 version). These costs are in addition to what these cities are already spending on existing programs that fulfill many permit requirements.

**Table 2. Levels of dedicated storm water program funding**

We made comparisons of the above cost estimates with the amounts that many other communities in and out of Los Angeles County have invested in NPDES storm water programs. Table 2 summarizes the level of dedicated storm water program funding (average monthly rate for a single family parcel) established by 13 cities throughout the State.

**Figure 1. Levels of storm water program funding**

In general, the cost per single family as estimated by SG Valley cities is at the lower range of other municipalities listed in Table 2, as we show by Fig. 1. We think that this is in general

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reflective of the level of efforts that is dictated by the current draft of the permit. If it is true, it could be good news for cities in our County.

**Cost Reduction Associated with Permit Revision (between 12/18/95 and 5/23/96)**

A preliminary comparison of the draft permit language suggests that language changes from the early 12/18/95 draft could result in cost savings in the following three program areas:

- Industrial/Commercial Educational Program
- Construction site inspection
- Monitoring

With regard to the industrial/commercial site program, it is suggested that modifications to the permit language could mean the following changes in practice:

1. **Reduced number of visits/year for many facility categories.**
2. **The ability to piggyback site visits using existing city program/personnel. It opens the possibility of using other types of personnel to conduct the educational site visits.**
- 3.. **No obligation to carry out enforcement actions during site visits. (For example, no need to go through the cumbersome process of obtaining a warrant to enter the property.)**

**Table 3. Comparison of inspection/site visit frequencies**

To give you an example where these changes are in the permit language, Table 3 shows how the frequency of inspections as required by the early draft compare to the frequency of educational site visit according to the new tentative order.

Opinions on the amount of cost reduction that can be achieved through changes resulting from the permit revision differ. They range from zero to fifty-percent for the industrial/commercial area of the program alone. We did a preliminary analysis on what it means in terms of dollar amount if 10%, 25%, or 50% cost reduction can be achieved through these changes.

**Table 4. Proportion of industrial/commercial program in a city's entire storm water program**

To conduct this analysis, again, we assumed that the proportion of industrial/commercial program element in an entire NPDES program is greater for a larger city than for a smaller city, as shown by Table 4.

**Table 5. Amount of cost reduction expected through modification of the draft permit (Industrial/commercial site visits)**

This assumption and the percentage we give to city in each category is generally supported by the SGV survey, with few exceptions. We then plugged these percentages in, along with the 10, 25, 50% reduction assumptions to calculate the expected savings in dollar amount. Table 5 illustrates the results for SG Valley cities as well as the County as a whole.

With regard to construction site inspections, we interpreted that the new draft permit would allow construction site inspection for the purpose of permit compliance be integrated into a city's regular program of inspections. It seems that with this change, a city can be saved from budgeting additional funds beyond existing resources for separate inspections. Therefore, the amount can be saved by a city could be up to 50 to 100 percent of a city's budget when it considers doing separate inspections according to the early draft of the permit. By extrapolating data provided by the SG Valley survey, this change can save one to five percent of the city's entire storm water program depending on the characteristics of a city.

With regard to the monitoring requirement, the 05/18/96 tentative permit relaxes the requirement for cities to conduct separate critical source/BMP monitoring (in addition to what

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the LAC-DPW is required to do). Using LAC-DPW's estimate for fulfilling their responsibilities for critical source/BMP monitoring, this change could save the cost to municipalities by \$700,000 County-wide over the next five years for not directly involving in this monitoring component. (Note: this will not affect cost estimates made by SGVCOG, because that survey did not have estimates on monitoring cost to municipalities).

**Table 6. Summary of estimated cost reduction through modifications to the draft permit.** In summary add cost reductions in all three areas that we just discussed, municipalities in Los Angeles County wide can potentially save between two and seven and half million dollars as shown in Table 6.

#### **Concluding Remarks**

In conclusion, we have shown that indeed, implementation of an effective storm water management program is not inexpensive. However, given this analysis, what we found was that costs for stormwater management program implementation seem equitable to those incurred by other communities around the state.

In this era of diminished municipal revenues, it will likely be a challenge to convince citizens to financially support a new program. We believe that the key to the program's success is to, on the one hand, enhance our efforts to educate citizens about the multiple benefits of clean water versus the high cost of clean up after it happens; and, on the other hand, to promote ongoing exploration of creative mechanisms by both regulators and municipalities for reducing cost and secure financing. Over the years, we have been a member of the team confront those challenges. We have been working with municipalities in the County on educating citizens, testing for cost-effective measures, and exploring new funding mechanisms. Good examples are our innovative PIE program and pilot/demonstration projects that test the local applicability of existing and new urban runoff BMPs. We would like to share our experiences to explore opportunities for collaboration in the future.

# L.A. County Municipal Storm Water NPDES Permit Workshop

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## Comparative Cost of the Los Angeles County Storm Water Management Program

Marianne Yamaguchi  
Dr. Guangyu Wang  
Santa Monica Bay Restoration Project

6/18/96

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# Focus of Cost Comparison

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- Projected average cost to municipalities in Los Angeles County
- Projected cost reduction as the result of draft permit revisions

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# Challenges to Obtaining Precise Cost Estimates

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- Responsibilities are often shared among divisions, bureaus, and departments within a city.
- New program elements may require additional resources from existing city programs.
- Costs of new program elements are difficult to project.

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# Table 1

## Cost Estimates Provided by the SGVCOG Survey

Category*	San Gabriel Valley cities	Total Cost of Program	Avg \$ Person/year	Monthly Avg \$ Rate/SF**
1	Pasadena, Pomona, West Covina	\$3,370,939	\$8.98	\$2.25
2	Alhambra, Arcadia, Baldwin Park Diamond Bar, El Monte, Glendora Monterey Park, Rosemead, Walnut	\$4,183,483	\$7.31	\$1.79
3	Azusa, Claremont, Covina, Industry, La Verne, Monrovia, San Dimas, San Gabriel	\$1,788,133	\$6.73	\$1.70
4	Bradbury, Duarte, Irwindale, San Marino, Sierra Madre, South Pasadena	\$479,317	\$6.73	\$1.68

\*Member cities were categorized based on population size and extent of industrial/commercial activities. In general from category 1 to 4, the cities have smaller populations and fewer industrial/commercial facilities.

\*\*Assume an average of 3.0 persons/single family residence.

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# Table 2

## Levels of Dedicated Storm Water Program Funding

City	Avg. Monthly Rate*
Sacramento	\$10.46
Palo Alto	\$4.05
Berkeley	\$4.17
San Jose	\$3.75
Modesto	\$3.40
<b>Santa Monica</b>	\$3.02
Hayward	\$2.40
<b>Santa Clarita</b>	\$2.00
<b>Los Angeles</b>	\$1.92
Monterey	\$1.74
<b>Manhattan Beach</b>	\$1.67
Santa Cruz	\$1.51
<b>Average</b>	\$3.34

\*Average Monthly Rate for a Single Family Parcel Established by 13 Cities in the State  
 \*\*cities in Los Angeles are in bold

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# Program Areas Modified from 12/18/95 Draft

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- Industrial/Commercial Site Visits
- Construction Site Inspections
- Monitoring

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# Comparison 1

## Industrial and Commercial Educational Site Visits

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- Reduced number of visits/year for many facility categories.
- The ability to piggyback site visits using existing city programs/personnel.
- No obligation to carry out enforcement actions during site visits.

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**Table 3**  
**Comparison of Inspection/Educational Site Visit Frequencies**

Facility Category	Inspection Schedule (12/18/95 Draft) INSPECTIONS/YEARS	Frequency of Educational Site Visits (5/23/96 Tentative) CONTACT/YEARS
i	5/5	2/5
ii	1/5	2/5
iii	2/5	2/5
iv	1/5	1/5
v	3/5	2/5
vi	2/5	2/5
vii	2/5	2/5

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# Table 4

## Proportion of Industrial/Commercial Program in a City's Entire Storm Water NPDES Program

Category	Avg Population	Proportion of Program
1	124,000	20%
2	63,500	15%
3	32,900	10%
4	11,900	5%

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# Table 5

## Estimated Cost of Reductions Associated with Change to Educational Visits (5/23/96 tentative)

Category	Percent Reduction to Cost of Industrial/Commercial Program		
	10% reduction	25% reduction	50% reduction
1	\$74,000	\$168,600	\$337,100
2	\$62,700	\$156,900	\$313,800
3	\$26,800	\$44,700	\$89,500
4	\$2,400	\$6,000	\$12,000
Total	\$165,900	\$376,200	\$752,400
County Total	\$1,072,600	\$2,432,400	\$4,864,900

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## Comparison 2 Construction Site Inspection

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- Allow integration into a city's regular program of construction inspections.

No need to budget additional funds beyond existing resources.

One to five percent cost savings to city's entire storm water NPDES program budget.

## Comparison 3 Monitoring

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- Relaxes the requirement for cities to conduct separate critical source/BMP monitoring

Saves approximately \$140,000 per year  
County-wide

**Table 6**  
**Summary of Estimated Cost Reductions**  
**(12/18/95 draft vs. 5/23/96 tentative)**

<b>PROGRAM AREA</b>	<b>ANNUAL COUNTY-WIDE COST REDUCTION</b>
<b>Industrial/Commercial</b>	<b>\$1,000,000 to \$5,000,000</b>
<b>Construction Site Inspections</b>	<b>\$1,000,000 to \$2,500,000</b>
<b>Monitoring</b>	<b>Approximately \$140,000</b>
<b>Total</b>	<b>\$2,140,000 to \$7,640,000</b>

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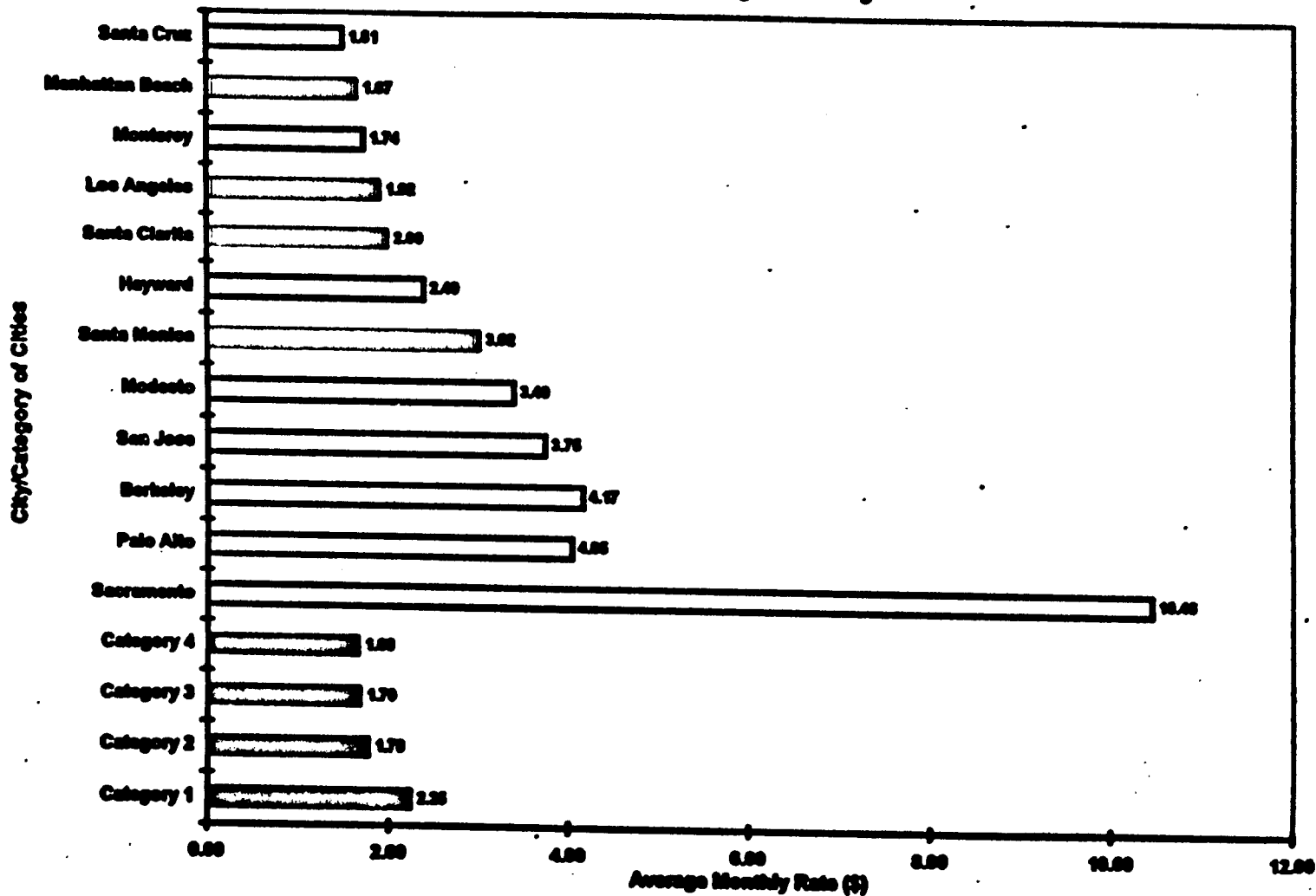
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Fig. 1 Levels of Storm Water Program Funding



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NPDES Tentative Permit Costs City of Manhattan Beach		6/17/88
NPDES Requirement	Included in exst. bgt.	Additional Ann. cost
Development of WMAP	\$ 4,000	
Submit summary of resources	\$ 500	
Prepare legal authority		\$ 10,000
Implement Illicit connection elimination program (includes \$25k 1 time video tape)		\$ 40,000
Development Planning - Requirements unclear	?	?
Construction site inspection of Public right of way	\$ 25,000	
Sewage system operations	\$ 415,000	
Public construction activities - included in current procedures	Included	
Develop landscape control procedures		\$ 4,000
Storm Drain Maintenance Program	\$ 178,000	
Record keeping (Quantities)		\$ 1,200
Street Sweeping	\$ 180,000	
Litter Containers - Purchase and servicing	\$ 30,000	
Parking facilities cleaning - will be more if scrubbing is required	\$ 30,000	
Public Information - Printing and mailing of flyers and brochures	\$ 10,000	\$ 15,000
Annual report on implementation of SWMP		\$ 5,000
<b>Total NPDES cost in existing budget</b>	<b>\$ 872,500</b>	
<b>Total first year additional cost</b>		<b>\$ 75,200</b>



EPA

State Water  
Resources  
Control Board

901 P Street  
Sacramento, CA  
95814  
(916) 653-3822  
FAX (916) 657-2394

# MEMORANDUM



Pete Wilson  
Governor

- Dr. J.P. Carter for DLF*  
*6/24*
- TO: 1) Barbara Evoy, Chief  
Office of Statewide Consistency
- 2) Catherine Tyrrell  
Assistant Executive Officer  
Los Angeles Regional Board

*DK*

FROM: Dave Kennedy  
Economics Unit  
Office of Statewide Consistency

DATE: June 20, 1996

SUBJECT: Tourism and Beach Use Valuation

Attached is the final version of the tourism/beach use valuation paper. Sorry we did not have a copy of this when Wes came for the presentation. Hope this has been of value.

If you have any questions or would like to discuss this matter further, please telephone me at (916) 653-3822.

Attachment(s)

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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

R0031446

## Santa Monica Bay Tourism and Recreational Beach Use

### Tourism

The information in this section is compiled from several sources, most of which have been prepared for the California Department of Trade and Commerce, Division of Tourism. It is important to realize that the travel impact numbers are estimates only. There is no standard acceptable method for producing such information, so it is impossible to determine how accurate it may be. The information is estimated for trips originating outside of Los Angeles County. This means that spending by residents of Los Angeles County is excluded. As such, the information may seem contradictory to information prepared by other sources. The "travel industry" refers to a collection of industries that provide goods and services to the traveling public. These types of businesses are coded according to the U.S. Office of Management and Budget's Standard Industrial Classifications (SIC).

Los Angeles County offers a variety of activities that make it a destination point for many business and leisure travelers. It attracts more travelers than any other California county. D.K. Shifflet and Associates LTD. (1994) estimates that approximately 38.9 million people traveled to Los Angeles County in 1994. Approximately 62 percent of these trips (23.9 million) were for the purpose of leisure travel. Theme parks, movie studios and beaches are examples of the recreational opportunities Los Angeles County has to offer. The remainder (15 million) were for the purpose of business.

Business travelers tend to spend more per day than leisure travelers (\$272 and \$137 per day, respectively), though the greater volume of leisure travelers means that about 45 percent of total spending is done by leisure travelers. Estimates of spending show that travelers to Los Angeles county spent over \$7 billion in 1994. The following table details destination spending by type of industry for business and leisure travelers.

Los Angeles County  
1994 Business and Leisure Destination Spending  
by Industry

Industry	Business Spending (Thousands)	Leisure Spending (Thousands)	Total Spending (Thousands)
Accommodations	\$666,028	\$544,932	\$1,210,960
Eating, Drinking	\$655,254	\$536,117	\$1,191,370
Food Stores	\$324,995	\$265,905	\$590,900
Ground Transportation	\$843,986	\$690,534	\$1,534,520
Recreation	\$575,575	\$470,925	\$1,046,500
Retail Sales	\$1,027,142	\$840,389	\$1,867,530
County Total	\$4,092,979	\$3,348,801	\$7,441,780

Dean Runyan Associates

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Travel spending supports employment within these industries. Employment in some industries, Accommodations and Ground Transportation for example, is quite dependent on travel spending, accounting for over 50% of total employment within that industry. About 3% of Los Angeles County's private sector employment is supported by travel spending. The following table details employment generated by travel spending contrasted with total county employment within that industry.

**Los Angeles County  
1994 Employment Generated by Travel Spending  
by Industry**

Industry	Employment Generated by Travel Spending <sup>1</sup>	Industry Total Employment <sup>2</sup>	% of Industry Total
Accommodations	20,564	37,080	55.5%
Eating, Drinking	27,808	212,098	13.1%
Food Stores	2,944	80,363	3.7%
Ground Transportation	12,502	24,584	50.9%
Recreation	7,378	50,557	14.6%
Retail Sales	10,982	138,169	7.9%
County Total	82,178	542,851	15.1%

1. Dean Runyan Associates  
2. Minnesota Implan Group

In addition to the direct spending generated by tourism, tax revenues are also generated. The following table details tax revenues by type of tax.

**Los Angeles County  
1994 Tax Revenues Generated by Travel spending**

Tax	1994 (Thousands)
Transient Occupancy	\$128,255
Sales Tax	\$68,140
State Tax	\$286,070
Total	\$482,460

Dean Runyan Associates

The Santa Monica Bay Area attracts many visitors. The Public Summary of the Santa Monica Bay Restoration Plan (December 1994) indicates that 45-60 million people visited Santa Monica Bay beaches in 1990. Some Santa Monica spending information is available. Since this information is developed from small samples, an average value for four survey sites (San Onofre, Cabrillo-Long

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Beach, Santa Monica, and Leo Carrillo) is included for comparison. This information appears to be collected for recreational users only, including both county residents and non-county visitors. It does not follow the same industry classification as the previous information. Therefore, it is not suitable for direct comparison.

**Average Spending  
by Visitors to Southern California Coastal Areas**

Expenditure Type	Per Person Per Day (\$ 1994)		Per Group Per Trip (\$ 1994)	
	Santa Monica	Southern California	Santa Monica	Southern California
Lodging	\$21.89	\$21.06	\$68.23	\$84.28
Food and Beverage	\$30.09	\$19.14	\$92.52	\$92.68
Transportation	\$16.00	\$22.16	\$46.21	\$110.27
Activities/Entertainment	\$11.19	\$15.92	\$43.50	\$73.13
Miscellaneous	\$9.58	\$6.30	\$22.40	\$47.24
Services	\$3.18	\$1.59	\$5.19	\$6.60
<b>Total</b>	<b>\$91.93</b>	<b>\$66.17</b>	<b>\$278.05</b>	<b>\$414.20</b>

Leeworthy, Schrufer, and Wiley

It is clear that tourism generates a substantial amount of revenue to Los Angeles County in terms of direct spending, tax revenues, and payroll. The question that is difficult to answer is how these amounts may change with improvements in water quality. Or more importantly, how much additional revenue would increased tourism bring in, and how much of that could be used to finance the cost of improved water quality. It seems logical to assume that cleaner beaches would encourage more people to visit the beaches, but to estimate the potential increase in spending is difficult. Much is unknown, such as, how Bay water quality or perception of Bay water quality influences people's decisions to visit the Bay. Information such as this would need to be collected before any meaningful conclusions could be reached.

An important point is that the population of local beach users probably consists mostly of Los Angeles County residents. It is this group of people that would potentially receive the most benefit from improved water quality. Therefore, this group is the likely source of additional revenues for water quality improvements. The following section details the values of ocean recreational activities and the potential increased value of improved water quality.

**Potential Benefits of Improved Water Quality**

Water related recreation provides a variety of benefits, some of which can be estimated from market transactions, such as expenditure on saltwater fishing, and some for which no market exists, such as the value of access to a beach for swimming. Because very little of the value of beach recreation is captured by market transactions, this analysis focuses on the nonmarket side.

It is assumed that approximately 60 percent of the improvements will occur in Santa Monica Bay, and that compliance with the new permit requirements will improve bay water quality by at least 10 percent. It is important to note that this represents only a portion of the potential benefit. Improvements to other water bodies will also yield benefits depending on the uses of these waterbodies and the potential improvements in water quality.

The two recreation activities that are likely to be affected by changes in water quality are:

- beach use, and
- sport fishing.

**Value of Beach Use**

Three studies were identified that may provide insight into the value of beach recreation in Southern California. The first, Leeworthy and Wiley (1993), estimated the value of beach recreation at three Southern California sites, Santa Monica Beaches, Leo Carrillo State Beach, and Cabrillo-Long Beaches (combination of stretches of beaches at Cabrillo Pier and Long Beach). The following table details the day and year values for the three sites. This study shows that, on average, people value a day at a Santa Monica beach by \$21 more than they pay to access the beach. This amount is essentially profit to the individual. Applying this value to the annual attendance at Santa Monica Bay Beaches estimate (45-60 million) given in the Public Summary of the Santa Monica Bay Restoration Plan, gives a total beach value of roughly \$988 million to \$1.3 billion dollars annually.

Site	Consumer's Surplus <sup>1</sup>	
	Per person Per Day (\$ 1994)	Per Person Per Year (\$ 1994)
Santa Monica Beaches	\$21.96	\$417.58
Leo Carrillo State Beach	\$62.12	\$385.03
Cabrillo-Long Beach	\$9.76	\$123.27

<sup>1</sup> Consumer's surplus is the difference between what a person is willing and able to pay for a good or service and what the person actually has to pay for the good or service. With regard to a recreation day at the beach, consumer's surplus is the difference between a visitor's total value or willingness to pay for a recreation day and the cost of undertaking the recreation day. Thus, it is considered a "net value" and measures (in dollars) the value of the flow of services a person receives from the beach resource. When these values are added across all visitors the total annual flow of services can be used to calculate the asset value of the beach resources with respect to recreational use.

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The second study, Bockstael, Hanneman, and Kling (1987), estimated how changes in oil, chemical oxygen demand, and fecal coliform would affect user values at 11 Boston beaches. Results of this study are detailed in the following table. The aggregate column represents the potential benefits of water quality improvements as applied to Santa Monica Bay attendance.

Quality Change	Increased Consumer's Surplus per Trip (\$ 1994)	Increased Aggregate Consumer's Surplus (\$1994 millions)
10% Reduction in Oil	\$0.15	\$7-\$9
10% Reduction in Chemical Oxygen Demand	\$0.38	\$16-\$22
10% Reduction in Fecal Coliform	\$0.06	\$3-\$4
<b>Total</b>	<b>\$0.57</b>	<b>\$26-\$35</b>
30% Reduction in Oil	\$0.60	\$27-\$36
30% Reduction in Chemical Oxygen Demand	\$0.87	\$39-\$52
30% Reduction in Fecal Coliform	\$0.36	\$16-\$22
<b>Total</b>	<b>\$1.83</b>	<b>\$82-\$110</b>

The last study, performed by Apogee Research Inc. estimated the economic value of improved water quality in the Indian River Lagoon region of East Central Florida, a popular resort and vacation destination. The study estimated the value to residents and visitors of improved environmental quality. Recreational activities at this site include fishing, shell fishing, swimming, boating, nature observation, water sports and hunting.

Residents were asked their perceptions of the effectiveness of three types of restoration programs (wetlands protections, land acquisition, and storm water control), as well as their willingness to pay for these programs. For nonresidents, no analysis of the different management plans was attempted. Residents of the Lagoon believed that the Lagoon was somewhat deteriorated while visitors perceived the Lagoon to have above average environmental quality. Residents thought that storm water management would be the most effective program for improving Lagoon environmental quality. They were willing to pay from \$40 to \$58 (mean and median, respectively) per household per year in new local taxes for storm water management for the Lagoon. Nonresidents visitors indicated a willingness to pay of \$23 to \$25 (mean and median, respectively) per visit per travel group in a special tax on lodging and restaurant bills to pay for improved environmental quality of the Lagoon. This study demonstrates that both residents and nonresidents were willing to pay for the availability of enhanced recreational activities. Also of interest is the payment vehicle used in the survey. The ramifications of new taxes are easily understood by survey respondents. Yet the potential for new taxes did not result in average values that would be considered low or inconsistent with those found in other studies. With well designed studies, people do express valid willingness to pay amounts. These amounts do represent a potential source of revenues for environmental improvements.

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**Sport Fishing**

There are many studies that estimate the value of access to a fishing area. What is difficult to determine is how a change in water quality may affect the value one places on the activity. Most studies have focused on the relationship between the value of the fishing trip and the catch rate. Unless the relationship between water quality, fish populations, and catch rates are understood, these studies are of limited use in estimating the benefits of improved water quality.

Two fishing studies conducted on the West Coast were selected. The following table presents estimates of values for increased catch rates. Again, this will not answer the question of the value of improved sport fishing in the Santa Monica Bay, but it will provide confidence that people do place a significant value on recreational activities and these people are willing to pay for improvements in water quality that will lead to improved recreational experiences.

Author	Species	Location	Value of Increased Catch Rate Per Trip (\$ 1994)
Huppert	Salmon and Striped Bass	San Francisco Bay	\$36 for a 100% increase
Rowe et. al.	Salmon	California	\$9 for a 1 fish increase

The information presented shows that people value improved recreational activities and are willing to pay for the improvements. In all cases that values, when aggregated across the relevant populations, are substantial. The argument that many of these values are derived for different purposes is valid. Original research is needed and would be worth pursuing.

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**Conclusions**

It is obvious that improvements in water quality take money and that local governments generally have a limit on the amount that they are able to spend. The previous section discusses the potential value of the benefits that could be realized through more stringent water quality improvements. This is essentially the first step: determining whether the public considers the clean-up and protection worthwhile. The benefit amounts presented are quite large indicating the potential worth of such clean-up efforts.

The second step is how to finance the clean-up. It is assumed that your interest in tourism is driven by the idea that increased tourism revenues and taxes would provide a source of revenue for water quality improvements. The willingness to pay values presented do represent a potential source of revenues for environmental improvements. While extracting the total amount of the value is unlikely, it is certainly possible to extract some through special taxes or user fees.

As mentioned previously, the greatest users of local beaches are probably Los Angeles County residents. No data was found that detailed the share of County to non-County users. The Santa Monica Bay Restoration Project public survey, does indicate that users of Santa Monica Bay beaches come from throughout the county, with the highest percentage of people coming from the Inland and Mid-County areas. Also of interest, the majority of survey respondents did indicate a willingness to pay for cleaner beaches. It is this group of people that would benefit the greatest from improved water quality. Therefore, this group is the likely source of additional revenues for water quality improvements.

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References

Apogee Research Inc. 1996. *Economic Assessment and Analysis of the Indian River Lagoon*. Report prepared for the Finance and Implementation Task Force Indian River lagoon National Estuary Program.

Bockstael, Nancy E., W. Michael Hanemann, and Catherine L. Kling. 1987. "Estimating the Value of Water Quality Improvements in a Recreational Demand Framework," Water Resources Research vol. 23, no. 5, pp. 951-960.

Bockstael, Nancy E., Kenneth E. McConnell, and Ivar E. Strand. 1989. "Measuring the Benefits of Improvements in Water Quality: The Chesapeake Bay," Marine Resource Economics vol. 6 no. 1, pp. 1-18.

Dean Runyan Associates. 1996. *California Travel Impacts by County, 1991-1994*. Prepared for the Division of Tourism, California Trade and Commerce Agency.

Huppert, Daniel D. 1989. "Measuring the Value of Fish to Anglers: Application to Central California Anadromous Species," Marine Resource Economics vol. 6, no. 1, pp. 89-107.

Leeworthy, Dr. Vernon R., Peter C. Wiley. 1993. *Recreational Use Value for Three Southern California Beaches*. Strategic Environmental Assessments Division, Office of Ocean Resource Conservation and Assessment, National Oceanic and Atmospheric Administration. Rockville, Maryland.

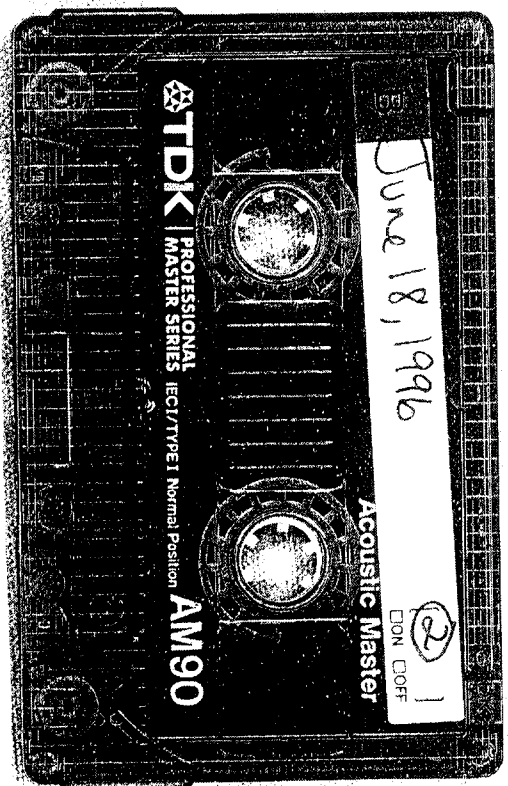
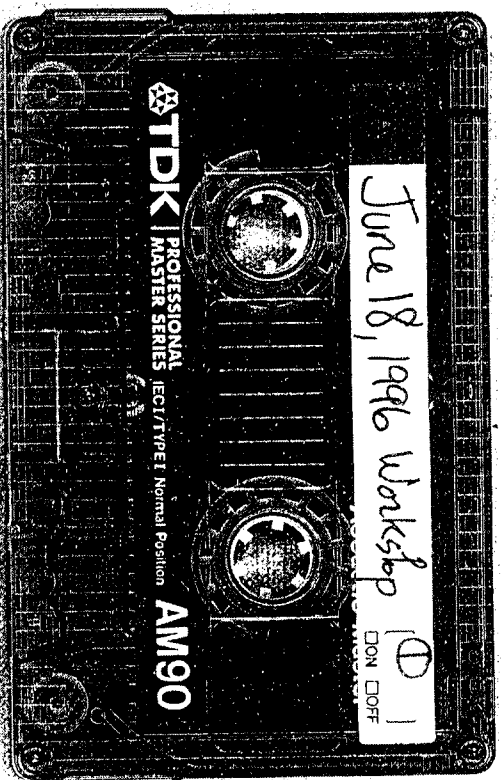
Leeworthy, Vernon R., Dan Schrufer, Peter C. Wiley. 1990. *Expenditure Profiles of Visitors to Southern California Coastal Areas*. U.S. Department of Commerce. National Oceanic and Atmospheric Administration.

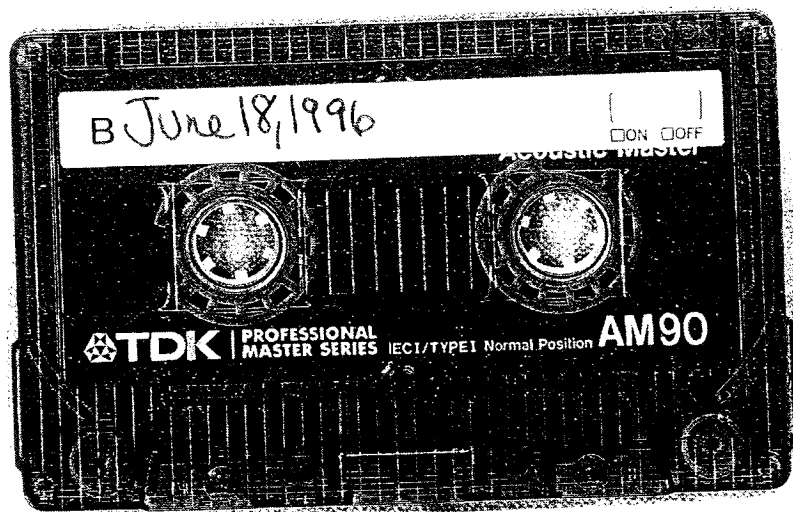
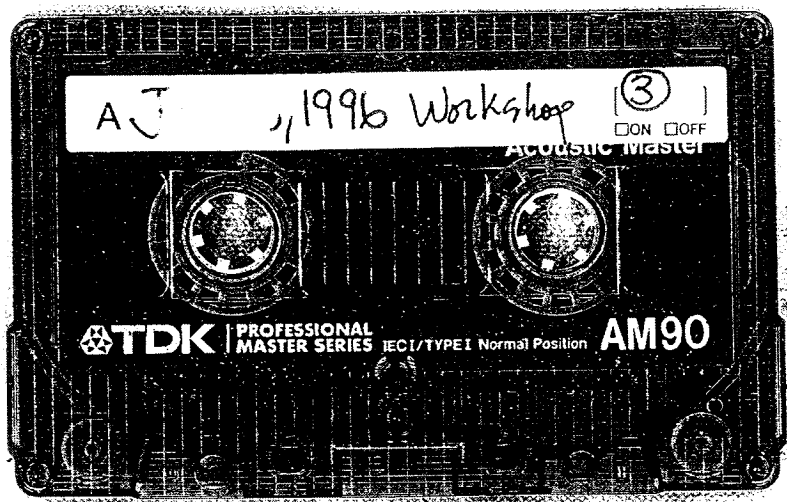
Rowe, Robert D. et al. 1985. *Valuing Marine Recreation Fishing on the Pacific Coast* (Boulder, CO, Energy and Resource Consultants.

Santa Monica Bay Restoration Project. 1994. *State of the Bay 1993*.

D.K. Shifflet & Associates LTD. 1994. *Domestic Travel to California*. Prepared for the Division of Tourism, California Trade and Commerce Agency.

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*Law Office*  
**JOHN SAMUEL BRANTLEY**  
SUITE 310  
8055 W. MANCHESTER AVE.  
PLAYA DEL REY, CALIFORNIA 90295

TELEPHONE (310) 821-9382

OF COUNSEL  
H DOUGLAS SPRUANCE III

July 7, 1996

Michael Keston, Chair  
Regional Water Quality Control Board  
101 Center Plaza Drive  
Monterey Park, CA 91754-2156

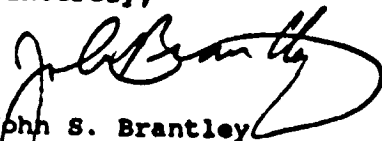
Dear Mr. Keston:

I urge you to vote **YES** on the Los Angeles Countywide Municipal Storm Water Permit on July 15th.

Our children have the right to swim, surf and fish in the bay without getting sick. Only through a uniformly enforced permit system can we achieve a significant reduction in the toxins and pollutants which now enter the bay in such huge quantities every time it rains.

Thank you for your anticipated support.

Sincerely,



John S. Brantley

JSB/st

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**RICHARDS, WATSON & GERSHON**  
Attorneys at Law  
A Professional Corporation  
333 South Hope Street, 38th Floor  
Los Angeles, CA 90071-1469

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DATE: July 12, 1996  
TO: Catherine Tyrrell  
FIRM: California Regional Water Quality Control Board  
Los Angeles Region

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FROM: John J. Harris, Esq.

OUR FILE NO: C1380.00980

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28. Upon reviewing the Revised Permit, it appeared that a few items which had been discussed and agreed to at the meetings may have been inadvertently omitted, presumably in the rush to complete the document. Also, there were number of recommended changes set forth in our June 26 letter that were not made. After further discussions with our clients, we believe that these proposals merit your reconsideration. We wanted to provide you with further background on the changes which we had previously suggested but which were not made in the Revised Permit. Lastly, We have appreciated the opportunity to suggest changes to the permit. We were particularly pleased to see that most of the modifications which we had suggested in our June 26, 1996 letter had been made, along with the other matters discussed at the meetings with you which Mike Jenkins attended on June 27 and 28.

Mike Jenkins and I have received and have reviewed the Regional Water Quality Control Board's revised July 5, 1996 Tentative "Waste Discharge Requirements for Municipal Storm Water Discharges Within the County of Los Angeles" (the "Revised Permit").

Dear Catherine:

Re: Waste Discharge Requirements for Discharge of Storm Water in Los Angeles County (NPDES Permit No. CA5061654) - May 23, 1996 Tentative Permit

Ms. Catherine Tyrell  
 Assistant Executive Officer  
 California Regional Water Quality Control Board  
 Los Angeles Region  
 101 Centre Plaza Drive  
 Monterey Park, California 91754

VIA FACSIMILE AND MAIL

July 12, 1996

RICHARDS, WATSON & GERSON  
 ATTORNEYS AT LAW

213 626 0878 P. 02/13

RICHARDS, WATSON & GERSON

JUL-12-1996 16:36

Mr. Tyrell  
 Ms. Gerlach  
 Mr. Gerson  
 Mr. Johnson  
 Mr. Kline  
 Mr. Ladd  
 Mr. Martin  
 Mr. Miller  
 Mr. Moore  
 Mr. Nelson  
 Mr. O'Connell  
 Mr. Quinn  
 Mr. Reed  
 Mr. Smith  
 Mr. Taylor  
 Mr. White  
 Mr. Brown  
 Mr. Green  
 Mr. Hall  
 Mr. King  
 Mr. Lewis  
 Mr. Long  
 Mr. Mack  
 Mr. Mann  
 Mr. May  
 Mr. Meyer  
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 Mr. Ryan  
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 Mr. Shaw  
 Mr. Sims  
 Mr. Small  
 Mr. Spivey  
 Mr. Stone  
 Mr. Sullivan  
 Mr. Swanson  
 Mr. Tate  
 Mr. Thomas  
 Mr. Thompson  
 Mr. Turner  
 Mr. Vance  
 Mr. Vaughan  
 Mr. Walker  
 Mr. Walters  
 Mr. Warren  
 Mr. Weaver  
 Mr. Wells  
 Mr. White  
 Mr. Wilson  
 Mr. Wood  
 Mr. Wright  
 Mr. Young

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RICHARDS, WATSON & GERSON  
 101 SOUTH HONG STREET  
 LOS ANGELES, CALIFORNIA 90015-4000  
 TEL: 213-626-0878  
 FAX: 213-626-0879

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RICHARDS, WATSON & GERSON

Ms. Catherine Tyrrell  
July 12, 1996  
Page 2

We wanted to comment on provisions which were inserted at the suggestion of other interested parties and as to which we have concerns.

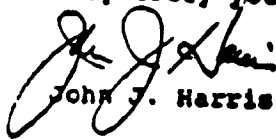
We will be submitting formal comments, along with a cover letter similar to our June 24, 1996 letter, to be included in the administrative record of the Board's hearing on July 15. However, we wanted to provide our comments to you in advance of the hearing.

After you have reviewed our suggested additional changes to the Revised Permit, we ask that you consider a staff recommendation that these changes be made in the Permit.

Please do not hesitate to call Mike Jenkins or me if you have any questions regarding our comments.

Thank you for your continuing cooperation in this matter.

Very truly yours,

  
John J. Harris

JJH:lsj  
131178

- cc: Dr. Mark Gold (w/ enclosure)
- Barbara Garrett (w/ enclosure)
- Donald Wolfe (w/ enclosure)
- Winnie Jesena (w/ enclosure)

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**SUGGESTED MODIFICATIONS TO JULY 5, 1996 DRAFT  
WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES  
(NPDES NO. CAS061654)**

July 11, 1996

**FINDINGS.**

**Finding No. 12, page 4.**

We appreciated the insertion of Finding No. 12 acknowledging that the Permittees cannot control all pollutants which enter storm water or the MS4. However, we do not agree with the conclusion set forth in the last sentence of the Finding, which states, as follows:

"However, Permittees can implement measures to minimize entry of these pollutants into storm water."

There are no practical or realistic measures which Permittees can implement to minimize entry of "polycyclic aromatic hydrocarbons which are the products of internal combustion engine operation. . . .", or any of the other pollutants identified in Finding No. 12. For that reason, we believe that the last sentence of Finding 12 should be deleted.

**Finding No. 15, pages 4-5.**

Finding No. 15 states that the Permit includes "management measures for pollution from urban runoff and marinas, thus, it provides functional equivalence for compliance with CZARA in these two areas." In our review of the Permit, we found no specific provisions addressing either marinas or recreational boating. We are concerned that this finding may imply a requirement for Permittees to develop management measures for marinas and recreational boating. We suggest that the last sentence of this Finding be modified, as follows:

"The management measures included in this order are intended to provide functional compliance with the requirements of CZARA."

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Finding No. 21, page 6.

This finding refers to the Santa Monica Bay Restoration Plan as having been developed to serve as a blueprint for the Santa Monica Bay's recovery and that the plan "provides guidance to the Regional Board for the development of a strong, environmentally-sound storm water program." We are concerned that this finding might be incorrectly interpreted as a determination that the Bay Restoration Plan is a water quality control plan approved by the Board, which, to our knowledge, is not the case. A number of cities have not approved the Bay Restoration Plan. We do not believe that the Board can implement the measures and apply the guidance recommended in the Bay Restoration Plan without proceeding through formal rulemaking. Accordingly, we again ask that this finding be deleted.

Finding No. 25, page 7.

We are concerned about the breadth of revised Finding No. 25. Specifically, the reference to "facilities with paved surfaces subject to frequent motor vehicular traffic . . ." is far too broad and could encompass everything from residential driveways to freeways. Our clients do not necessarily agree that the studies referred to in the finding confirm accuracy of the statements in this finding. We suggest that the first sentence of the finding be modified, as follows:

"Studies indicate that facilities such as retail gasoline stations, or facilities which perform vehicle repair, maintenance or fueling, are potential sources of pollutants of concern in storm water...."

We also suggest that the first sentence of the second paragraph be modified, as follows:

"Studies also suggest that the implementation of best management practices by facilities such as retail gasoline stations, vehicle repair, maintenance and fuelling facilities may reduce storm water pollutants from these types of facilities."

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Finding 27, pages 8.

In order to clarify that the Permit does not impose any requirement under this Permit to comply with any numerical water quality objectives or water quality standards, we suggest that either Finding No. 27 be supplemented or a new finding be added to the Permit to include the following provision:

"Neither the Clean Water Act nor EPA's regulations require numeric water quality-based effluent limitations. EPA has found that numeric limitations for storm water permits are technically infeasible to develop at this time because of the existing state of knowledge about the intermittent and variable nature of these discharges, their effects on receiving waters, and the effectiveness of control measures in achieving numeric effluent limitations and improving water quality. Under the Clean Water Act and federal regulations, the State Board and the Regional Board are authorized to employ a variety of controls in storm water permits, such as best management practices, where, as in this case, numeric effluent limitations are determined to be infeasible. Accordingly, this Order only uses best management practices, which are both recommended in this Order and will be developed by the Principal Permittee and the Permittees, as its water quality-based limitations, rather than any numeric effluent limitations."

Finding No. 28, pages 8 and 9.

Finding No. 28, as set forth in the prior draft of the Permit, was very important from the standpoint of the Permittees. While the Revised Permit contains the first sentence of the original Finding, the second sentence, which was just as important for Permittees, was deleted. Those provisions should be re-inserted in the Permit, in the following modified form:

"Therefore, this Order includes a procedure for evaluating whether a storm water management program should be revised. A Permittee will be considered to be in compliance with the Receiving Water Limitations of this Order so long as it implements the storm water programs developed pursuant to this Order in conformance with the schedules set forth herein."

Finding No. 30, page 9.

After further consultation with our clients, we suggest that the first sentence of this finding be further modified as follows:

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"Each Permittee is only responsible for the development and implementation of the appropriate storm water management program pursuant to the requirements of this Order, and not for the development and implementation of the provisions applicable to the Principal Permittee or other Permittees."

Finding No. 30, page 9.

We had understood that this Finding would be modified in accordance with the suggestions attached to our letter of June 26, 1996. While most of the changes we suggested have been made, the Finding was not modified completely in the manner which we had suggested. Also, new language was included which, we believe, is ambiguous. Accordingly, we ask that the second (and last) sentence of this Finding be modified to conform with our prior request, as follows:

"A Permittee is required to comply only with the requirements of this Order applicable to discharges which originate from facilities within its boundaries and over which it has regulatory control. A Permittee is not responsible for discharges originating outside of its boundaries or for those discharges over which it has no realistic regulatory control."

Finding No. 38, page 11.

Considering the changes to Section I.G. of the Storm Water Management Program Requirements (at pages 25 and 26), we believe Finding No. 38 should be modified to void any inadvertent inconsistency with the requirements of Section I.G. We suggest that the Finding be modified to read, as follows:

"This Order provides the flexibility for a Permittee to petition the Regional Board Executive Officer to substitute a BMP or requirement under the SWMP with an alternative BMP or requirement."

The remainder of the sentence should be deleted.

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PART I - DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS.

II. Receiving Water Limitations, page 13.

Despite the improvements in this section, our clients have expressed a considerable amount of concern about the language of the Receiving Water Limitations of the Revised Permit and wish to ensure that there is absolutely no misunderstanding or implication that the Permit imposes any requirement under this Permit to comply with any numerical or narrative water quality objectives or water quality standards set forth in the Basin Plan. Accordingly, we suggest that the second sentence be modified, as follows:

"It is the ultimate purpose of this Order that the discharge of storm water, or non-storm water, from the municipal separate storm sewer system (MS4)....."

We also suggest that the first sentence of paragraph 2 of this section be modified, as follows:

"Timely and good faith implementation by a Permittee of the storm water management programs prescribed in this Order will satisfy the requirements of this section and will constitute compliance with receiving water limitations.

We also believe that the reference in this section to the Integrated Receiving Waters Impact Report should be modified in the following manner and moved to Section VII.D, at page 74:

"However, if the Integrated Receiving Waters Impact Report required in this order (Section VII.D.) and other objective and scientifically reliable data show that the discharges authorized under this Order still cause or contribute to the impairment of beneficial uses or exceedances of water quality objectives, . . ."

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PART 2. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS.

I. Program Management

Section I.E.1. page 21 (Legal Authority).

We reiterate our request that Sections I.E.a. through c. of the Legal Authority provisions be deleted. Permittees can be required to demonstrate legal authority to conform with the requirements of 40 CFR § 122.26(d)(2)(i). Neither EPA's regulations, nor the sample legal authority contained in EPA's guidance manuals, contain the requirements set forth in this Section. See, for example, Appendix C to EPA's "Guidance Manual for the Preparation of Part 2 of the NPDES Permit Applications for Discharges from Municipal Separate Storm Sewer Systems" (November 1992). Also, other permits recently issued by other regions do not contain such specific requirements. (See, for example, Section V.9 of Order No. 96-30 (NPDES No. CAS618033), dated March 8, 1996 (the "Permit") and issued by the Regional Water Quality Control Board - Santa Ana Region ("RWQCB-SAR"), which regulates Areawide Urban Storm Water Run-off for the County of Riverside and Incorporated Cities within Riverside County.)

Representatives of other cities have specifically commented upon the constitutional implications of a state agency dictating in a regulatory permit specific ordinances which Permittees would be required to adopt to comply with the Permit. We believe that this concern would be avoided by simply requiring compliance with 40 CFR § 122.26(d)(2)(i).

As an alternative, we suggest that the subsections of Section I.E.1. be modified to track the language of the federal regulations, as follows:

- a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity, unless permitted under a separate NPDES permit.
- b. Prohibit illicit discharges and illicit connections to the MS4 and require removal of illicit connections;
- c. Prohibit the discharge and the dumping or disposal of materials other than storm water, or exempted discharges, conditionally exempted discharges or designated discharges, to the MS4.

Section I.E.1. page 23 (Legal Authority).

We also suggest that the last paragraph of this section be modified in the following manner:

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"The above requirements (Part 2.I.E.1.) do not require inspection of private property. Legal authority is necessary, however, so that if a Permittee becomes aware of situations on private property cause open and obvious prohibited discharges to the MS4 or pose the potential for such discharges, the Permittee has the legal authority to abate such discharges"

Section I.G.2(d), page 26. (Administrative Review)

We suggest that this new section be modified, as follows:

"The Executive Officer shall not take enforcement action against a Permittee until thirty (30) days after the Executive Officer has notified the Permittee in writing that the administrative review process has been exhausted and that the Executive Officer has determined that a violation exists warranting enforcement and the specific facts upon which the Executive Officer has based such a determination."

Section II.C.1, page 32 (Exempted Discharges).

We suggest that this subsection be modified, as follows:

"f. Discharges or flows from emergency fire fighting activities and fire training activities."

Section II.C.2, pages 32-33. (Conditionally Exempted Discharges).

We understood that Subsection (k) would be modified to include non-commercial car washing activities, such as charitable car washes. Accordingly, we suggest that this subsection be modified, as follows:

"(k) Non-commercial vehicle washing; and ...."

We also understood that a new Subsection (m) would be added to include graffiti removal activities. We suggest that the follow provision be added:

"m. Flows and discharges from graffiti removal activities."

One of the major problems raised by this Permit is the potential health problem posed to cities which permitted outdoor dining. Health and safety considerations dictate that these dining areas be washed. Accordingly, we also suggest that the following new subsection (n) be added to the list of conditionally exempted discharges:

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"n. Cleansing of outdoor dining areas, as required by health and safety statutes, ordinances or regulations."

Lastly, the reference to the "Executive Officer" in the first paragraph be changed to the "Regional Board" in order to ensure consistency with the second paragraph of Designated Discharge Section (Section II.C.3).

Section II.C.4 (Procedures for Exemption), page 34.

Exemption requests should be subject to the administrative review process set forth in Section I.G.1 of the Permit. The last paragraph of this section should be modified, as follows:

"The exemption request for additional non-storm water discharges may be submitted, beginning with the first Annual Report, and will be reviewed and acted upon by the Executive Officer in accordance with Section I.G.1 of this Order."

IV. Public Agency Activities.

Section IV.C.1, page 50 (Sewage System Operations).

We suggest that a new subsection (f) be added, as follows:

"To the extent a Permittee's sewage system operations are performed by the Principal Permittee, the Principal Permittee's development and implementation of the foregoing procedures will be deemed functional compliance with this section of this Order."

Section IV.C.3.a.ii-iv (Vehicle Maintenance), page 51.

We believe Sections (ii) through (iv) should be eliminated and that the requirement should be clearly limited to those public agency facilities which are the equivalent of Federal Phase I facilities.

Section IV.C.3.b (Vehicle Maintenance), page 51.

We understood that this section would be modified in accordance with the request in our June 26 letter, which asked that the preface to the subsection be modified to read as follows:

"BMP's for facilities covered under Section IV.C.3.a. to improve Site-Specific pollutant control . . ."

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52. Section IV.C.4 (Landscape and Recreational Facilities Management), pages 51-

We reiterate our request that this section be deleted. Unlike Sections IV.C.2 and 3., which only apply to facilities that would otherwise be regulated under the General Industrial/Commercial Permit or the General Construction Activity Permit, the requirements set forth in this section go beyond the requirements otherwise imposed on private facilities. (See, Source Control BMP's, Section 4, Industrial/ Commercial Best Management Practice Handbook). Individual Permittees should have the option of selecting the BMP's applicable to their facilities from those already developed by the State Board in the Municipal Best Management Practice Handbook rather than have specific BMP's arbitrarily dictated to them

Section IV.C.5.a (Storm Drain Operation and Maintenance), page 53.

We had previously asked that the provisions for record-keeping of catch basins cleaning and the recording of overall quantity of base collected be deleted. This function is performed by the County for many Permittees. We are informed that the County does not provide such information to the individual cities.

Section IV.C.5.d (Storm Drain Operation and Management), pages 53-54.

We understood that this subsection regarding a program to investigate the feasibility of dry weather flow diversion would be shifted to the responsibilities of the Principal Permittee. We again request that this requirement either be shifted or deleted.

Section V. Public Information and Participation

Section V.A.1.a.v. (Immediate Outreach- Written Material) page 59.

We understood that this second sentence of this subsection would be modified in accordance with our June 26th letter, as follows:

"This list should be updated regularly, but not more often than once a year."

Section V.B.3.b (Educational Site Visits), page 64.

We still have not received a firm response from the County of Los Angeles regarding the educational site visit program..

With respect to the specific sections, new subsection B.3 has been modified to add the phrase "and other legal instruments". We believe that the new additional language should be deleted on the basis that it is ambiguous.

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Section V.B.3.c (Educational Site Visits), page 64.

The Revised Permit includes a new subsection (c) requiring quarterly reportson site visits which was not discussed with the interested parties. We had understood that, in general, quarterly reports would not be required. We ask that this provision be deleted.

Section V.C.1.b.iv.dd (Five-year Storm Water Education Strategy) page 68.

We understood that this subsection would be modified to read, as follows:

"dd. Applicable NPDES municipal permit requirements."

PART 3. STANDARD PROVISIONS.

Section II, page 75.

In our prior comments, we asked that the provision that a report be signed under penalty of perjury be deleted. It appears to us that 40 CFR § 122.22, (Certification Requirements), only applies with respect to permit applications. It further provides that the certification is simply under penalty of law. Considering that most of the information obtained in reports would be prepared by third parties, we do not believe it is practicable or equitable to require a mayor of a city to make a declaration under penalty of perjury. What specific purpose is accomplished by such a requirement? Perhaps a better approach would be to simply refer to the certification requirements of 40 CFR § 122.22, except for the certification by legal counsel regarding the Permittee's legal authority, as set forth in Section I.E.2.a. (see, the State Board's Water Quality Order No. 91-13-DWQ (as amended by Water Quality Order No. 92-12-DWQ) National Pollution Discharge Elimination System Permit (NPDES) General Permit No. CAS000001- Waste Discharge Requirements for Storm Water Discharges Associated With Industrial Activities Excluding Construction Activities, Section C.9 and 10.)

Also, the word "in" between the words "described" and "above" in Section A should have been deleted.

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**BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES**

383 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90017

JOANNE STURGES, EXECUTIVE OFFICER  
(213) 974-1411

July 2, 1996

MEMBERS OF THE BOARD

GLORIA MOLINA  
YVONNE BRATHWAITE BURKE  
ZEV YAROSLAVSKY  
DEANE DANA  
MICHAEL D. ANTONOVICH

Mr. Michael Keston, Chairman  
California Regional Water  
Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2158

Dear Mr. Keston:

At its meeting held today, on motion of Supervisor Zev Yaroslavsky, the Los Angeles County Board of Supervisors requested the staff of the Regional Water Quality Control Board to work with the County and cities to resolve any issue and address any concerns that remain over a new stormwater permit which will call upon the 85 cities within Los Angeles County, as well as the County itself, to adopt practices that will reduce urban runoff. In addition, the Board urged the Regional Water Quality Control Board to support and adopt the stormwater permit at its meeting to be held July 15, 1996.

For your information, enclosed is a copy of the Minute Order detailing this action.

Very truly yours,

*Joanne Sturges*

JOANNE STURGES  
EXECUTIVE OFFICER

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Enclosure

QUALITY CONTROL BOARD  
LOS ANGELES REGION

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MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Joanne Sturges, Executive Officer  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

At its meeting held July 2, 1996, the Board took the following action:

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Supervisor Yaroslavsky made the following statement:

"The Regional Water Quality Control Board will soon be rendering a decision on a new stormwater permit for Los Angeles County to reduce urban runoff. This permit will call upon the 85 cities within Los Angeles County as well as Los Angeles County itself, to adopt practices that will reduce urban runoff.

"Pollutants from industries and sewage treatment plants have declined in the last 20 years because these discharges are regulated. But over that same period, urban runoff has increased and now accounts for over 50% of water pollution. Not only does this pollution account for the debris that poisons our coastal waters, contaminates fish and afflicts marine mammals, it has also been found that swimming in polluted waters near storm drains can lead to illness.

"Over 50% of the Plan to restore the Santa Monica Bay depends on the implementation of the stormwater permit. Without this permit to spur corrective actions, the water quality in the Santa Monica Bay and along the Southern California coast will continue to deteriorate. Furthermore, our economic vitality is dependent on clean beaches and water as coastal tourism amounts to billions of dollars a year for Southern California businesses.

(Continued on Page 2)

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Syn. 8 (Continued)

"Los Angeles County has taken a leadership position on this issue. It has committed to taking an active role in the institution of runoff controls and would assume a central role as 'principal permittee' in implementing the municipal stormwater permit. All cities and the County have a responsibility to make sure our water is clean and safe and the permit will ensure that all municipalities are doing their part to reduce runoff.

"The permit will ensure that the County and the cities cooperate and tailor their stormwater abatement efforts to allow for ample flexibility and cost savings between the cities and County; that programs are developed to identify illicit storm drain connections and reduce illegal disposal by businesses and industries; that runoff from construction sites and public facilities is reduced; and that a public outreach and education program be implemented to prevent stormwater pollution."

Therefore, on motion of Supervisor Yaroslavsky, seconded by Supervisor Antonovich, unanimously carried, the Board took the following actions:

- a. Requested the staff of the Regional Water Quality Control Board to work with the County and cities to resolve any issues and address any concerns that remain over a new stormwater permit which will call upon the 85 cities within Los Angeles County, as well as the County itself, to adopt practices that will reduce urban runoff; and

(Continued on Page 3)

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Syn. 8 (Continued)

- b. Urged the Regional Water Quality Control Board to support and adopt the stormwater permit at its meeting to be held July 15, 1996.

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**Copies distributed:**

- Each Supervisor
- Interim Chief Administrative Officer
- County Counsel
- Director of Public Works
- Director of Beaches and Harbors

**Letter sent to:**

- Chairman, California Regional Water Quality Control Board

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**OFFICERS**

President  
**Steve Gavin**  
Division 4

Vice President  
**Harold V. (Hal) Hetsley**  
Division 3

Secretary  
**A. Macneil Stelle**  
Division 1

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**Ann Dorgelo**  
Division 5

MWD Representative  
**Glen Peterson**  
Division 2

Counsel  
**Wayne K. Lemieux**

General Manager  
**James E. Colbaugh**

HEADQUARTERS  
4232 Las Virgenes Road  
Calebas, CA 91302  
(818) 880-4110  
FAX (818) 880-9077

TAPIA WATER  
RECLAMATION FACILITY  
(818) 591-1207  
FAX (818) 591-1282

RANCHO LAS VIRGENES  
COMPOSTING FACILITY  
(818) 878-1310  
FAX (818) 878-1316

WESTLAKE  
FILTRATION PLANT  
(818) 889-4741  
FAX (818) 991-8329

MEMBER AGENCY OF THE  
METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

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QUALITY CONTROL BOARD  
LOS ANGELES REGION

July 11, 1996

Mr. Michael Keston, Chair, and Members  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Mr. Keston and Members  
Los Angeles Region CRWQCB:

This letter is in support of the adoption of the proposed Los Angeles storm water permit. As active participants and managers in the Santa Monica Bay Restoration Project the Las Virgenes District has assertively worked on watershed issues to protect and enhance the natural resources of this region. Through a variety of recycling activities, monitoring and environmental protection programs the staff and board of directors have consistently supported appropriate management of storm water pollution in the Malibu Creek watershed as well as the Los Angeles water basin.

Adoption of the storm water permit is a critical step in the accountability and management chain to ensure all participants are working in unison to the betterment of the world famous Santa Monica Bay resources.

Without reservation I strongly support adoption of this important permit.

Very truly yours,

*James E. Colbaugh*  
James E. Colbaugh  
General Manager

cc: Board of Directors, LVMWD  
Governor Pete Wilson  
Mayor Richard Riordan

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FROM : DOMINIC L. CORTESE

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REPLY TO:

- SACRAMENTO ADDRESS  
STATE CAPITOL  
P.O. BOX 929848  
SACRAMENTO, CA 95829-8801  
PH: 916-445-8243  
FAX: 916-323-8898
- DISTRICT OFFICE  
SUITE 300  
100 PASO DE SAN ANTONIO  
SAN JOSE, CA 95113  
MO: 950-4500  
FAX: (408) 277-1005  
Dom.Cortes@assembly.ca.gov

**Assembly**  
**California Legislature**

**DOMINIC L. CORTESE**

ASSEMBLYMAN, TWENTY-THIRD DISTRICT  
 CHAIRMAN

ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE



CHAIRMAN  
 WATER, PARKS AND WILDLIFE  
 SELECT COMMITTEE ON CALIFORNIA WINE  
 PRODUCTION AND ECONOMY  
 WINE INDUSTRY TASK FORCE OF SENATOR  
 DOMINIC L. CORTESE OF THE CALIFORNIA  
 LEGISLATURE

COMMITTEE  
 AGRICULTURE  
 AGRICULTURE, REAPPORTMENT AND  
 CONSTITUTIONAL AMENDMENTS  
 GOVERNMENTAL ORGANIZATION  
 PUBLIC EMPLOYEES, RETIREMENT  
 AND SOCIAL SECURITY  
 UTILITIES AND COMMERCE

JOINT COMMITTEES  
 FISHERIES AND AGRICULTURE  
 LEGISLATIVE AUDIT  
 RURAL CAUCUS  
 SENIOR SAFETY COMMISSION

July 11, 1996

Mr. Robert P. Ghirelli  
 Executive Officer  
 Los Angeles Regional Water  
 Quality Control Board  
 101 Centre Plaza Drive  
 Monterey Park, CA 91754-2156

RE: Tentative Order: NPDES No. CAS614001

Dear Mr. Ghirelli:

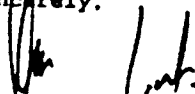
It is my understanding that the Regional Board has scheduled for adoption at its July 15, 1996, meeting a Tentative Order regarding waste discharge requirements for urban municipal stormwater and urban run-off discharges within the County of Los Angeles.

Several cities within the Los Angeles area have contacted my office regarding the terms of the permit and have expressed concern that the Tentative Order contains conflicting provisions which could expose cities to citizen lawsuits, contains provisions regarding pollutants which cities cannot control, and places significant enforcement responsibility on each city.

It appears that there are several areas within the Tentative Order which need additional work. Therefore, I am requesting that the Regional Board delay adoption of the Tentative Order for an additional 90 days. The extension would allow time to negotiate the remaining areas of disagreement.

Thank you in advance for your consideration of my request.

Sincerely,

  
 DOMINIC L. CORTESE  
 ASSEMBLYMAN, 23rd District

dlc:em

Post-It® Fax Note, 7571		Date <i>7/11/96</i> of <i>1</i> pages	
To <i>Maggi Clark</i>	From <i>Cortese</i>		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

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SACRAMENTO, CA 94298-0049  
(916) 443-4958  
DISTRICT OFFICE  
130 VENTURA BLVD., SUITE 220  
ENCINO, CA 91438  
(818) 501-8881

**Assembly  
California Legislature**  
**SHEILA JAMES KUEHL**  
ASSEMBLY MEMBER, FORTY-FIRST DISTRICT

COMMITTEES  
BUDGET  
BUDGET SUBCOMMITTEE 10  
ON RESOURCES  
EDUCATION  
WATER, PARKS & WILDLIFE  
REVENUE & TAXATION, VOL. ONE  
SELECT COMMITTEE ON  
CALIFORNIA'S CHILDREN  
SELECT COMMITTEE ON THE  
INSOLVENCY OF ORANGE COUNTY

California Regional Water Quality Control Board  
July 15, 1996 Hearing  
Los Angeles County Municipal Storm Water NPDES Permit

Good Afternoon. My name is Laurie Newman. I am a field deputy for Assemblymember Sheila Kuehl whose district includes the coastal cities from Santa Monica to Malibu. As Sheila's representative, I sit on both the Oversight Committee and the Watershed Council of the Santa Monica Bay Restoration Project. I am speaking here today as Assemblymember Kuehl's representative and as an active member of the Bay Project. Assemblymember Kuehl urges you to approve the Storm Water Permit which will aid us, on a regional level, in improving the health of the Santa Monica Bay.


The Santa Monica Bay Restoration Project was established by the state in 1988 and was charged with the responsibility of assessing the Bay's problems, developing solutions and most important of all, putting them into action. The Project's membership is quite diverse; we are an active partnership of government representatives, environmentalists, scientists, and representatives of industry and the general public.

Storm water management is a key component of the Bay Plan, which is a product of a five-year, consensus-based effort by the Bay's stakeholders. The Bay Plan recommends that a number of actions be taken to improve storm water management. Among the recommended actions, this storm water permit is one of the most important tools needed to achieve the goals of the Bay Plan. Your approval of the permit today will be a huge step forward in reaching our goal of restoring the Bay and protecting it for years to come.

We urge you to approve the permit and to ensure that it is environmentally sound, consistent with conservation principles of aquatic biology, that it incorporates the recommendations contained in the Bay Plan, and that it provides for timely implementation of the monitoring program.

Thank you very much for your time and consideration.

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CONSUMER

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REPLY TO:  
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STATE CAPITOL  
P.O. BOX 942848  
SACRAMENTO, CA 94294-0001  
(916) 445-8243  
FAX (916) 323-8888  
  
DISTRICT OFFICE  
SUITE 300  
100 PASEO DE SAN ANTONIO  
SAN JOSE, CA 95113  
(408) 798-8500  
FAX (408) 277-1038  
Dom Cortese assembly ca gov

# Assembly California Legislature



**DOMINIC L. CORTESE**  
ASSEMBLYMAN, TWENTY-THIRD DISTRICT  
CHAIRMAN  
ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE

**CHAIRMAN**  
WATER, PARKS AND WILDLIFE  
SELECT COMMITTEE ON CALIFORNIA WINE  
PRODUCTION AND ECONOMY  
WINE INDUSTRY TASK FORCE OF NATIONAL  
CONFERENCE OF STATE LEGISLATURES  
  
**COMMITTEES**  
AGRICULTURE  
ELECTIONS, REAPPORTIONMENT AND  
CONSTITUTIONAL AMENDMENTS  
GOVERNMENTAL ORGANIZATION  
PUBLIC EMPLOYEES, RETIREMENT  
AND SOCIAL SECURITY  
UTILITIES AND COMMERCE  
  
**JOINT COMMITTEES**  
FISHERIES AND AQUACULTURE  
LEGISLATIVE AUDIT  
RURAL CAUCUS  
SEISMIC SAFETY COMMISSION

July 11, 1996

Mr. Robert P. Ghirelli  
Executive Officer  
Los Angeles Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: Tentative Order: NPDES No. CAS614001

Dear Mr. Ghirelli:

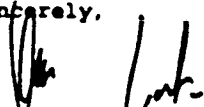
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Thank you in advance for your consideration of my request.

Sincerely,

  
DOMINIC L. CORTESE  
ASSEMBLYMAN, 23rd District

dlc:em

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STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0001  
TELEPHONE (916) 445-7440  
  
DISTRICT OFFICE  
BEVERLY BLVD. SUITE 402  
LOS ANGELES, CA 90036-2773  
TELEPHONE (213) 932-1201

Assembly  
California Legislature



WALLY KNOX  
ASSEMBLY MEMBER, FORTY-SECOND DISTRICT

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QUALITY CONTROL BOARD  
LOS ANGELES REGION

May 30, 1996

Governor Pete Wilson  
State Capitol, 1st Floor  
Sacramento, CA 95814

Dear Governor Wilson,

I am writing in strong support of issuing a Municipal Storm Water Project, National Pollutant Discharge Elimination System (NPDES) Permit for Los Angeles County.

Just this month, two independent studies demonstrate that Santa Monica Bay is still highly polluted and that illnesses commonly occur among those who swim near the existing storm drains. University of Southern California epidemiologist Robert Haile found that beach users who swim within 100 yards of a storm drain are approximately 50 percent more likely to fall ill, than those who swim farther away from the storm drains. Heal the Bay's annual report card validates Mr. Haile's research as it gave failing grades for all beaches where a storm drain exists.

The publicity of the pollution has had a negative impact on the local economy as well, as word spreads around the world that our beaches are unhealthy for users. The number of annual beach users has significantly dropped from 80 million to 50 million per year, according to county estimates. As you can see, we are not reaching our maximum tourism potential at the beaches.

In addition to hurting the local economy and posing a health risk to swimmers, the storm drains further pose a risk to marine wildlife and birds. Many fishing enthusiasts eat their catch, and much of the region's wildlife is born in local, polluted estuaries. Marine biologists find traces of toxic pollution in all local species of wildlife, significantly as a result of the storm drains.

The NPDES permit would culminate six years of progress by representatives of local government, economic interests, and the

May 30, 1996  
Governor Wilson  
Page Two

environmental community, as well as your Administration. So much time and energy has already been invested in this project to insure maximum effectiveness, that to deny this permit would be an unforgivable waste of everyone's hard work and tax payers' money.

Please support issuing this NPDES permit so that Santa Monica Bay flourishes once again.

Sincerely,



WALLY KNOX  
Assemblyman, 42nd District

WK:bh

cc: Michael Keston, President  
CA Regional Water Quality Control Board

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WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

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(818) 974-3338

**BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES**

821 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012

June 14, 1996

Mr. Michael Keston, Chair  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2158

Dear Chairman Keston:

I am writing to express my support for the new stormwater permit for Los Angeles County. This permit will call upon the 88 cities within Los Angeles County, as well as Los Angeles County itself, to adopt practices that will reduce urban runoff.

Over the last twenty years, urban runoff has increased and now accounts for over fifty percent of water pollution. Not only does this pollution account for the debris that poisons our coastal waters, contaminates fish and afflicts marine mammals, it also has caused illness in many of the thousands of people who swim near storm drains.

Over fifty percent of the Plan to restore the Santa Monica Bay depends on the implementation of the stormwater permit. Without this permit to spur correction actions, the water quality in the Santa Monica Bay and along the Southern California coast will continue to deteriorate. Furthermore, our economic vitality is dependent on a clean Santa Monica Bay as coastal tourism amounts to billions of dollars a year for Southern California businesses.

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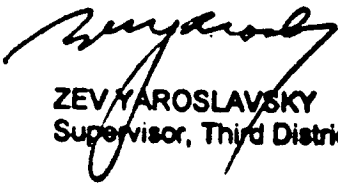


Mr. Michael Keston  
June 14, 1996  
Page Two

As the regulatory authority charged with protection of our waters, I urge you to adopt the pending storm water permit. Los Angeles County has taken a leadership position on this issue. It has committed to taking an active role in the institution of runoff controls and would assume a central role as "principal" permittee" in implementing the municipal stormwater permit. But all of the cities as well as the County have a responsibility for clean and safe water and the permit will ensure that all municipalities are doing their part to reduce runoff.

Thank you for your attention to this important matter.

Sincerely,



ZEV YAROSLAVSKY  
Supervisor, Third District

c: Joan Hartmann  
American Oceans Campaign  
725 Arizona Ave., #102  
Santa Monica, CA 90401

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96 JUL -1 PM 2:57

**BRAD SHERMAN**  
901 WILSHIRE BLVD SUITE 200 REGION  
SANTA MONICA CA 90401  
(310) 451-5777  
(818) 360-3106  
FACSIMILE (310) 458-0088

MEMBER  
STATE BOARD OF EQUALIZATION

SACRAMENTO  
450 N STREET SAC 72  
SACRAMENTO CA 95814  
(916) 445-4184

June 18, 1996

Jack J. Coe, Chair  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

**RE: Support for Proposed Municipal Storm Water Permit**

Dear Mr. Coe:

I am writing to offer my strongest support for the adoption of the Municipal Storm Water Permit by the Los Angeles Regional Water Quality Control Board.

As a Member of the State Board of Equalization, I have been responsible for the efficient administration of special tax programs and environmental fees designed to safeguard our environment. Among these environmental fees is the Oil Recycling Fee administered in cooperation with the Integrated Waste Management Board. This fee is designed to encourage the recycling and reclamation of used oil and to reduce its illegal disposal. The adoption of a Municipal Storm Water Permit would be an extremely valuable tool in our efforts to reduce the introduction of toxic pollutants, including used oil, into our County's storm drain system.

Anyone familiar with urban runoff in the Los Angeles Basin knows that illegally dumped oil, as well as the residue from vehicles used in everyday transportation, often flows into Santa Monica Bay -- thus becoming an unwanted and destructive part of this fragile ecosystem.

Public concern over potential health threats to swimmers has led to a reduction of Los Angeles County beach visitors from 80 million per year to less than 50 million. As pollution problems in Santa Monica Bay continue to pose a very real health threat, local residents, as well as tourists, are choosing to remain away from one of our greatest and most attractive natural assets. And as our economy improves, we can ill afford any threat to our County's \$2 billion tourist industry.



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The Municipal Storm Water Permit would require cities to engage in educational visits to businesses considered to pose the greatest threat of potential pollution. The Permit would help make all of our residents more aware of the significant pollution problems facing Santa Monica Bay, and encourage all of our residents and businesses to become partners in pollution prevention.

The adoption of the Municipal Storm Water Permit would improve the health of our local coastline while simultaneously protecting our County's tourist industry. These facts more than justify any nominal costs which the Permit would impose.

Thank you for your consideration.

Sincerely,



Brad Sherman

cc: Heal the Bay

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**BRAD SHERMAN**

901 WILSHIRE BLVD., SUITE 210  
SANTA MONICA, CA 90401  
(310) 451-5777  
(818) 380-3188  
FACSIMILE (310) 450-9088

MEMBER  
STATE BOARD OF EQUALIZATION

SACRAMENTO  
450 N STREET, MC 72  
SACRAMENTO, CA 95814  
(916) 445-4184

June 18, 1996

Michael Keston  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

LOS ANGELES REGION  
WATER CONTROL BOARD

96 JUL -1 PM 1:49

**RE: Support for Proposed Municipal Storm Water Permit**

Dear Mr. Keston:

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Thank you for your consideration.

Sincerely,



Brad Sherman

cc: Heal the Bay

~~hsham/jsham@hsham.com~~

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**BRAD SHERMAN**

901 WILSHIRE BLVD. SUITE 210  
SANTA MONICA, CA 90401  
(310) 451-5777  
(818) 360-3186  
FACSIMILE (310) 458 9088

MEMBER,  
STATE BOARD OF EQUALIZATION

SACRAMENTO  
450 N STREET, MC 72  
SACRAMENTO, CA 95814  
(916) 443-4184

June 18, 1996

Elizabeth D. Rogers  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

**RE: Support for Proposed Municipal Storm Water Permit**

Dear Dr. Rogers:

I am writing to offer my strongest support for the adoption of the Municipal Storm Water Permit by the Los Angeles Regional Water Quality Control Board.

As a Member of the State Board of Equalization, I have been responsible for the efficient administration of special tax programs and environmental fees designed to safeguard our environment. Among these environmental fees is the Oil Recycling Fee administered in cooperation with the Integrated Waste Management Board. This fee is designed to encourage the recycling and reclamation of used oil and to reduce its illegal disposal. The adoption of a Municipal Storm Water Permit would be an extremely valuable tool in our efforts to reduce the introduction of toxic pollutants, including used oil, into our County's storm drain system.

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Thank you for your consideration.

Sincerely,



Brad Sherman

cc: Heal the Bay

~~hsham@healthebay.org~~

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SACRAMENTO  
450 N STREET, INC 72  
SACRAMENTO, CA 95814  
(916) 445-4134

**BRAD SHERMAN**  
901 WILSHIRE BLVD., SUITE 210  
SANTA MONICA, CA 90401  
(310) 451-5777  
(818) 380-3188  
FACSIMILE (310) 458-9088

96 JUL - J  
PH 2:49  
MEMBER  
STATE BOARD OF EQUALIZATION  
LOS ANGELES REGION

June 18, 1996

**John Slezak**  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

**RE: Support for Proposed Municipal Storm Water Permit**

**Dear Mr. Slezak:**

I am writing to offer my strongest support for the adoption of the Municipal Storm Water Permit by the Los Angeles Regional Water Quality Control Board.

As a Member of the State Board of Equalization, I have been responsible for the efficient administration of special tax programs and environmental fees designed to safeguard our environment. Among these environmental fees is the Oil Recycling Fee administered in cooperation with the Integrated Waste Management Board. This fee is designed to encourage the recycling and reclamation of used oil and to reduce its illegal disposal. The adoption of a Municipal Storm Water Permit would be an extremely valuable tool in our efforts to reduce the introduction of toxic pollutants, including used oil, into our County's storm drain system.

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Thank you for your consideration.

Sincerely,



Brad Sherman

cc: Heal the Bay

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SACRAMENTO  
450 N STREET, INC 72  
SACRAMENTO, CA 95814  
(916) 445-4154

**BRAD SHERMAN**  
901 WILSHIRE BLVD, SUITE 210  
SANTA MONICA, CA 90401  
(310) 451-5777  
(818) 360-3186  
FACSIMILE (310) 458-9088

MEMBER  
STATE BOARD OF EQUALIZATION  
96 JUL - 1 PM 1:14:56  
MUNICIPAL WASTE MANAGEMENT BOARD

June 18, 1996

Charles C. Vernon  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

**RE: Support for Proposed Municipal Storm Water Permit**

Dear Mr. Vernon:

I am writing to offer my strongest support for the adoption of the Municipal Storm Water Permit by the Los Angeles Regional Water Quality Control Board.

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Thank you for your consideration.

Sincerely,



Brad Sherman

cc: Heal the Bay

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**BRAD SHERMAN**

901 WILSHIRE BLVD., SUITE 210  
SANTA MONICA, CA 90401  
(310) 451-5777  
(818) 360-3186  
FACSIMILE (310) 458-9088

MEMBER  
STATE BOARD OF EQUALIZATION

June 18, 1996

QUALITY CONTROL BOARD  
LOS ANGELES REGION

96 JUL -1 PM 2:50

SACRAMENTO  
450 N STREET, MC 72  
SACRAMENTO CA 95814  
(916) 445-4154

Honorable Larry Zarian  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

**RE: Support for Proposed Municipal Storm Water Permit**

Dear Mr. Zarian:

I am writing to offer my strongest support for the adoption of the Municipal Storm Water Permit by the Los Angeles Regional Water Quality Control Board.

As a Member of the State Board of Equalization, I have been responsible for the efficient administration of special tax programs and environmental fees designed to safeguard our environment. Among these environmental fees is the Oil Recycling Fee administered in cooperation with the Integrated Waste Management Board. This fee is designed to encourage the recycling and reclamation of used oil and to reduce its illegal disposal. The adoption of a Municipal Storm Water Permit would be an extremely valuable tool in our efforts to reduce the introduction of toxic pollutants, including used oil, into our County's storm drain system.

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Thank you for your consideration.

Sincerely,



Brad Sherman

cc: Heal the Bay

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SACRAMENTO ADDRESS  
STATE CAPITOL  
SACRAMENTO, CA 95834  
(916) 485-1818  
FAX (916) 394-0888  
DISTRICT ADDRESS  
9140 VAN NUYS BLVD, SUITE 408  
PACIFIC PALMS, CA 91368  
(818) 894-3671  
FAX (818) 894-4672

**Assembly**  
**California Legislature**  
**RICHARD KATZ**  
ASSEMBLYMAN, THIRTY-NINTH DISTRICT  
DEMOCRATIC FLOOR LEADER



FAX TRANSMITTAL

To: Michael Keston Date 7/2

From: Sue Lelal Re: storm water  
permit

COMMENTS: Hard copy to follow in mail

Please contact sender at (818) 894-3671 if you are having problems with this transmittal.

Total # of pages including cover 3

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SACRAMENTO CA 95814  
1816 442-1818  
FAX 916 324-0880  
DISTRICT ADDRESS  
3100 VAN NUYS BLVD SUITE 100  
PANORAMA CITY CA 91406  
407-919-3877  
FAX 407-990-4879

# Assembly California Legislature

**RICHARD KATZ**  
ASSEMBLYMAN, THIRTY-NINTH DISTRICT  
DEMOCRATIC FLOOR LEADER



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July 2, 1996

Mr. Michael Keston  
Chairman  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Dear Mr. Keston:

On July 15, 1996, the Regional Water Quality Control Board will consider adopting a storm water permit for Los Angeles County. The issuance of this permit will have a strong and significant affect on the future of California's economy as well as the health of thousands of people. I strongly urge you and all the board members to support this permit.

It has already been a year since the last permit expired and in that time, thousands of people, residents and tourists, have had to swim in unhealthful and polluted water. The longer this process is delayed, the greater the consequences we will face by having massive clean-ups along the beaches and by having taxpayers foot the bill for health care costs due to illnesses caused by swimming in polluted water.

Urban runoff, which includes residues from vehicles, lawn irrigation, industrial processes and food and animal waste, is the largest source of coastal pollution in Los Angeles County. The storm water permit is the only way for our region to control these and other pollutants that eventually end up our water.

Tourism at the beaches has drastically declined in recent years and beach closures are becoming more frequent. Tourism is the second largest industry in Los Angeles and the health and vitality of our beaches is critical to our economy, not just for the small businesses near the ocean, but throughout Southern California.

Tourism accounts for nearly \$2 billion in local revenue and our beaches are a major incentive for people to visit the L.A. basin. It is not very appealing to would be tourists to see beach closure signs due to high pollutant content in the water.

00045

As the agency charged with enforcing the storm water provisions of the federal Clean Water Act, I urge you to do what ever you can to protect our water, marine life and the health of all those who want to enjoy our beautiful coastline.

Again, I ask that you vote in favor of the permit. Should you have any questions, or wish to talk with me further about this issue, please don't hesitate to contact me.

Sincerely,



RICHARD KATZ  
Assembly Democratic Leader

cc: Regional Quality Control Board Members

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SACRAMENTO ADDRESS  
STATE CAPITOL  
SACRAMENTO, CA 95834  
916-445-1818  
FAX 916-224-4880  
DISTRICT ADDRESS  
916 VAN NUTS BLVD. SUITE 100  
PACIFIC PALMS, CA 91402  
916-894-3571  
FAX 916-894-4877

# Assembly California Legislature

**RICHARD KATZ**  
ASSEMBLYMAN, THIRTY-NINTH DISTRICT  
DEMOCRATIC FLOOR LEADER



QUALITY CONTROL BOARD  
LOS ANGELES REGION

96 JUL -5 PM 1:57

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July 2, 1996

Mr. Michael Keston  
Chairman  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Dear Mr. Keston:

On July 15, 1996, the Regional Water Quality Control Board will consider adopting a storm water permit for Los Angeles County. The issuance of this permit will have a strong and significant affect on the future of California's economy as well as the health of thousands of people. I strongly urge you and all the board members to support this permit.

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Tourism accounts for nearly \$2 billion in local revenue and our beaches are a major incentive for people to visit the L.A. basin. It is not very appealing to would be tourists to see beach closure signs due to high pollutant content in the water.

00077

As the agency charged with enforcing the storm water provisions of the federal Clean Water Act, I urge you to do what ever you can to protect our water, marine life and the health of all those who want to enjoy our beautiful coastline.

Again, I ask that you vote in favor of the permit. Should you have any questions, or wish to talk with me further about this issue, please don't hesitate to contact me.

Sincerely,



RICHARD KATZ  
Assembly Democratic Leader

cc: Regional Quality Control Board Members

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STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0001  
PHONE: (916) 445-0703

MEMBER:  
APPROPRIATIONS  
TRANSPORTATION  
BANKING AND FINANCE

OFFICE  
1700 17TH AVENUE 50  
LOS ANGELES, CA 90042  
PHONE: (213) 255-7079

# Assembly California Legislature

ANTONIO R. VILLARAIGOSA  
ASSEMBLYMEMBER, FORTY-FIFTH DISTRICT

QUALITY CONTROL  
LOS ANGELES REGION

96 JUL -8 PM 1:26

July 5, 1996

Michael Keston  
Chair  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Chairman Keston and Members of the Board:

I'm writing to urge you to adopt the proposed Municipal Storm Water Pollution Prevention Permit when it comes before you on July 15.

As a legislator representing Northeast Los Angeles, including segments of the Los Angeles River, I take great interest in improving the quality of runoff in the region. Our beaches are a major recreational resource for my constituents and an important economic resource for the entire region. Public health, marine life, real estate values and a \$2 billion-a-year tourism economy are at stake. We must take cost-effective action to protect them.

The Municipal Storm Water Permit is a comprehensive, reasonable approach to improving water quality along our coast. It proposes to share the tasks of education, clean-up and enforcement, and it provides a rational set of exemptions which will mitigate the burdens imposed on both the public and private sectors.

Los Angeles County is a year late in coming forward with a measure to comply with the federal Clean Water Act. We can afford no further delays. Please support this permit.

Very Truly Yours,

  
ANTONIO R. VILLARAIGOSA  
Assemblymember, 45th District

ARV/jb

00046



SOUTHERN CALIFORNIA  
**EDISON**

An EDISON INTERNATIONAL Company

**ENVIRONMENTAL AFFAIRS DEPARTMENT**

P. O. Box 800  
2244 Walnut Grove Avenue  
Rosemead, California 91770  
FAX (818) 302-9730

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TO: Catherine Tyrrell Date: \_\_\_\_\_

Company Name: RWQCB

FAX Number: 213-266-7664

FROM: David Kay

Phone Number: 818-302-2149

Total number pages, including cover: 2

Message:  
Please discard previous version  
and replace with this one.

Thanks!

Dave

005500



July 9, 1996

Mr. Michael Keston, Chairman  
 California Regional Water Quality  
 Control Board, Los Angeles Region  
 101 Centre Plaza Drive  
 Monterey Park, CA 91754-2156

Dear Mr. Keston:

**SUBJECT: WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM  
 WATER AND URBAN RUNOFF IN LOS ANGELES COUNTY**

On behalf of Southern California Edison (SCE) I wish to express the Company's conditional support for adoption of the subject Waste Discharge Requirements (WDR). SCE believes the WDR represents a reasonable, cost-effective approach toward controlling pollution in urban runoff and consequently improving local coastal water quality. However, SCE also urges the Regional Board to continue working to resolve the issues of unfunded mandates and residential impacts raised by the cities affected by the WDR and to make appropriate revisions.

SCE actively participated in the Santa Monica Bay Restoration Project and continues to work with Regional Board staff and other stakeholders on the implementation of the Bay Restoration Plan. As a major permitted discharger to the Bay, SCE has a direct interest in seeing that uncontrolled pollution to the Bay from urban runoff is reduced. In addition, many of the commercial and industrial enterprises within the coastal zone are SCE customers. Many of these customers provide recreational and tourism services and therefore depend economically on visitors to the Bay and its beaches. Continuous improvement of the Bay's water quality will help maintain this economic driver, benefiting both SCE, its customers and the coastal communities we serve.

SCE appreciates the opportunity to comment on the proposed WDR and thanks you for your consideration. Please call me at (818) 302-2149 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'David W. Kay'.

Dr. DAVID W. KAY  
 Senior Environmental Specialist

cc: Ms. Catherine Tyrrell, Assistant Executive Officer

P. O. Box 800  
 2244 Walnut Grove Ave.  
 Rosemead, CA 91770

R0031506

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# California Contract Cities Association

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10810 Paramount Blvd., Suite #202 • Downey, California 90241 • (310) 861-3908 • FAX (310) 861-2389

### EXECUTIVE BOARD

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THOMAS D. BREAZEL  
Temple City

**1st VICE PRESIDENT**  
RANDY BOMGAARS  
Bellflower

**2nd VICE PRESIDENT**  
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Lawndale

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GLORIA McCLELLAN  
Vista

**EXECUTIVE DIRECTOR**  
SAM OLIVITO

July 15, 1996

Jack J. Coe, Ph.D., P.E., Chair and  
Robert P. Ghirelli, D.Env., Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Re: Revised Tentative Waste Discharge Requirements for Municipal Storm Water and  
Urban runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001)  
(Draft of July 5, 1996)

Dear Drs. Coe and Ghirelli:

On behalf of the California Contract Cities, we request you defer consideration, for 90 days, of the Revised Tentative Waste discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) (Draft of July 5, 1996). The Association and its member cities have maintained a proactive approach in achieving objectives of the Clean Water Act. We believe that additional time is needed to develop a workable Permit which will carry out the objectives of the ACT, and which will protect the health of residents and visitors to Los Angeles County.

We believe that an extension of consideration is necessary because the revised July 5, draft was available to the affected cities on Monday, July 8, just one week before the hearing on July 15, 1996.

We also, understand that the board has yet to provide a written response to Public Records Act requests made by several cities. We also understand that the difficult issues over the extent of federal and state preemption related to local authority over pesticides and hazardous waste disposal have yet to be addressed by your counsel.

Our cities are very concerned that the provisions in the WDR/NPDES Permit may be enforced through citizen suits under the Clean Water Act. The exposure of every city in Los Angeles County, and the County, to potential liability warrants the delay in order to give us time to carefully consider the revised tentative waste discharge requirements before the adoption of this most important permit, so that the results of your Board's adoption of this permit will be clean rivers and streams, and not litigation.

Sincerely,

*Thomas D. Breazel*

Thomas D. Breazel  
President

cc: RWQC Board Members  
CCCA Executive Board Members

R0031507



LOS ANGELES COUNTY BOARDS of REALESTATE  
822 South Robertson Boulevard, Suite 300, Los Angeles, CA 90035  
(310) 358-1500, ext. 405 • FAX (310) 358-1509

FACSIMILE TRANSMISSION COVER

DATE: 7/12/96

TO: NAME: Hon. Regional Bd Trustees

FIRM : \_\_\_\_\_

LOCATION : \_\_\_\_\_

Teletcopy Number : (213) 266-7600

Number of Pages 2 Including Cover

FROM:

NAME: LACBOR

DEPARTMENT: \_\_\_\_\_

SUBJECT:  
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If you did not receive all of the pages, please call (310) 358-1500, ext. 405

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# LOS ANGELES COUNTY BOARDS of REALESTATE

822 South Robertson Boulevard, Suite 101, Los Angeles, CA 90035  
Telephone (310) 358-1511 • FAX (310) 358-1509

July 12, 1996

Honorable Regional Board Trustees  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754 2156

Dear Regional Board Trustees:

The Los Angeles County Boards of Real Estate (LACBOR) is writing to support in principal the adoption of the proposed Storm Water Permit which is scheduled to be voted on by the Regional Board on July 15, 1996. LACBOR wishes to join the growing number of concerned citizens who see the imperative need to protect the health and safety of the millions of people who swim and will be swimming in the Bay this year.

LACBOR is a legislative advocacy organization representing over 30,000 REALTORS<sup>SM</sup>. We wish to urge the Regional Board to consider the fiscal concerns of the cities which will be affected by the proposed permit. Tight budgets are something that all cities must contend with. LACBOR speaks on behalf of concerned citizens who must ultimately bear the costs of any program that the city may not be able to afford without passing the costs along to its residents. Therefore, we hope that the Regional Board will develop maximum standards of compliance that will not be excessively onerous and costly to the County and affected cities.

LACBOR supports any action the Regional Board takes that will find a solution that will preserve and protect the safety of the millions of people who swim in our beaches and improve the economic prosperity in this region, without imposing a fiscal obligation on residents who are already burdened by many other costs.

Thank you for your consideration.

Sincerely,  
  
Richard Valdez  
President

LACBOR - Representing 30,000 REALTORS<sup>SM</sup> and REALTOR ASSOCIATES<sup>SM</sup>  
Serving property owners in Los Angeles County



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# PACIFIC ENTERPRISES

PUBLIC POLICY & COORDINATION DEPARTMENT  
555 WEST FIFTH STREET - M.L. 28A2  
LOS ANGELES, CA 90013  
(213) 244-2551

## FAX

Date \_\_\_\_\_

Number of pages including cover sheet 2

To: GAIL FEUER  
MICHAEL KESTON  
CATHERINE TYRELL

Phone: ( ) \_\_\_\_\_

Fax phone: ( ) \_\_\_\_\_

cc: \_\_\_\_\_

From: TANYA PEACOCK

Phone: (213) 244- \_\_\_\_\_

Fax phone: (213) 244-4997

REMARKS:  Urgent  For your review  Reply ASAP  Please comment

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# Pacific Enterprises

Tanya Peacock  
Environmental Policy Manager

555 West Fifth Street, M.L. 2842  
Los Angeles, CA 90013-1811  
213 244-2504

July 12, 1996

Michael Keston, Chair  
and Members  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Chairman Keston and Members of the Board:

For the sake of our economy and our health, I take great interest in improving the quality of our local coastline. Our beaches are an important economic driver for the region, and we must take smart, reasonable, cost-effective action to protect our resources

After reading in the *Los Angeles Times* that people are getting sick from storm drain polluted waters in the Santa Monica Bay (5/7/96, front page), I am moved to write to request that the Board adopt the proposed storm water permit as soon as possible. The permit is clearly the most effective means to address the problem, and there is strong scientific basis to support such measures. I am pleased that the business community was included in the negotiations -- as were representatives of all the effected parties.

Please take advantage of this opportunity to adopt public policy that makes good economic sense and good environmental sense.

Thank you for your consideration.

Sincerely,

  
Tanya Peacock  
Environmental Policy Manager

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075500



South Bay Association  
of Chambers of Commerce

REC'D J E C C,  
SBACC support letter  
for permit

19401 Vermont Avenue  
Suite G 104  
Harbor Gateway  
Torrance, California 90503  
Phone: (310) 515-2550  
Fax: (310) 516-7794

July 12, 1996

Dr. Jack Coe, Chairman  
Los Angeles Region  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Dr. Coe:

I am writing to express the views of the South Bay Association of Chambers of Commerce regarding Tentative Order No. 96-XXX (NPDES No. CAS611001), Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles. We understand this issue is scheduled to be addressed by your Board on July 15, 1996. At our full board meeting on July 3, 1996, the following resolution was adopted:

The South Bay Association of Chambers of Commerce (SBACC) in principal supports efforts to strengthen the municipal storm water permit process, protecting our watersheds through further education and business partnership with local municipalities. We recognize the importance of improving our water quality and restoring important economic resources and our environment without adding new onerous fees on businesses and municipalities.

As indicated in our resolution, we are primarily concerned about the complexity of the process and the cost implications of monitoring municipal storm drain and urban runoff discharges and potential controls placed on those discharges. We believe issues of unfunded mandates, economic impacts, and economically achievable goals and objectives must be resolved prior to your adopting Tentative Order No. 96-XXX (NPDES NO. CAS611001). Additionally, these goals and objectives must be based on relevant standards and studies.

Thank you for the opportunity to express our views.

Respectfully,

*John Parsons*  
John Parsons, President

Carson • Compton • El Segundo • Gardena • Hawthorne • Hermosa Beach • Inglewood • Lawndale • Lomita  
Long Beach • Manhattan Beach • Palms Verde • Peninsula • Redondo Beach • Torrance • City of Los Angeles  
Harbor City • Harbor Gateway • San Pedro • Westchester/LAX • Wilmington

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**The Gas Company**

**Tanya Peacock**  
Environmental Policy Manager

555 West Fifth Street, 20th Fl.  
Los Angeles, CA 90013-1011  
213 244-2304

July 12, 1996

**Michael Keston, Chair  
and Members**  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

**Southern California  
Gas Company**

555 W. Fifth Street  
Los Angeles, CA  
90013-1011

Meeting Address  
Box 1209  
Los Angeles, CA  
90013-1209

**Dear Chairman Keston and Members of the Board:**


For the sake of our economy and our health, I take great interest in improving the quality of our local coastline. Our beaches are an important economic driver for the region, and we must take smart, reasonable, cost-effective action to protect our resources.

After reading in the *Los Angeles Times* that people are getting sick from storm drain polluted waters in the Santa Monica Bay (5/7/96, front page), I am moved to write to request that the Board adopt the proposed storm water permit as soon as possible. The permit is clearly the most effective means to address the problem, and there is strong scientific basis to support such measures. I am pleased that the business community was included in the negotiations - as were representatives of all the effected parties.

Please take advantage of this opportunity to adopt public policy that makes good economic sense and good environmental sense.

Thank you for your consideration.

Sincerely,

  
Tanya Peacock  
Environmental Policy Manager

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0058

18250 Jefferson Boulevard  
Los Angeles CA 90044  
310 822-0074  
310 827-1078 Fax

June 4, 1996

Mr. Michael Keston, Chair and Boardmembers  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Maguire  
Thomas  
Partners

Dear Mr. Keston and Boardmembers:

Maguire Thomas Partners (MTP) is the developer of Playa Vista, a large multi-use community planned for the west side of Los Angeles. In 1989, MTP assumed the lead role in guiding the planning and development of this complex project, and as a critical first step we met with many environmental and neighborhood groups in order to better understand and address community concerns regarding the project. These discussions reinforced and expanded our awareness of the importance of water quality generally, and of a healthy Santa Monica Bay specifically, and, as a result, Playa Vista includes a number of features that will enhance the water quality of the Ballona Wetlands and the Santa Monica Bay

We believe that responsible development and environmental protection can not only coexist but are mutually dependent. We support efforts to strengthen the municipal storm water permit as an effective means of improving the water quality of the Santa Monica Bay. We urge the members of the board to further the restoration of an important economic and environmental resource by adopting the proposed permit

Very truly yours,



Douglas J. Gardner  
Senior Vice President

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JUL-9-95 TUE 3:17 PM SEAL TEE BAY

FAX NO. 310 591 4195

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page two

In an era when government is so often criticized for not taking action, please take advantage of this opportunity to adopt public policy that makes good economic and environmental sense.

Thank you for your consideration.

Sincerely,  
JOHN AAROE & ASSOCIATES



John Aaroe  
President

cc: Governor Pete Wilson  
Mayor Richard Riordan

000500

NO. 1277 P. 3

JOHN AAROE & ASSOC

MAR 22 1996 11:17AM

R0031515



*The Voice of Business  
Since 1925*



501 Colorado Avenue, Suite 130  
Santa Monica, California 90401-2411  
(310) 393-9825 • Fax (310) 394-1868

May 28, 1996

Mr. Michael Keston, Chair, and Members  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Mr. Keston and Members  
Los Angeles Region CRWQCB:

This communication is to inform you that the Santa Monica Chamber of Commerce Board of Directors unanimously approved a motion requesting your support for the adoption of the proposed storm water permit at the earliest possible date.

Santa Monica has long been a leader in such issues, and the Santa Monica Chamber of Commerce has proactively been supportive of similar issues facing our community's sustainability and efforts to maintain a strong and viable economic base. There is no question that quality of life factors such as those being addressed by this proposal directly impact the economic, as well as the physical, health and well being of a community and the region in which it is located. It is because of these concerns, the question of applied equity for all of our regional communities, exceptional scientific bases which support such measures and the reasonable, cost-effective and intelligent approach this proposal takes, the Santa Monica Chamber Board of Directors unanimously approved its recommendation to you to support the adoption of the proposed storm water permit as soon as possible.

Your invaluable time and consideration of our request to support the adoption are greatly appreciated. We also want to express our sincere appreciation for the outreach to the business community and its inclusion in this process and the negotiations. It is also in this spirit of cooperation and partnership that we hope your action will be positive and proactive.

Very sincerely yours,

*[Handwritten Signature]*  
Daniel L. Ehrlar, Executive Director

cc: Governor Pete Wilson  
Mayor Richard Riordan

**Mission Statement**

*The Santa Monica Chamber of Commerce advocates and represents businesses' interests and issues affecting the community. We provide the environment to help our members prosper and succeed through a proactive, working partnership with all levels of government and community organizations to achieve a healthy local economy and quality of life.*

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3000 W. Alameda  
Burbank, CA 915  
818 840-3870

A Division of  
National Broadcasting  
Company, Inc.

Warren Littlefield  
President



June 6, 1996

Michael Keston, Chair  
and Members  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Chairman Keston and Members of the Board:

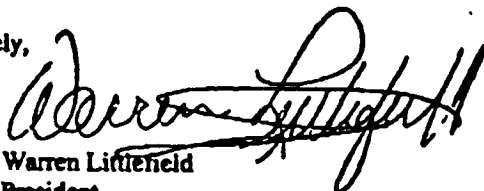
As a business operator in the Los Angeles Area, I take a great interest in improving the quality of our local coastline. Our beaches are an important economic driver for the region, and we must take smart, reasonable, cost-effective action to protect our resources.

After reading in the Los Angeles Times that people are getting sick from storm drain polluted waters in the Santa Monica Bay (5/7/96, front page), I am moved to write to request that the Board adopt the proposed storm water permit as soon as possible. The permit is clearly the most effective means to address the problem, and there is obviously strong scientific bases to support such measures. I am pleased that the business community was included in the negotiations—as were representatives of all the effected parties.

In an era when government is so often criticized for not taking action, please take advantage of this opportunity to adopt public policy that makes good economic sense and good environmental sense.

Thank you for your consideration.

Sincerely,

  
Warren Littlefield  
President

c: Governor Pete Wilson  
Mayor Richard Riordan

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**THE PRUDENTIAL • JON DOUGLAS COMPANY**



A member of the  
Jon Douglas Real Estate Services Group, Inc.



RECEIVED  
96 MAY 15 PM 1:18

May 13, 1996

QUALITY CONTROL BOARD  
LOS ANGELES REGION

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Dear Sir:

As a businessperson in Los Angeles County, I am concerned that the pollution along the Los Angeles County coastline is costing millions of dollars out of our economy. We cannot afford to have more businesses leave our region, and have fewer tourists visit our beaches because of the well-known pollution problems.

While there has been a 75% reduction of sewage dumped into the bay stretching from the Palos Verdes Peninsula to Malibu - thanks to the hard work of a coalition of businesses and citizens led by Heal the Bay - there is still one more major source of pollution that must be tackled head on to prevent further economic damage to our regional economy: storm drain runoff pollution.

Storm drain runoff pollution is the largest source of coastal pollution in Los Angeles County. Residues from vehicles, lawn irrigation, various industrial processes, animal wastes, food wastes, human wastes, and a variety of other sources drain into the storm water system and into the ocean - without being treated at all. Public health, marine life, local real estate values, and the County's \$2 billion a year tourism economy are at stake. L.A. County has already suffered a drastic reduction in the number of beach visitors (from 80 million per year to less than 50 million) largely because many people are afraid to swim in the runoff polluted waters off our coast. They will not come back to the beach unless they know that serious measures are taken to heal the bay. We need to clean up our coastline to preserve the lifestyle that keeps and attracts new businesses here

Sincerely,

Jon A. Douglas

JAD/vv



JON A. DOUGLAS  
Chairman of the Board  
427 North Camden Drive, Beverly Hills, California 90210 U.S.A.  
Phone (310) 859-7007 Fax (310) 859-7481

JTC

00097

*Westwood Marquis*  
HOTEL AND GARDENS

June 19, 1996

Michael Keston, Chair  
and Members  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Chairman Keston and Members of the Board:

For the sake of our economy, our health, and our precious natural resources, I take a great interest in improving the quality of our local coastline. Our beaches are an important economic driver for the region, and we must take smart, reasonable, cost-effective action to protect our resources.

After reading in the Los Angeles Times that people are getting sick from storm drain polluted waters in the Santa Monica Bay (5/7/96, front page), I am moved to write to request that the Board adopt the proposed storm water permit as soon as possible. The permit is clearly the most effective means to address the problem, and there is obviously strong scientific bases to support such measures. I am pleased that the business community was included in the negotiations—as were representatives of all the effected parties.

In an era when government is so often criticized for not taking action, please take advantage of this opportunity to adopt public policy that makes good economic sense and good environmental sense.

Thank you for your consideration.

Sincerely,



Bruce Watkins

cc: Governor Pete Wilson  
Mayor Richard Riordan

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July 8, 1996

20th & Webster Office  
2001 20th Street  
Santa Monica, California 90403 - 3611  
310.433.4311

Michael Keston, Chair  
and Members  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Chairman Keston and Members of the Board:

For the sake of our economy, our health, and our precious natural resources, I take a great interest in improving the quality of our local coastline. Our beaches are an important economic driver for the region, and we must take smart, reasonable, cost-effective action to protect our resources.

After reading in the Los Angeles Times that people are getting sick from storm drain polluted waters in the Santa Monica Bay (5/7/96, front page), I am moved to write to request that the Board adopt the proposed storm water permit as soon as possible. The permit is clearly the most effective means to address the problem, and there is obviously strong scientific bases to support such measures. I am pleased that the business community was included in the negotiations—as were representatives of all the effected parties.

In an era when government is so often criticized for not taking action, please take advantage of this opportunity to adopt public policy that makes good economic sense and good environmental sense.

Thank you for your consideration.

Sincerely,

Illiana Gordillo

cc: Governor Pete Wilson  
Mayor Richard Riordan

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REPRESENTED BY RAY TAHIR - SAME ISSUES AS OTHERS  
REPORT FOR THE  
CITY COUNCIL AGENDA

CITY MANAGER'S OFFICE

96 JUN 28 PM 3 09

For Agenda of: 7-8-96  
Date

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I. Title of report: Recommendation to Adopt Resolution Conditionally Supporting Tentative Waste Discharge Order NO. 96-XXXNPDES Permit CAS611001

II. Report initiated by:  
City Council \_\_\_\_\_ Date \_\_\_\_\_  
City Manager \_\_\_\_\_ Date \_\_\_\_\_  
Other Public Works \_\_\_\_\_ Date 6-27-96

III. Does the report include a resolution, ordinance, agreement or other legal matter?  
Yes x No \_\_\_\_\_

Has the City Attorney reviewed the item? Yes \_\_\_\_\_ No \_\_\_\_\_

IV. Does the report recommend an expenditure, were the funds budgeted in the approved budget?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Has it been approved by the Finance Director? Yes \_\_\_\_\_ No \_\_\_\_\_

V. List any other departments the report affects.  
1. City Attorney 3. \_\_\_\_\_  
2. City Clerk 4. \_\_\_\_\_

Has it been discussed with each? Yes x No \_\_\_\_\_

VI. List any attachments:  
1. Report to City Manager  
2. \_\_\_\_\_  
3. \_\_\_\_\_

VII. Evaluate the potential environmental impact of this Agenda Item:  
1. No potential impact x  
2. Categorically exempt \_\_\_\_\_ Class \_\_\_\_\_  
3. Negative declaration \_\_\_\_\_  
4. Environmental Impact Report \_\_\_\_\_


Submitted by: [Signature] Date: June 27, 1996

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ITEM NO. \_\_\_\_\_

**CITY OF ALHAMBRA  
DEPARTMENT OF PUBLIC WORKS**

July 8, 1996

To: Honorable Mayor and City Council  
From: Julio J. Fuentes, City Manager   
By: Terry L. James, Assistant City Manager/Public Works  
Manny J. Magana, General Manager/Utilities  
Subject: *Recommendation to Adopt Resolution Conditionally Supporting Tentative Waste Discharge Order No. 96-XXX NPDES Permit CAS611001*

**PURPOSE:**

To request that the City Council adopt the attached resolution which supports the Tentative Permit on the condition that it be returned to Regional Water Quality Control Board staff to revise several provisions that potentially threaten the City's fiscal and legal interests.

**FACTS:**

1. The National Pollutant Discharge Elimination System ("NPDES") is a permitting system devised by Congress under the Clean Water Act. It essentially compels municipalities to perform a regulatory role for the purpose of protecting marine environments. Initially, NPDES focused on controlling sewer discharges to oceans and other water bodies such as lakes, rivers, streams, and flood channels. Later, however, Congress determined that storm water and non-storm runoff accounted for more than half of the pollution that exists in American waters.
2. In 1987, Congress amended the NPDES provisions of the Clean Water Act to include storm water and non-storm water runoff pollution. NPDES is administered by the State Water Resources Control Board and its several regional boards on behalf of the United States Environmental Protection Agency (USEPA).

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3. This City and 85 other municipalities in Los Angeles County have been operating under the municipal NPDES permit since 1990. The City of Alhambra, in cooperation with the Executive Advisory Committee - a group comprised of the principle permittee and other key cities designated by this permit to advise on the development of the new tentative order - has been working with the Regional Board to resolve fiscal and legal concerns.
4. This permit, which will remain in effect until the new permit is adopted, requires municipalities to identify existing practices that operate to reduce storm water pollution and to comply with thirteen (13) mandatory best management practices ("BMPs"). These include such activities as cleaning catch basins annually, sweeping streets on a monthly basis, encouraging residents to clean sidewalks, and encouraging residents to recycle oil and properly dispose household hazardous waste. The City of Alhambra's Utilities Division administers this program and has proudly taken a proactive stance by implementing all mandatory BMPs.
5. The proposed new permit, will be more difficult to implement. In general it contains several provisions that could have major negative fiscal and legal impacts for the City, including but not limited to the following:
  - potential violations of the permit's with the extremely strict receiving water limitations, possibly subjecting the City to citizen lawsuits, as provided for under the federal Clean Water Act;
  - being subject to requirements that are seemingly based on supposition rather than on relevant scientific and compelling data;
  - requirements to comply with provisions that are unclear, confusing, conflicting, which if not corrected, could mislead the City into partial and/or non-compliance and potential exposure to citizen lawsuits;
  - requirements to visit certain industrial facilities, under the pretext of conducting public education site visits, to determine whether such facilities have complied with state-issued General Industrial Activity Storm Water Permit. These inspections should be performed by the Regional Board;

It should also be noted that some of the Tentative Permit's requirements exceed those found in permits issued for other regions of the state, including the permit for Santa Clara, which is considered the most stringent.

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**ANALYSIS AND CONCLUSION:**

Due to the inconsistencies and unclear meaning in parts of the current Tentative Permit, the City Council should conditionally accept the permit and endorse the attached Resolution outlining concerns of the this and other L.A. cities. The Utilities Division will continue to consult with the Executive Advisory Committee - designated in the 1990 permit and responsible for assistance with the development of the Tentative Order - and work with the Regional Board to develop a clear, legally valid permit through workshops and written comment. Numerous cities affected by this permit are approving similar resolutions to document their commitment and concerns.

**RECOMMENDATION:**

It is therefore, the recommendation of the Utilities Division that the following resolution be adopted by the City Council, stating the conditional acceptance of the Order which notes the City's areas of concern.

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
ALHAMBRA CONDITIONALLY SUPPORTING CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD ORDER  
96-XXX (NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM NO. CAS611001), WASTE  
DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM  
WATER AND URBAN RUNOFF DISCHARGES WITHIN THE  
COUNTY OF LOS ANGELES**

WHEREAS, the City Council of Alhambra (hereinafter "City"), is committed to implementing programs and practices that shall, to the maximum extent practicable, reduce pollutants discharged into the San Gabriel River and, therefrom, into Long Beach Harbor.

WHEREAS, the City is committed to continuing its allocation of resources to finance the cost of implementing reasonable, effective storm water/urban runoff pollution reduction programs;

WHEREAS, the tentative waste discharge order (hereinafter also referred to as "tentative order") authorizes the new National Pollutant Discharge Elimination System (hereinafter "NPDES") municipal permit for Los Angeles County prepared by the California Regional Water Quality Control Board, Los Angeles Region (hereinafter "regional board"), and such order contains conflicting provisions which, if not corrected, could impede or prevent effective compliance and, thereby expose the City to citizen law suits;

WHEREAS, finding #4 is too general and should not be used to justify any requirement contained in the tentative order because: (1) it does not refer to any specific study pertaining to storm water or urban runoff from areas within the Los Angeles basin; (2) while heavy volumes of stormwater may discharge into the MS4 from areas of rapid urbanization, which may have significant impacts on aquatic ecosystems, to the extent of causing bank erosion and channel widening, such impacts have not been documented in any area within the Los Angeles basin, and (3) reference to the federal "Guidance Manual for the Preparation of Part II of the NPDES Applications for Discharges from Municipal Storm Sewer Systems," is irrelevant because it contains no mention of storm water or urban runoff problems within the Los Angeles basin;

WHEREAS, while the City agrees that pollutants in runoff can impair the beneficial uses of water bodies, finding #5 is a generalization, to the extent that (1) it does not identify (a) which water bodies are impaired (i.e., receiving waters in each of the watersheds subject to the tentative order, (b) the beneficial uses of each watershed, (c) the extent of impairment of water bodies within each watershed, and (d) the pollutants responsible for such impairment;

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and (2) overlooks the fact that the monitoring component of the tentative order calls for a "receiving water study," the purpose of which is to determine "the impacts, if any, of storm water/non-storm water discharges on the beneficial uses of Santa Monica Bay" and the Los Angeles and San Gabriel River and, therefore, the conclusion that the beneficial uses of the Los Angeles River, San Gabriel River, Los Angeles Harbor, Long Beach Harbor, or other water bodies in the basin, are impaired by storm water and non-storm runoff is premature and suppositional;

WHEREAS, finding #6 asserts that studies done for the Santa Monica Bay Restoration Project can be "extrapolated" to other water bodies of water, such a claim can be scientifically false and must be tested with scientific controls before being applied on a broad scope;

WHEREAS, the tentative order contains several provisions, which if adopted, would do little to improve the quality of storm water and urban runoff while imposing a substantial cost to City residents and business as taxpayers;

WHEREAS, the tentative order contains provisions, which if adopted, would impose upon the City requirements that exceed federal storm water provisions of the Clean Water Act ("CWA"), and by imposing upon the City any requirement that exceeds the federal storm water provisions of the CWA, through the tentative order, which also functions as an NPDES permit, this could be argued to be actionable under the Clean Water Act, which entitles third party citizen lawsuits, notwithstanding that such requirement is authorized only by state law;

WHEREAS, the tentative order contains provisions that are written in a manner that is unclear and confusing which, if not corrected, would lead the City into partial or non-compliance, thereby causing the City's exposure to citizen lawsuits;

WHEREAS, the tentative order calls, under "conditionally exempted discharges," street washing as such discharge, however there is no mention of what a designated discharge is, nor is it defined in the glossary of terms section of the order, street washing should be exempt;

WHEREAS, several cities through their City Attorneys, pursuant to the public records act, have requested regional board staff to provide documents containing scientific data, anecdotal or quantitative, that would justify the imposition requirements beyond those mandated by federal storm water regulations, regional board staff has not complied with such requests;

WHEREAS, the tentative order nor does it explain what mechanism will trigger the watershed management plan after the county-wide storm water management plan is implemented;

WHEREAS, the tentative order contains a provision which, contrary to what has been asserted by the regional board, would require site visits of industrial activity facilities for the purpose of inspection and enforcement, in addition to providing public education;

WHEREAS, the tentative order contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, even if such water does not cause the delivery of refuse or other pollutants into the MS4 (includes streets, alleys, curbs, catch basins, and other conveyances);

WHEREAS, the tentative order contains legal authority requirements that are vague and offer no guidance on how to achieve compliance with them;

WHEREAS, the tentative order requires the City to identify industrial activity facilities by Standard Industrial Code classification (hereinafter "SIC") and determine if such facilities are covered by an NPDES permit, however, the responsibility for identifying industrial activity facilities by SIC and determining if such facilities are covered by an NPDES permit, should rest with regional board staff since it is responsible for enforcing General Industrial Activity Storm Water Permit requirements on behalf of the State Water Resources Control Board and, therefore, possesses more experience and expertise in this area than the City;

WHEREAS, the tentative order's legal authority requirements compelling the City to control pollutant discharges from sites of industrial activity is excessive and probably impermissible because "sites of industrial activity," which the tentative order defines, includes "11 categories of industrial activities required to obtain National Pollutant Discharge System (NPDES) permits for storm water discharges ... as required by 40 CFR 122.26(c)," and as such are regulated by the State Water Resources Control Board (under Water Quality Order No. 91-13-DWQ, NPDES General Permit No. CAS000001) and are enforced by the regional board; and therefore, such requirements cannot be imposed on the City under the Clean Water Act, the regional board cannot delegate to the Dischargers its own authority to enforce these general permits," (made in reference to industrial and construction activity permits), because such discharges from industrial activities are already controlled;

WHEREAS, however, the tentative order's legal authority requirements overlook the fact that the City does not have the authority to prohibit discharges from sites of industrial activity if the facility is covered under an NPDES general industrial activity permit and has certified to the regional board that it cannot eliminate non-storm water discharges -- information that is out of the City's reach;

WHEREAS, although the City is prepared to allocate a portion of its resources to fund storm water/urban runoff pollution prevention programs, it is concerned about (1) the cost-effectiveness of some of the programs proposed in the tentative order; and (2) potential legal costs associated not only with defending against frivolous citizen lawsuits resulting from

unreasonable requirements imposed on the City by tentative order, but also in defending against legal challenges from facilities or individuals against which City has been compelled to take enforcement action for failing to comply with a vague or unreasonable legal authority requirement;

WHEREAS, since February of 1995, the regional board has been negotiating with the Executive Advisory Committee (hereinafter "EAC"), consisting of individuals representing the County of Los Angeles, the City of Los Angeles, and other cities from six watersheds for the purpose of negotiating waste discharge order requirements with regional board staff;

WHEREAS, city representatives of the EAC negotiating team, excluding the City of Los Angeles, disengaged from negotiations with the regional board staff in October of 1995 because it (1) continually ignored requests from negotiating team for a complete draft waste discharge order; (2) failed to incorporate into its partial working draft waste discharge order recommendations from city negotiating team members; (3) made revisions to the working draft waste discharge order without prior consultation with negotiating team members; (4) failed to provide negotiating team members with a complete draft waste discharge order until December of 1995, some ten months after negotiations began; and (5) first agreed and then renege on several important waste discharge order issues.

WHEREAS, the Regional Board informed cities that it would complete the tentative orders by April 30, 1996, but did not send cities the tentative orders until May 23, 1996.

WHEREAS, the Regional Board staff retained a consultant to develop waste discharge orders for Ventura County authorizing its municipal storm water management program, it chose not to retain a consultant to develop a program for Los Angeles County;

WHEREAS, regional board staff claims a "strong correlation" exists between the EAC's alternative storm water management program and the tentative order, however, contrary to what regional board staff has asserted, the tentative order differs substantially from the EAC's alternative storm water management program;

WHEREAS, regional board staff justifies the length of the permit by acknowledging that other regional waste discharge orders are shorter because they have already developed "voluminous county-wide and/or watershed management plans in their applications;"

WHEREAS, however, regional board staff has overlooked the fact that in keeping with other regional waste discharge orders, the tentative order also contains a provision that calls for the future development of county-wide and/or watershed management plans which, if adopted, would also give rise to voluminous county-wide and/or watershed management programs the length of other that are likely accompanying program plans;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ALHAMBRA DOES  
HEREBY RESOLVE AS FOLLOWS:

Section 1. Advise regional board members of the City's conditional support of the permit and recommend revision of the tentative orders to the following extent:

- A. Re-write receiving water limitations in a manner that does not cause the City to be in non-compliance with the orders such as those written for Santa Clara County (Order 95-180, NPDES Permit No. CAS02918), including the provision of a reopener that would be triggered in event that adverse impacts to beneficial uses of receiving waters persist, despite implementation of program/plan requirements;
- B. Re-write provisions regarding the County-wide Storm Water Management Program and Watershed Management Program in a manner that

*More stringent than curst.*

*Reopener to pick up BMPs when numerical limit is hit.*

- i) identify the mechanism that would trigger the watershed management plan during the term of the order,
- ii) define beneficial uses of each body of water.

C. Address proposed legal authority requirements to facilitate understanding and compliance, including but not limited to the following:

- D) prohibiting untreated wash waters to the MS4 which is in conflict with the tentative order's prohibition on illicit discharges;
- ii) requiring proper disposal of food wastes by the food service and food distribution industries by defining "proper disposal" and identifying food service and distribution industries;
- iii) requiring "compliance with conditions in ordinances, permits, and contracts," in terms of specific tasks needed to achieve compliance;
- iiii) requiring "control through interagency or inter-jurisdictional agreements among Permittees or any alternative means, the discharge of one portion of the MS4 to another," in terms of specific tasks needed to achieve compliance; and

*Robert Reid - represents himself. Document*

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D. Clarify the following non-storm water discharge provisions:

- i) the definition of "designated discharge" (e.g., a prohibited or conditional non-storm water discharge) within the context of street and sidewalk washing and explain why the regional board has determined that such discharges are pollutants of concern;
- ii) the placement of street washing under "conditionally exempted discharges" and under "designated discharges;"
- iii) conditioning the discharge of potable water discharges to the MS4 (including discharges originating from residential, industrial, and commercial facilities), by requiring "standard pollution prevention practices developed by the American Water Works Association, California-Nevada Section, when such practices were developed for water producers.
- iiii) explaining what determines a non-storm water discharge to be designated discharges.

E. Delete the following:

- i) findings 4, and 5; and
- ii) those legal authority requirements pertaining to industrial activity facilities.

F. Resolve the conflict between industrial/commercial public education visits and enforcement of legal authority requirements.

Section 2. The City Council of the City of Alhambra offers to assist regional board staff in revising the tentative waste discharge order as described herein under Section 1, A through E.

Section 3. The City Clerk shall certify the adoption of this resolution.

RESOLUTION NO. 96-C90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA CONDITIONALLY SUPPORTING THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD ORDER 96-XXX NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM NO. CAS611001), WASTE DISCHARGE, REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES

WHEREAS, the City Council of the City of Azusa (hereinafter "City"), is committed to implementing programs and practices that shall, to the maximum extent practicable, reduce pollutants discharged, into the San Gabriel River and, therefrom, into Long Beach Harbor.

WHEREAS, the City is committed to allocating resources to finance the cost of implementing reasonable storm water/urban runoff pollution reduction programs;

WHEREAS, the tentative waste discharge order (hereinafter also referred to as "tentative order") authorizes the new National Pollutant Discharge Elimination System (hereinafter "NPDES") municipal permit for Los Angeles County prepared by the California Regional Water Quality Control Board, Los Angeles Region (hereinafter "regional board"), and such order contains conflicting provisions which, if not corrected, could impede or prevent effective compliance and thereby, expose the City to citizen law suits;

WHEREAS, finding #4 of the tentative order refers to studies that purportedly show that (1) organic and inorganic pollutants contained in storm water runoff are often found in wastewaters and that such pollutants can have adverse impacts on human health and aquatic ecosystems; and (2) high volumes of storm water discharged from municipal storm water systems in "areas of rapid urbanization have had significant impacts on aquatic ecosystems due to physical modifications such as bank erosion and widening of channels;"

WHEREAS, however, finding #4 is too general and should not be used to justify any requirement contained in the tentative order because; (1) it does not refer to any specific study pertaining to storm water or urban runoff from areas within the Los Angeles basin; (2) while heavy volumes of stormwater may discharge into the MS4 from areas of rapid urbanization, which may have significant impacts on aquatic ecosystems, to the extent of causing bank erosion and channel widening. Such impacts have not been documented in any area within the Los Angeles basin, wherein, in any case, most of the channels and rivers that are responsible for conveying most of the storm water are concrete lined (with the small exception of those portions of channels or rivers that are used for ground water recharge or detention purposes) and, therefore, are not prone either to bank erosion or channel widening; and (3) reference to the federal "Guidance Manual for the Preparation of Part II of the NPDES Applications for Discharges from Municipal Storm Sewer Systems," is irrelevant because it contains no mention of storm water or urban runoff problems within the Los Angeles basin;

WHEREAS, finding #5 of the tentative order, refers to "Periodic Water Quality Assessments," on which regional board staff rests its assertion that beneficial uses of such water bodies in Los Angeles County are "impaired or threatened to be impaired" because of heavy metals, coliform, enteric viruses, pesticides, nutrients, and other pollutants;

WHEREAS, however, while the City agrees that pollutants in runoff can impair the beneficial uses of water bodies, finding #5 is a generalization, to the extent that (1) it does not identify (a) which water bodies are impaired (i.e., receiving waters in each of the watersheds subject to the tentative order, (b) the beneficial uses of each watershed, (c) the extent of impairment of water bodies within each watershed, and (d) the pollutants responsible for such impairment; and (2) overlooks the fact that the monitoring component of the tentative order calls for a "receiving water study," the purpose of which is to determine "the impacts, if any, of storm water/non-storm water discharges on the beneficial uses of Santa Monica Bay" and the Los Angeles and San Gabriel River and, therefore, the conclusion that the beneficial uses of the Los Angeles River, San Gabriel

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River, Los Angeles Harbor, Long Beach Harbor, or other water bodies in the basin, are impaired by storm water and non-storm runoff is premature and suppositional;

WHEREAS, finding #6 of the tentative order refers to (1) an epidemiological study commissioned by the Santa Monica Bay Restoration Project (hereinafter "SMBRP") which confirms that swimming near flowing storm drains in Santa Monica Bay increases health risks to humans; and (2) other studies conducted by the SMBRP identified pathogenic contamination in non-storm water flows during the summer at four storm drain locations in Santa Monica Bay;

WHEREAS, however, the tentative order's assertion that the results of the SMBRP studies can be "extrapolated" to other water bodies should be regarded as a speculation; and if were compelling, similar studies conducted in other parts of the country could be "extrapolated" to Santa Monica Bay, thereby obviating the need for epidemiological or other studies of that water body;

WHEREAS, whatever conclusions may be derived from SMBRP studies should be confined to Santa Monica Bay and should not be extrapolated or applied to other water bodies because they are different in terms of type and level of pollution, and beneficial use -- a fact acknowledged in the 1994 "Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coast Watersheds of Los Angeles and Ventura Counties;"

WHEREAS, the tentative order contains several provisions, which if adopted, would do little to improve the quality of storm water and urban runoff while imposing a substantial cost to City residents and business as taxpayers;

WHEREAS, the tentative order contains a provision, which if adopted, would place the City into a state of instant noncompliance, thereby exposing it to citizen law suits;

WHEREAS, the tentative order, contains provisions, which if adopted, would impose upon the City requirements that exceed federal storm water provisions of the Clean Water Act (hereinafter "CWA."), including but not limited to (1) legal authority requirements, which for example, mandate the prohibition of hazardous waste, in containers used for, municipal refuse collection, and a provision in the tentative order that calls for a future county-wide storm water management plan that is to include a program for reporting incidents of hazardous substances in "reportable quantities" entering the MS4 (which is only an NPDES requirement for those industries that are subject to General Industrial Activity Storm Water NPDES permits and for facilities that are subject to 40 CFR 110.6;

WHEREAS, however, by imposing upon the City any requirement that exceeds the federal storm water provisions of the CWA, through the tentative order, which also functions as an NPDES permit, may be interpreted by a federal court to be actionable under the Clean Water Act, which entitles third party citizen law suits, notwithstanding that such requirement is authorized only by state law;

WHEREAS, the tentative order contains provisions that are written in a manner that is unclear and confusing which, if not corrected, would lead the City into partial or noncompliance, thereby causing the City's exposure to citizen law suits;

WHEREAS, the tentative order calls, under "conditionally exempted discharges" lists street washing as such discharge, which "need not be prohibited," but under "designated discharges," street washing is mentioned again, however there is no mention of what a designated discharge is, nor is it defined in the glossary of terms section of the order;

WHEREAS, the regional board staff claims to have authority to impose upon the City and other municipalities subject to the tentative order, requirements that exceed federal storm water regulation, notwithstanding that such requirements may not be based on supposition, rather than on scientific data;

WHEREAS, several City Attorneys have requested regional board staff to

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provide documents containing scientific data that would justify the imposition of requirements beyond those mandated by federal storm water regulations, regional board staff has not complied with such requests;

WHEREAS, the tentative order contains provisions that call for the development and implementation of a county-wide storm water management plan, or a watershed management plan, which would, unilaterally, impose upon the City additional requirements to be determined after the waste discharge order approved, without City review or approval;

WHEREAS, the tentative order is equivocal to the extent that in one place it states that the City will be subject to a county-wide storm water management plan or a watershed management plan, yet in another states that the City will be subject to both plans; and in each case there is no explanation as to what or who will determine which plan the City will be subject to; nor does it explain what mechanism will trigger the watershed management plan after the county-wide storm water management plan is implemented;

WHEREAS, the tentative order contains a provision which, contrary to what has been asserted by the regional board, would require site visits of industrial activity facilities for the purpose of inspection and enforcement, in addition to providing public education;

WHEREAS, the tentative order contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, even if such water does not cause the delivery of refuse or other pollutants MS4 (includes streets, alleys, curbs, catch basins, and other conveyances);

WHEREAS, the tentative order contains legal authority requirements that are vague and offer no guidance on how to achieve compliance with them;

WHEREAS, the tentative order is redundant in that it requires the City to prohibit littering (even if the litter does not enter to the MS4), and the disposal of leaves, dirt, or other landscape debris into a storm drain, but is mindful of the fact that the order also prohibits illicit discharges, which broadly includes the discharge of any material other than storm water to the MS4, unless such discharge is exempted by the order or an NPDES permit;

WHEREAS, the tentative order calls for the proper disposal of food wastes by the food service and food distribution industry, it does not define what "proper disposal" means, nor does it provide a definition of food service or food service distribution industry;

WHEREAS, the tentative order requires the City to identify industrial activity facilities by Standard Industrial Code classification (hereinafter "SIC") and determine if such facilities are covered by an NPDES permit;

WHEREAS, however, the responsibility for identifying industrial activity facilities by SIC and determining if such facilities are covered by an NPDES permit, should rest with regional board staff since it is responsible for enforcing General Industrial Activity Storm Water Permit requirements on behalf of the State Water Resources Control Board and, therefore, possesses more experience and expertise in this area than the City;

WHEREAS, the tentative order requires the City to establish legal authority to control the pollutants to the MS4 "by discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity";

WHEREAS, however, the tentative order's legal authority requirements compelling the City to control pollutant discharges from sites of industrial activity is excessive and probably impermissible because of the following argument: "sites of industrial activity which the tentative order defines, includes "11 categories of industrial activities required to obtain National Pollutant Discharge System (NPDES) permits for storm water discharges, as required by 40 CFR 122.26(c)," and as such are regulated by the State Water Resources Control Board (under Water Quality Order No. 91-13-DWQ, NPDES General Permit No. CAS000001) and are enforced by the regional

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board; and therefore, such requirements cannot be imposed on the City because (1) the City would be preempted by state law from enforcing them; and (2) as asserted under finding #15 of Order 95-180, NPDES Permit No. CAS029718, Reissuing Waste Discharge Requirements for municipalities and districts in Santa Clara County, "... under the Clean Water Act, the regional board cannot delegate to the Dischargers its own authority to enforce these general permits," (made in reference to industrial and construction activity permits), because such discharges from industrial activities are already controlled;

WHEREAS, the tentative order contains legal authority requirements that are not called for in federal storm water regulations per Title 40, Code of Federal Regulations, §122(d)(2)(i)(A-F), including proscriptions mentioned in E.1(a)(b) of the tentative order (e.g., prohibiting littering and discharges to the MS4 from storage areas maintaining hazardous materials);

WHEREAS, however, the tentative order's legal authority requirements are contradictory in that (1) on the one hand they prohibit the discharge of untreated wash waters (inferring that discharging treated wash waters is permissible under the order) to the MS4 from gas stations, auto repair garages, or similar use facilities and from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations, yet on the other hand they prohibit such discharges under the, illicit discharges and non-storm water sections of located elsewhere in the tentative order; and (2) they also extend to gas stations, auto repair garages, or similar use facilities (a term also not defined in the tentative order), even though these commercial facilities are not, by the tentative order's own definition, considered sites of industrial activity;

WHEREAS, the tentative order's legal authority requirements overlook the fact that the City does not have the authority to prohibit discharges from sites of industrial activity if the facility is covered under an NPDES general industrial activity permit and has certified to the regional board that it cannot eliminate non-storm water discharges -- information that is out of the City's reach;

WHEREAS, although the City is prepared to allocate a portion of its resources to fund storm water/urban runoff pollution prevention programs, it is concerned about (1) the cost-effectiveness of some of the programs proposed in the tentative order; and (2) potential legal costs associated not only with defending against frivolous citizen law suits resulting from unreasonable requirements imposed on the City by tentative order, but also in defending against legal challenges, from facilities or individuals against which City has been compelled to take enforcement actions for failing to comply with vague or unreasonable legal authority requirement;

WHEREAS, the tentative order is incomplete;

WHEREAS, the tentative orders references "standard pollution prevention practices developed by the American Water Works Association, California-Nevada Section," but does not describe such practices or append the referenced document to the orders;

WHEREAS, the regional board was required by federal regulations to adopt waste discharge orders authorizing the second five-year NPDES municipal permit in June of 1995;

WHEREAS, since February of 1995, the regional board has been negotiating with the Executive Advisory Committee (hereinafter "EAC"), consisting of individuals representing the County of Los Angeles, the City of Los Angeles, and other cities from six watersheds for the purpose of negotiating waste discharge order requirements with regional board staff;

WHEREAS, city representatives of the EAC negotiating team, excluding the City of Los Angeles, disengaged from negotiations with the regional board staff in October of 1995 because it (1) continually ignored requests from negotiating team for a complete draft waste discharge order; (2) failed to incorporate into its partial working draft waste discharge order recommendations from city negotiating team members; (3) made revisions to the working draft waste discharge order without prior consultation with negotiating team members; (4) failed to provide negotiating team members with

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a complete draft waste discharge order until December of 1995, some ten months after negotiations began; and (5) first agreed then reneged on several important waste discharge order issues;

WHEREAS, the City has apprised the regional board staff of the several problems associated with the December 18, - 1995 draft permit waste discharge orders through extensive comments, many of which were not addressed, and as a result, such problems are now present in the tentative order;

WHEREAS, the regional board informed cities that it would complete the tentative orders by April 30, 1996, but did not send cities the tentative orders until May 23, 1996.

WHEREAS the regional board staff retained a consultant to develop waste discharge orders for Ventura County authorizing its municipal storm water management program, it chose not to retain a consultant to develop a program for Los Angeles County;

WHEREAS, the EAC developed a alternative storm water management program that corrects the several problems associated with the tentative order and submitted it to regional board staff;

WHEREAS, regional board staff claims a "strong correlation" exists between the EAC's alternative storm water management program and the tentative order; however, contrary to what regional board staff has asserted, the tentative order differs substantially from the EAC's alternative storm water management program;

WHEREAS, the EAC and other cities subject to the tentative order have expressed a need for a shorter tentative order, (now over 100 pages), similar to other storm water management program waste discharge orders adopted in other regions of the state;

WHEREAS, regional board staff justifies the length of the permit by acknowledging that other regional waster discharge orders are shorter because they already developed "voluminous county-wide and/or watershed management plans in their applications";

WHEREAS, however, regional board staff has overlooked the fact that in keeping with other regional waste discharge orders, the tentative order also contains a provision that calls for the future development of county-wide and/or watershed management plans which, if adopted, would also give rise to voluminous county-wide and/or watershed management programs the length of other that are likely accompanying program plans;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF AZUSA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Advise regional board members of the City's conditional support of the permit and recommend revision of the tentative orders to the following extent:

- A. Re-write receiving water limitations in a manner that does not cause the cause the City to be in non-compliance with the orders such as those written for Santa Clara County (Order 95-180), NPDES Permit No. CAS02918), including the provision of a reopener that would be triggered in event that adverse impacts to beneficial uses of receiving waters persist, despite implementation of program/plan requirements;
- B. Re-write provisions to be identified by City staff to eliminate contradiction and confusion;
- C. Re-write provisions regarding the County-wide Storm Water Management Program and Watershed Management Program in a manner that
  - i. will not impose, unilaterally, additional requirements on the

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City in the form of tasks or best management practice, without the opportunity to appeal such requirements to the regional board's governing body; and

- ii. clarifies whether the City shall be subject to requirements of the County-wide Storm Water Management Program or the Watershed Management Program.
  - iii. identifies the mechanism for determining which of the two plans will apply to the City;
  - iv. or, if it is the regional board's intention to require both plans, identify the mechanism that would trigger the watershed management plan during the term of the order.
- D. Addressing proposed legal authority requirements to facilitate understanding and compliance, including but not limited to the following:
- i. prohibiting untreated wash waters to the MS4 which is in conflict with the tentative order's prohibition on illicit discharges;
  - ii. requiring proper disposal of food wastes by the food service and food distribution industries by defining "proper disposal" and identifying food service and distribution industries;
  - iii. requiring "compliance with conditions in ordinances, permits, and contracts", in terms of specific tasks needed to achieve compliance;
  - iv. requiring "control through interagency or inter-jurisdictional agreements among Permittees or any alternative means, the discharge of one portion of the MS4 to another", in terms of specific tasks needed to achieve compliance; and
  - v. prohibiting the placement of hazardous materials (which has specific legal definition that is not provided anywhere in the orders), into refuse containers for municipal trash disposal, which should be eliminated because (a) it would do little if anything, to improve storm water quality; and (b) would require the City to allocate resources for its enforcement.
- E. Clarify the following non-storm water discharge provisions;
- i. the definition of "designated discharge" (e.g. a prohibited or conditional non-storm water discharge) within the context of street and sidewalk washings and explain why the regional board has determined that such discharges are pollutants of concern;
  - ii. the placement of street washing under "conditionally exempted discharges" and under "designated discharges".
  - iii. conditioning the discharge of potable water discharges to the MS4 (including discharges originating from residential, industrial, and commercial facilities), by requiring "standard pollution prevention practices developed by the American Water Works Association, California-Nevada Section, when such practices were developed for water producers.
  - iv. explaining what determines a non-storm water discharge to be designated discharges.
- F. Delete the following:
- i. findings 4, 5, and 6; and
  - ii. those legal authority requirements pertaining to industrial activity facilities.
- G. Resolve the conflict between industrial/commercial public education

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visits and enforcement of legal authority requires. Allow cities to conduct their own education campaigns and eliminate site-visit requirements.

Section 2. The City Council of the City of Azusa offers to assist regional board staff in revising the tentative waste discharge order as described herein under Section 1, A through E.

Section 3. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 1st day of July, 1996.

Stephen J. Alexander  
MAYOR

ATTEST:  
[Signature]  
CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution No96-V90 was duly adopted by the City Council of the City of Azusa at a regular meeting thereof, held on the 1st day of July, 1996, by the following vote of Council:

AYES: COUNCILMEMBERS: HARDISON, MADRID, NARANJO, BEEBE, ALEXANDER

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

[Signature]  
CITY CLERK

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RESOLUTION NO. 96-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK CONDITIONALLY SUPPORTING CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD TENTATIVE ORDER NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM NO. CAS611001, WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES

WHEREAS, the City Council of the City of Baldwin Park (hereinafter "City"), is committed to implementing programs and practices that shall, to the maximum extent practicable, reduce pollutants discharged into the San Gabriel River and, therefrom, into the Long Beach Harbor;

WHEREAS, the City is committed to allocating resources to finance the cost of implementing reasonable storm water/urban runoff pollution reduction programs;

WHEREAS, the Tentative Waste Discharge Order (hereinafter also referred to as "Tentative Order") authorizes a new National Pollutant Discharge Elimination System (hereafter "NPDES") municipal permit for Los Angeles County as proposed by the California Regional Water Quality Control Board, Los Angeles Region (hereinafter "Regional Board"), and such order contains conflicting provisions which, if not corrected, could impede or prevent effective compliance with its terms;

WHEREAS, finding #4 of the Tentative Order refers to studies that purportedly show that (1) organic and inorganic pollutants contained in storm water runoff are often found in wastewaters and that such pollutants can have adverse impacts on human health and aquatic ecosystems; and (2) high volumes of storm water discharge from municipal storm water systems in areas rapid urbanization have had significant impacts on aquatic ecosystems due to physical modifications such as bank erosion and widening of channels";

WHEREAS, however, finding #4 is too general and should not be used to justify any requirement contained in the Tentative Order because: (1) it does not refer to any specific study pertaining to storm water or urban runoff from areas within the Los Angeles Basin; (2) while heavy volumes of storm water may discharge into the MS4 from areas of rapid urbanization, which may have significant impacts on aquatic ecosystems, to the extent of causing bank erosion and channel widening, such impacts have not been documented in any area within the Los Angeles Basin, wherein, in any case, most of the channels and rivers that are responsible for conveying most of the storm water are concrete lined (with the small exception of those portions of channels or rivers that are used for groundwater recharge or detention purposes) and,

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therefore, are not prone either to bank erosion or channel widening; and (3) reference to the federal "Guidance Manual for the Preparation of Part II of the NPDES Applications for Discharges from Municipal Storm Sewer Systems," is irrelevant because it contains no mention of storm water or urban runoff problems within the Los Angeles Basin;

WHEREAS, finding #5 of the Tentative Order refers to "Periodic Water Quality Assessments," on which Regional Board staff bases its contention that beneficial uses of such water bodies in Los Angeles County are "impaired or threatened to be impaired" because of heavy metals, coliform, enteric viruses, pesticides, nutrients, and other pollutants;

WHEREAS, however, while the City agrees that pollutants in runoff can impair the beneficial uses of water bodies, finding #5 is a generalization, since (1) it does not identify (a) which water bodies are impaired (i.e., receiving waters in each of the watersheds subject to the Tentative Order, (b) the beneficial uses of each watershed, (c) the extent of impairment of water bodies within each watershed, and (d) the pollutants responsible for such impairment; and (2) overlooks the fact that the monitoring component of the Tentative Order calls for a "receiving water study," the purpose of which is to specifically determine "the impacts, if any, of storm water/non-storm water discharges on the beneficial uses of Santa Monica Bay" and the Los Angeles and San Gabriel River; therefore, the conclusion that the beneficial uses of the Los Angeles River, San Gabriel River, Los Angeles Harbor, Long Beach Harbor, or other water bodies in the Basin, are impaired by storm water and non-storm runoff is premature and suppositional;

WHEREAS, finding #6 of the Tentative Order refers to (1) an epidemiological study commissioned by the Santa Monica Bay Restoration Project (hereafter "SMBRP") which confirms that swimming near flowing storm drains in Santa Monica Bay increases health risks to humans; and (2) other studies conducted by the SMBRP identified pathogenic contamination in non-storm water flows during the summer at four storm drain locations in Santa Monica Bay; however, the Tentative Order's assertion that the results of the SMBRP studies can be "extrapolated" to other water bodies should be regarded as unsubstantiated and incorrect; otherwise, similar studies conducted in other parts of the country could be "extrapolated" to Santa Monica Bay, thereby obviating the need for epidemiological or other studies of any other water body;

WHEREAS, whatever conclusions may be derived from SMBRP studies should be confined to Santa Monica Bay and should not be extrapolated or applied to other water bodies because they are different in the type and level of pollution and beneficial use - facts acknowledged in the 1994 "Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coast Watersheds of Los Angeles and Ventura Counties;"

WHEREAS, the Tentative Order contains several provisions, which if adopted, would do little to improve the quality of storm water and urban runoff while imposing a substantial cost to City residents and businesses as taxpayers;



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WHEREAS, the Tentative Order contains provisions, which if adopted, would impose upon the City requirements that exceed federal storm water provisions of the Clean Water Act (hereinafter "CWA"), including but not limited to (1) legal authority requirements, which for example, mandate the prohibition of hazardous waste in containers used for municipal refuse collection; and a provision in the Tentative Order that calls for a future county-wide storm water management plan that is to include a program for reporting incidents of hazardous substances in "reportable quantities" entering the MS4 (which is only an NPDES requirement for those industries that are subject to General Industrial Activity Storm Water NPDES permits and for facilities that are subject to 40 CFR 110.6);

WHEREAS, the Tentative Order contains many provisions that are written in a manner that is unclear and confusing, and these ambiguities need correction;

WHEREAS, the Tentative Order lists street washing as a "conditionally exempted discharge"; street washing is also identified as a "designated discharge," without any mention of what a designated discharge is, and without such term being defined in the Tentative Order's glossary;

WHEREAS, the Regional Board staff asserts authority to impose upon the City and other municipalities subject to the Tentative Order, requirements that exceed federal storm water regulations, notwithstanding that such requirements are not legally or factually based;

WHEREAS, although several City Attorneys have requested that Regional Board staff provide documents containing scientific, anecdotal or quantitative data to justify requirements beyond those mandated by federal storm water regulations, the Regional Board staff has not complied with these requests;

WHEREAS, the Tentative Order contains numerous provisions added without City review and/or approval and which call for the development and implementation of a county-wide storm water management plan and/or a watershed management plan (which would, unilaterally, impose upon the City additional requirements to be determined after the Tentative Order is approved);

WHEREAS, the Tentative Order is ambiguous in that in one place it states the City will be subject to a county-wide storm water management plan or a watershed management plan, and in another states the City will be subject to both plans; in neither case is there an explanation as to what or who will determine which plan the City is to be subject to;

WHEREAS, the Tentative Order contains a provision that would prohibit the discharge of potable water onto sidewalks and streets, even if such water does not cause the delivery of refuse or other pollutants into the MS4 (includes streets, alleys, curbs, catch basins, and other conveyances);

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WHEREAS, the Tentative Order contains legal authority requirements that are vague and likely unenforceable;

WHEREAS, while the Tentative Order calls for the proper disposal of food wastes by the food service and food distribution industry, it does not define what "proper disposal" means; nor does it provide a definition of food service or food service distribution industry;

WHEREAS, the Tentative Order requires the City to identify industrial activity facilities by Standard Industrial Code classification (hereinafter "SIC") and determine if such facilities are covered by an NPDES permit. However, the responsibility for identifying industrial activity facilities by SIC and determining if such facilities are covered by an NPDES permit, should rest with Regional Board staff since it is responsible for enforcing General Industrial Activity Storm Water Permit requirements on behalf of the State Water Resources Control Board and, therefrom, possesses more experience and expertise in this area than does the City;

WHEREAS, the Tentative Order requires the City to establish legal authority to control the pollutants to the MS4 "by discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity"; however, the Tentative Order's terms compelling the City to control pollutant discharges from sites of industrial activity are excessive and probably unenforceable because of the following: "sites of industrial activity," which the Tentative Order defines, includes "11 categories of industrial activities required to obtain National Pollutant Discharge System (NPDES) permits for storm water discharges . . . as required by 40 CFR 122.26(c)," and as such are regulated by the State Water Resources Control Board (under Water Quality Order No. 91-13-DWQ, NPDES General Permit No. CAS000001) and are to be enforced by the Regional Board; therefore, such requirements cannot be imposed on the City because (1) the City would be preempted by federal and/or state law from enforcing them; and (2) as asserted under finding #15 of Order 95-180, NPDES Permit No. CAS029718, Reissuing Waste Discharge Requirements for municipalities and districts in Santa Clara County: ". . . under the Clean Water Act, the Regional Board cannot delegate to the Dischargers its own authority to enforce these general permits";

WHEREAS, however, the Tentative Order's requirements are confusing in that (1) they prohibit the discharge of untreated wash waters to the MS4 from gas stations, auto repair garages, or similar use facilities and from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations (inferring that discharging treated wash waters is permissible under the Order), and also prohibit such discharges under the illicit discharges and non-storm water sections located elsewhere in the Tentative Order; and (2) they extend to gas stations, auto repair garages, or similar use facilities (a term not defined in the Tentative Order), even though these commercial facilities are not by the Tentative Order's own definition, considered sites of industrial activity;

WHEREAS, the Tentative Order's terms overlook the fact that the City does not have the authority to prohibit discharges from sites of industrial activity if the facility is covered under

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an NPDES general industrial activity permit and has certified to the Regional Board that it cannot eliminate non-storm water discharges;

WHEREAS, although the City is prepared to allocate a portion of its resources to fund storm water/urban runoff pollution prevention programs, it is concerned about (1) the cost-effectiveness of some of the programs proposed in the Tentative Order; and (2) potential legal costs associated not only with defending against frivolous citizen lawsuits because of the ambiguities and overbreadth of the Tentative Order, but also in defending potential legal challenges from facilities or individuals against which the City may be compelled to take enforcement action;

WHEREAS, the Tentative Order references "standard pollution prevention practices developed by the American Water Works Association, California-Nevada Section," but does not describe such practices or append the referenced document to the Order;

WHEREAS, the Regional Board was required by federal regulations to adopt waste discharge orders authorizing the second five-year NPDES municipal permit in June of 1995;

WHEREAS, since February of 1995, the Regional Board staff has been discussing a draft permit with the Executive Advisory Committee (hereinafter "EAC"), which consists of individuals representing the County of Los Angeles, the City of Los Angeles, and a number of other cities from six watersheds in the County. The discussions were intended to address the scope and purpose of various waste discharge order requirements;

WHEREAS, city representatives of the EAC, excluding the City of Los Angeles, ended its discussions with the Regional Board staff in October of 1995 because the staff (1) continually ignored requests from the EAC for a complete draft waste discharge order; (2) failed to incorporate into its partial working draft waste discharge order a number of recommendations from the EAC; (3) made revisions to the working draft waste discharge order without consultation with the EAC as previously agreed to; (4) failed to provide the EAC with a complete draft waste discharge order until December of 1995, some six months after the June 1995 deadline and some ten months after discussions began; and (5) first agreed and then reneged on several very important waste discharge issues;

WHEREAS, the EAC members apprised the Regional Board staff of the numerous problems with the December 18, 1995 draft permit waste discharge orders through extensive comments, many of which were not addressed, and thus, many of these same problems remain with the Tentative Order;

WHEREAS, the Regional Board staff did not provide a revised Tentative Order to the City, after the December draft, until May 23, 1996, and thereafter provided the cities a very limited time, approximately 30 days, to review the draft and to provide comments to the same, even though the May 23 Tentative Order contained considerable changes and additions from the December, 1995 draft and is a very lengthy and complex Order;

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WHEREAS, the EAC developed an alternative storm water management program that attempts to correct the numerous problems associated with the Tentative Order, and submitted it to Regional Board staff for their review and consideration;

WHEREAS, although Regional Board staff has claimed that a "strong correlation" exists between the EAC's alternative storm water management program and the Tentative Order, the Tentative Order is substantially different from the EAC's alternative storm water management program;

WHEREAS, the Tentative Order prohibits the washing of "toxic materials" from paved or unpaved areas which may result in a discharge to the MS4, without defining the term "toxic materials";

WHEREAS, the Tentative Order prohibits the washing of impervious surfaces in any industrial or commercial area which may result in a discharge to the MS4; this provision is overly broad and would prohibit any commercial business from cleaning or washing sidewalks or walkways at any time;

WHEREAS, the Tentative Order would prohibit the disposal of leaves, dirt or other landscaping to a storm drain, without distinguishing "disposal" through mere gravity (i.e., leaves falling from trees) or wind, or through simple sweeping or cleaning of streets or sidewalks, from intentional disposal into the storm drain system, i.e., must a resident or business take affirmative action to prevent leaves and dirt from being "disposed of" into a storm drain. Such provisions within the Tentative Order are overly broad and must be revised;

WHEREAS, the Tentative Order requires that each city demonstrate its "legal authority" to comply with the Tentative Order. The legal authority provided to cities is contained in state and federal law, and a city does not have the ability to expand its authority in a manner that is inconsistent with state and federal law;

WHEREAS, the Tentative Order requires each city to obtain a "statement by its representative legal counsel" that the city has obtained all necessary legal authority to comply with the Order, whether a city has sufficient legal authority to carry out the terms of the Order are provided pursuant to state and federal law, and the certification of a representative legal counsel will not change such laws. No legal counsel can guarantee and/or certify that "all necessary legal authority to comply with" the Tentative Order exists.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF BALDWIN PARK DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The City hereby advises the Regional Board members of the City's conditional support of the Tentative Order, and recommends revisions to the Tentative Orders as set forth in the recitals to this Resolution and as follows:

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- A. The Tentative Order should be written to eliminate ambiguities and contradictory terms as identified in the Recitals to this Resolution;
- B. Revisions should be made to the receiving water limitation language in the Tentative Order to incorporate the need for future receiving water studies, and to delete ambiguities and unsubstantiated findings in the Tentative Order. The receiving water limitations should be written similar to Santa Clara County, Order 95-180, NPDES Permit No. CAS02918, including the provision for a reopener to be triggered in the event adverse impacts to beneficial uses of receiving waters exist and persist, despite implementation of program/plan requirements;
- C. The County-wide Storm Water Management Program and Watershed Management Program provisions of the Tentative Order should be rewritten in a manner that:
  - i. will not unilaterally impose additional requirements on the City under the guise of tasks or best management practices, without an opportunity to appeal such requirements to the Regional Board's governing body; and
  - ii. clarifies whether the City is to be subject to the requirements of the County-wide Storm Water Management Program or of the Watershed Management Program, or both; and
  - iii. identifies the mechanism for determining which portions of either of the two plans are to apply to the City.
- D. The Tentative Order must be revised to clarify ambiguities in the various legal requirements under the Order, including but not limited to the following:
  - i. the provisions requiring each city to have demonstrated "legal authority" to comply with the Tentative Order, must be revised; these provisions should be modified to allow the City adopt an appropriate ordinance and/or regulations, in accordance with its existing legal authority under state and federal law;
  - ii. the provisions of the Tentative Order that require the City to obtain a "statement by its legal counsel" that the City has obtained all necessary legal authority to comply with the Tentative Order must be deleted. This language must be deleted as the City will not be able to obtain a certification that it has such legal authority; that is, the City only has that authority as provided to it under state and/or federal law;
  - iii. the provisions of the Tentative Order prohibiting untreated wash waters to the MS4 are in conflict with the Tentative Order's prohibition on illicit discharges and must accordingly be revised;

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- iv. the provisions of the Tentative Order requiring proper disposal of food wastes by the food service and food distribution industries must be revised to include a definition for "proper disposal" and to identify food service and distribution industries;
- v. the provisions of the Tentative Order requiring "compliance with conditions in ordinances, permits, and contracts," must be revised to include specific tasks needed to achieve such compliance;
- vi. the Tentative Order must be amended to include information and specific tasks to "control, through interagency or inter-jurisdictional agreements among Permittees or any alternative means, the discharge of one portion of the MS4 to another"; and
- vii. the Tentative Order must be revised to eliminate the prohibition on the placement of "hazardous waste" (which is not defined in the Order), into refuse containers for municipal trash disposal, since this provision (1) is likely preempted by existing state and federal law; (b) would do little, if anything, to improve storm water quality; and (c) would require the City to allocate already scarce resources for its enforcement.

**E. The Tentative Order must be revised to clarify the following non-storm water discharge provisions:**

- i. the definition of "designated discharge" (e.g., a prohibited or conditional non-storm water discharge) within the context of street and sidewalk washings must be clarified and an explanation provided, with supporting information showing why the Regional Board has determined that such discharges are pollutants of concern;
- ii. the placement of street and sidewalk washing under "conditionally exempted discharges" and under "designated discharges," rather than under exempted discharges, must be clarified and explained;
- iii. the provisions conditioning the discharge of potable water discharges to the MS4 (including dischargers originating from residential, industrial, and commercial facilities), by requiring "standard pollution prevention practices developed by the American Water Works Association, California-Nevada Section," must be clarified and explained;
- iv. the terms of the Tentative Order indicating that a non-storm water discharge may also be a designated discharge, must be clarified.

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F. The following sections of the Tentative Order should be deleted:

- i. Findings 4, 5, and 6 in their entirety;
- ii. all legal authority requirements pertaining to industrial activity facilities; and
- iii. all provisions of the Tentative Order requiring the City to certify it has all legal authority necessary to comply with the Tentative Order and implying that the City must demonstrate "legal authority" outside of what legal authority exists under federal and/or state law.

SECTION 2. The City Council of the City of Baldwin Park offers the assistance of Baldwin Park staff to assist Regional Board staff in revising the Tentative Order as proposed in this Resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of July, 1996.

*[Signature]*  
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MAYOR

*[Signature]*  
\_\_\_\_\_  
LINDA L. GAIR, CITY CLERK

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )    SS  
CITY OF BALDWIN PARK        )

I, LINDA L. GAIR, City Clerk of the City of Baldwin Park, do hereby certify that the foregoing Resolution No. 96-54 was duly adopted by the City Council and signed by the Mayor of said City at the regular meeting held on the 3rd day of July, 1996, and that the same was passed by the following roll call vote to-wit:

AYES: LOZANO, MARTINEZ, MUSE, LOWES, AND MAYOR VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

*[Signature]*  
\_\_\_\_\_  
LINDA L. GAIR, CITY CLERK

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RESOLUTION NO. 24,784

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A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGE WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES AND UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND MORE OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The Council of the City of Burbank is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act.

B. The Council of the City of Burbank is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS614001) which will implement the requirements of the Clean Water Act.

C. Finding 4 of the Tentative Order is based on a federal guidance document which is general in nature, not studies shown to be relevant to water bodies in Los Angeles County.

D. Finding 5 of the Tentative Order fails to identify which water bodies within Los Angeles County are impaired and fails to identify the sources of pollutants causing impairment.

E. Finding 6 of the Tentative Order is relevant only to studies of conditions of the Santa Monica Bay, and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County.

F. Streets, curbs, and gutters are designed to convey water into storm drains.

G. Certain pollutants present in storm water are contributed by activities which the permittees cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of permittee cities that whenever it rains in Los Angeles County, storm water discharges will occur.

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*Public Works*

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d. Delete excessive Receiving Water Limitations which impose unnecessary costs obligations for local agencies.

2. The City Clerk shall certify the adoption of this resolution.

PASSED and ADOPTED this 9th day of July, 1996.

s/Bill Wiggins  
Bill Wiggins  
Mayor of the City of Burbank

Attest:

s/Margaret M. Lauerman  
Margaret M. Lauerman, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF BURBANK )

I, Margaret M. Lauerman, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 9th day of July, 1996, by the following vote:

AYES: Council Members Golonski, Kramer, McConkey and Wiggins.

NOES: Council Members None.

ABSENT: Council Member Spanos.

s/Margaret M. Lauerman  
Margaret M. Lauerman, City Clerk

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CITY of CALABASAS

FAX COVER PAGE

**FROM:**

**TO:**

**NAME:** KRIS KENNEDY

**NAME:** CATHERINE TYRRELL

**FAX PHONE:** (818) 878-4215

**FAX PHONE:** 213-266-7600

**SUBJECT:**

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\_\_\_\_\_  
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**REMARKS:**

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\_\_\_\_\_  
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**NO. PAGES PLUS COVER:** 3

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**DATE/TIME:** 7/15/96

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**RESOLUTION NO. 96-386**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, SUPPORTING THE PROPOSED LOS ANGELES COUNTY MUNICIPAL STORM WATER DISCHARGE PERMIT.**

WHEREAS, on July 15, 1996, the California Regional Water Quality Control Board, Los Angeles Region, will hold a public hearing to consider the Los Angeles County Municipal Storm Water Discharge Permit; and

WHEREAS, the Regional Water Quality Control Board has made an unprecedented effort to develop with municipalities a workable water program in Los Angeles County; and

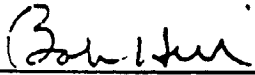
WHEREAS, Los Angeles County volunteered to be the Principal Permittee and to manage the countywide monitoring program because storm drains connect from one jurisdiction to another operating as an interconnected system; and

WHEREAS, the proposed permit breaks away from the traditional command and control model of regulation allowing the principal permittee, along with municipalities, to develop programs they will implement.


NOW, THEREFORE, BE IT RESOLVED THAT THE CALABASAS CITY COUNCIL HEREBY supports the proposed Los Angeles County Municipal Storm Water Discharge Permit.

The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 12th day of July, 1996.

  
Bob Hill, Mayor

ATTEST:

  
Robin Parker, CMC, City Clerk

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STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES) SS  
CITY OF CALABASAS )

I, ROBIN PARKER, City Clerk of the City of Calabasas, California, DO HEREBY CERTIFY that the foregoing resolution, being Resolution No. 96-386, was duly adopted by the City Council of the City of Calabasas, at a special meeting of the City Council held July 12, 1996, and that it was adopted by the following vote, to wit:

AYES: Mayor Hill, Mayor pro Tem Lopata, Councilmember Foley.

NOES: None.

ABSTAIN: None.

ABSENT: Councilmembers Devine and Washburn.

Robin Parker  
Robin Parker, CMC, City Clerk  
City of Calabasas, California

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I hereby certify that this document is a full, true and correct copy of the original on file in this office.

Helen S. Kawagoe, CMC  
City Clerk, City of Carson, CA

By Jim Lima Deputy 7-11-96



CITY OF CARSON  
CITY COUNCIL  
RESOLUTION NO. 96-068

24 WJ

LOS ANGELES REGION

96 JUL 15 AM 11:51

**A RESOLUTION OF THE CITY OF CARSON, CALIFORNIA,  
URGING THE CALIFORNIA REGIONAL WATER QUALITY  
BOARD, LOS ANGELES REGION, TO MODIFY TENTATIVE  
ORDER NO. 96-XXX (NPDES NO. CAS614001) (WASTE  
DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM  
WATER AND URBAN RUNOFF DISCHARGES WITHIN LOS  
ANGELES COUNTY) BEFORE ISSUANCE**

WHEREAS, the City of Carson is a co-permittee, along with the County of Los Angeles and 86 other cities in Los Angeles County under Order No. 90-079 issued by the California Regional Water Quality Control Board, Los Angeles Region as waste discharge requirements for storm water/urban runoff discharges within Los Angeles County, and such Order serves as the NPDES permit for the discharge of storm water into the municipal separate storm water sewer system for the County under the federal Clean Water Act, and

WHEREAS, the current Order was scheduled to expire on June 18, 1995, and prior to the expiration, the City, along with the County and the other co-permittees, filed a report of waste discharge as their application for the renewal of the existing waste discharge requirements, and

WHEREAS, the City Council of the City of Carson is committed to taking all reasonable steps required of the City to fully comply with the requirements of the federal Clean Water Act and the California Porter-Cologne Water Quality Act with respect to those discharges to the County municipal storm water sewer system over which the City has realistic regulatory control, and

WHEREAS, City staff and the City Attorney's office have been working for over a year with the California Regional Water Quality Control Board, Los Angeles Region (RWQCB) staff and representatives from the 86 cities in Los Angeles County as well as the County itself to reach a consensus on the terms of a new municipal National Pollution Discharge Elimination System (NPDES) permit for Los Angeles County, and

WHEREAS, the RWQCB staff has issued a tentative order in the form of waste discharge requirements setting forth a new municipal storm water and urban discharge program for Los Angeles County and the municipalities within the County, and

WHEREAS, these requirements will impose significant additional costs not only on the City, but will require businesses and residents within the City to incur additional expense to comply with the program, and

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WHEREAS, compliance with the requirements of this permit may constitute an unfunded mandate; and

WHEREAS, the concerns of the City of Carson and other affected cities regarding the costs and expected effectiveness of the requirements have been repeatedly expressed to the RWQCB staff; and

WHEREAS, the City Attorney has met with the RWQCB staff and has suggested a number of modifications to the tentative order which are attached to this Resolution,

WHEREAS, a public hearing on the proposed permit will be held on July 15, 1996,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY RESOLVE, AS FOLLOWS:

**Section 1.** The City Council of the City of Carson calls upon the Regional Water Quality Control Board to direct its staff to revise the tentative order in accordance with the modifications suggested by the City Attorney's office in its letter of June 26, 1996, a copy of which is attached hereto and incorporated herewith, and further, to delay its consideration of the tentative order to provide the City additional time to review and comment further on the proposed order.

**Section 2.** The City Clerk shall certify the adoption of this Resolution and forward it to the Executive Director of the Regional Water Quality Control Board.

PASSED, APPROVED and ADOPTED this 2nd day of July, 1996.

ATTEST:

*Alan S. K...* CITY CLERK      *...* ACTING MAYOR

APPROVED AS TO FORM:

*...*  
ASSISTANT CITY ATTORNEY

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STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } ss.  
CITY OF CARSON }

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing resolution, being Resolution No. 96-068, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on July 2, 1996, and that the same was passed and adopted by the following vote:

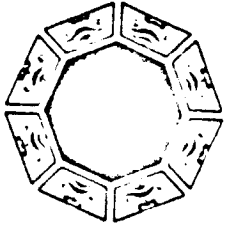
AYES: COUNCIL MEMBERS: Calas, Fajardo, Olas, and O'Neal  
NOES: COUNCIL MEMBERS: None  
ABSTAIN: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: Mayor Mitoma

  
\_\_\_\_\_  
City Clerk, City of Carson, California

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# CITY OF CERRITOS

CIVIC CENTER • 18125 BLOOMFIELD AVENUE • P.O. BOX 3130  
CERRITOS, CALIFORNIA 90703-3130 • FAX: (310) 916-1371  
PHONE: (310) 860-0311 • (714) 523-3710

July 15, 1996

LOS ANGELES REGION

96 JUL 16 PM 1:12

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Ms. Catherine Tyrrell  
Assistant Executive Officer Surface Water Programs  
California Regional Water Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, California 91754-2156

Dear Ms. Tyrrell:

**RE: WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER  
AND URBAN RUNOFF DISCHARGES WITHIN LOS ANGELES COUNTY  
ORDER 96-XXX**

Enclosed please find Resolution No. 96-23 adopted by the Cerritos City Council at its regular meeting of July 11, 1996. By Resolution No. 96-23, the City Council requests that the Regional Water Quality Control Board reevaluate its tentative order regarding NPDES Permit No. CAS614001 to develop more achievable permit objectives, based on relevant standards and studies, which also considers economic impacts to the local jurisdiction..

Please contact Rod Posada at (310) 916-1229 should you have any questions.

Sincerely,

Vince Brar  
Director of Public Works

enclosure

00-10-11

SHERMAN KAPPE  
MAYOR

BRUCE W. BARROWS  
MAYOR PRO TEM

PAUL BOWLEN  
COUNCILMEMBER

JOHN P. CRAWLEY  
COUNCILMEMBER

GRACE HU  
COUNCILMEMBER

R0031556

CITY OF CERRITOS

RESOLUTION NO. 96-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS, CALIFORNIA URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES.

WHEREAS, The City Council of the City of Cerritos, is committed to taking all steps necessary for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, The City Council of the City of Cerritos is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES CAS 614001) which will implement the requirements of the Clean Water Act;

WHEREAS, The Staff of the Regional Water Quality Control Board has drafted a Tentative Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS 614001) which is scheduled for public hearing on July 15, 1996;

WHEREAS, Finding 4 of the Tentative Order cites only a federal guidance document which is general in nature, and not studies shown to be relevant to water bodies in Los Angeles County;

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, Certain pollutants present in stormwater are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order;

WHEREAS, It is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, Streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, The Clean Water Act does not require and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (Hughey v. JMS Development Corp., 42 ERC 1449 (11th Cir., April 1, 1995));

WHEREAS, Inclusions of narrative receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and would expose them to litigations with respect to pollutants contributed by activities which they cannot control, which litigation would be baseless in the absence of the inclusions of the receiving water limitations in the Order;

WHEREAS, The Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits alleging that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat;

WHEREAS, The State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP");

WHEREAS, The administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality control Board, not the Permittee Cities;

WHEREAS, The Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

WHEREAS, The Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

WHEREAS, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to the disposal of hazardous substances and hazardous wastes, and the use of pesticides, which are matters preempted by federal and state law and beyond the authority of the City;

WHEREAS, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to matters which the board has defined in only vague and ambiguous terms, and not in the manner prescribed by federal regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CERRITOS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Cerritos calls upon the Regional Water Quality Control Board to direct its Staff to revise the Tentative Order to:

- A. Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete the Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to have a valid scientific basis and which are demonstrated to be applicable to the water body in question;
- D. Delete requirements that the permittees are to administer all or any part of the GLASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees;

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- F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.
- G. Revise the provisions relative to representations as to the legal authority of the City to conform to the requirements of the governing federal regulations and the US EPA Guidance Manual.

SECTION 2. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 11th day of July, 1996.

  
MAYOR

ATTEST:

  
CITY CLERK

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STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF CERRITOS )

I, Caroline deLlamas, City Clerk of the City of Cerritos, California, DO  
HEREBY CERTIFY that the foregoing Resolution No. 96-23 was duly adopted by  
the City Council of the City of Cerritos at a Regular Meeting held on the 11th day  
of July, 1996 and that it was so adopted as follows:

AYES: COUNCILMEMBERS - Bowlen, Crawley, Hu, Barrows  
and Kappe.  
NOES: COUNCILMEMBERS - None.  
ABSENT: COUNCILMEMBERS - None.  
ABSTAIN: COUNCILMEMBERS - None.

Caroline deLlamas  
City Clerk of the City of Cerritos

DATED: July 15, 1996

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# CITY OF CERRITOS


CIVIC CENTER • P.O. BOX 3130 • 18125 BLOOMFIELD AVENUE  
CERRITOS, CALIFORNIA 90703-3130 • FAX: (310) 809-8411  
PHONE: (310) 860-0311 • (714) 525-3710

OFFICE OF THE CITY CLERK / TREASURER  
CAROLINE deLLAMAS, CMC / AAE

## CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF CERRITOS )

I, Caroline deLlamas, City Clerk of the City of Cerritos, California, DO  
HEREBY CERTIFY that the foregoing document is a true and correct copy of  
City of Cerritos Resolution No. 96-23 duly and regularly adopted by the City  
Council at a Regular Meeting held on the 11th day of July, 1996.

  
Caroline deLlamas, CMC/AAE  
City Clerk, City of Cerritos

DATED: July 15, 1996

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## CITY OF COMMERCE

Robert J. Cornejo, Mayor

July 9, 1996

Councilman Larry Zarian  
Municipal Government Board Member  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre  
Monterey Park CA 91754-2156

**SUBJECT: Request to Defer Adoption of Tentative Waste Discharge Order  
Authorizing Re-issuance of NPDES Permit for Los Angeles County**

Dear Councilman Zarian:

As a regional board member representing municipal interests, and a fellow councilman, I am sure you are aware that many cities are concerned about the proposed tentative waste order which authorizes the new municipal NPDES permit. Cities subject to the new permit will be required to allocate a substantial portion of its scarce resources to fund several programs and requirements called for under the permit. However, based on what we have learned from our staff and from other cities, there is no compelling reason to believe that the implementation of these programs will in fact substantially reduce pollutant loadings in receiving waters (in our case the Los Angeles River which flows into Los Angeles Harbor).

It should be made clear, however, that the City Council of the City of Commerce is committed to improving the runoff quality and the quality of its receiving waters, and therefore supports the purpose and spirit of the proposed permit. Nevertheless, we note that the proposed permit raises several issues that we find very disturbing. Issues that are more particularly described in the comments appended to this letter. After reading them, I am sure you will be convinced, as we are, that the proposed permit your staff is recommending for adoption at the July 15, 1996, regional board meeting, needs to be deferred until the issues we have raised are resolved.

I should also point out that the City of Commerce would have expressed its concerns about the proposed permit through a resolution (as many cities have done or are in the process of doing), however, the City did not receive the proposed permit until the first week in June leaving insufficient time for staff to evaluate its

2535 Commerce Way • Commerce, California 90040 • (213) 722-4805 • FAX # (213) 726-6231

Printed on Recycled Paper

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I, Linda L. Gair, City Clerk of the City of Baldwin Park, do hereby certify that the attached copy of Resolution No. 96-54 is a true and exact copy of the original resolution on file in the Office of the City Clerk.

July 8, 1996

  
LINDA L. GAIR, CITY CLERK

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Letter to Councilman Larry Zarian (July 9, 1996)  
NPDES Permit for Los Angeles County  
Page 2 of 2

impact and recommend City Council action. In any case, we hope that this letter will be viewed as demonstration of this City Council's resolve that the proposed permit requires correction before it can be fully supported.

I look forward to sharing our concerns with the regional board in person at the July 15 meeting.

Sincerely,

  
Robert J. Cornejo  
Mayor

RJC:mas

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File: '96 P.W. Outgoing Correspondence  
NPDES File

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## City of Cudahy, California

P.O. Box 1007  
5220 Santa Ana Street  
Cudahy, CA 90201  
213 773 5143  
Fax 213 771-2072

Incorporated November 10, 1960

July 12, 1996

Dr. Robert Ghirelli  
Executive Officer  
California Regional Water Quality Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Re: Waste Discharge Requirements For Discharge of Storm Water  
in Los Angeles County (NPDES Permit No. CAS061654) - July  
5, 1996 Draft Permit

Dear Dr. Ghirelli:

I write on behalf of the City of Cudahy to express the City's support for the July 5, 1996 draft of the proposed NPDES Permit for Los Angeles County but urge the Regional Water Quality Control Board to amend that draft permit as suggested in the July 12, 1996 letter from John J. Harris, of Richards, Watson & Gershon, which serves as City Attorney to the City. The City appreciates your efforts to accommodate the concerns of the local government community as we endeavor to comply with the federal mandate.

Sincerely,

Jack M. Joseph  
City Manager

JMJ:td

cc: Michael G. Colantuono, City Attorney  
Dr. Mark Gold, Heal the Bay

QUALITY CONTROL BOARD  
LOS ANGELES REGION

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RESOLUTION NO. 5974

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY URGING THE CALIFORNIA REGIONAL WATER QUALITY BOARD, LOS ANGELES REGION, TO DEFER ISSUANCE OF THE TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001) (WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORMWATER AND URBAN RUNOFF DISCHARGES WITHIN LOS ANGELES COUNTY) AND TO DIRECT ITS STAFF TO RESOLVE ISSUES OF LACK OF SCIENTIFIC BASIS FOR REQUIREMENTS, AND TO DEVELOP A REASONABLE AND COST-EFFECTIVE PROGRAM TO IDENTIFY AND MITIGATE LOCAL RECEIVING WATER POLLUTION

WHEREAS, the City Council of the City of Downey is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act, and

WHEREAS, City staff has been working for over a year with the California Regional Water Quality Control Board, Los Angeles Region (RWQCB) staff and representatives from the 85 cities in Los Angeles County, as well as, the County itself to come to consensus on the terms of a new municipal National Pollution Discharge Elimination System (NPDES) Permit for Los Angeles County, and

WHEREAS, the RWQCB staff has issued a tentative order which will impose a new municipal stormwater and urban discharge permit on all of Los Angeles County, and

WHEREAS, the tentative order greatly exceeds the legal authority of the RWQCB in that it exceeds the requirements of the Clean Water Act and the implementing Federal regulations, and

WHEREAS, the findings and requirements of this tentative order do not comply with the Clean Water Act, or are not based on any sound scientific examination of the impact of stormwater and urban runoff, and

WHEREAS, these requirements will impose significant additional costs, not only on the City, but will require businesses and industry within the City to incur additional expense to comply with the program, without any demonstratable benefit to the City or receiving waters, and

WHEREAS, the estimated cost to the City is many times the money currently being spent and

WHEREAS, compliance with the requirements of this permit may constitute an unfunded mandate; and

WHEREAS, many aspects of the proposed program will be defined and developed after the issuance of the permit, and

WHEREAS, the proposed permit will obligate Downey to implement as-yet-undeveloped County model programs at yet-to-be-determined costs, denying the City the ability to evaluate the costs of participating in these programs, and

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**RESOLUTION NO. 5974 - PAGE 2  
NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES)**

WHEREAS, the tentative order contains provisions that would allow the RWQCB to impose additional requirements as it sees fit after adoption, without a public hearing process, denying the City the opportunity to comment, or to effectively plan or budget for expenses, and

WHEREAS, certain businesses and industries in Downey are regulated under either a General Industrial Activities Stormwater Permit (GIASP) or a General Construction Activity Permit (GCASP) issued by the State Water Resources Control Board, and

WHEREAS, the administration and enforcement of the GIASP and the GCASP within the City of Downey are the responsibility of the RWQCB, not of the City of Downey, and

WHEREAS, the tentative order will require the City of Downey to inspect businesses in Downey, including those subject to the GIASP and GCASP permits, to evaluate their stormwater and urban runoff management practices under a program called "educational site visits," and

WHEREAS, City staff would be required to conduct inspections of many types of businesses including gas stations, auto accessories stores, restaurants, car dealerships, and manufacturing facilities, and

WHEREAS, City inspectors would be required to determine whether each business is, or should be, in possession of any RWQCB permits, to report violators, to follow-up for compliance after the initial inspection, and to prosecute noncompliance, and

WHEREAS, this tentative order fails to identify pollutants that have measurable impact on the beneficial uses of the receiving water and fails to demonstrate that facilities within the City of Downey contribute significant amounts of pollution to those receiving waters, and

WHEREAS, the order imposes unreasonable reporting requirements on cities, and

WHEREAS, compliance with the Municipal NPDES Permit should be premised upon implementation of best management practices (BMP's) to reduce the discharge of pollutants to the maximum extent practicable, as determined in the Clean Water Act, and

WHEREAS, the concerns of Downey and other affected cities regarding the costs, legality, lack of scientific basis and expected effectiveness of the requirements have been repeatedly expressed to the RWQCB staff, but have not been answered in the proposed order, and

WHEREAS, a public hearing on the proposed permit will be held on July 15, 1996.

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**RESOLUTION NO. 5974 - PAGE 3  
NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES)**

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES  
RESOLVE AS FOLLOWS:**

**SECTION 1. The City Council of the City of Downey calls upon the Regional  
Water Quality Control Board to defer issuance of the tentative order, and to direct  
its staff to revise the tentative order as follows:**

- A. Prepare findings based on relevant, sound scientific data specific to  
the receiving waters in accordance with the Clean Water Act;**
- B. Identify the negative impacts on the receiving waters of specific  
pollutants, and develop a program of mitigation that is measurable, cost-effective  
and reasonable;**
- C. Delete requirements which impose obligations on the City of Downey  
which are the rightful responsibilities of the RWQCB;**
- D. Develop record keeping and reporting requirements which will provide  
meaningful data concerning the receiving waters, rather than generate unreasonably  
duplicative reports and statistics;**
- E. Replace "to be determined" elements of the progress with clearly  
defined, well-thought-out elements for which there is a scientific basis prior to the  
issuance of a permit;**
- F. Delete findings and requirements which do not comply with the Clean  
Water Act, or which lack a sound scientific basis and which would, therefore,  
expose the City of Downey to unreasonable risks of lawsuit by third parties;**
- G. Insert a provision in the permit, whereby the RWQCB agrees to reopen  
negotiations on the requirements imposed on cities under this permit if Congress  
modifies the Clean Water Act during the term of this permit;**
- H. Develop a funding mechanism to assist cities in meeting the cost of  
complying with the requirements of this permit;**
- I. Work in good faith with the affected cities to carry out all of the  
above.**

**SECTION 2. This Resolution shall take effect immediately upon its adoption  
by the City Council, and the City Clerk shall certify the vote adopting this  
Resolution.**

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RESOLUTION NO. 5974 - PAGE 4  
NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES)

APPROVED AND ADOPTED THIS 9th day of July, 1996.

JOYCE L. LAWRENCE  
JOYCE L. LAWRENCE, Mayor

ATTEST:

JUDITH E. MC DONNELL  
JUDITH E. MC DONNELL, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Downey held on the 9th day of July, 1996, by the following vote:

AYES: 3 Council Members: Brazelton, Riley, Lawrence  
NOES: 0 Council Members: None  
ABSENT: 2 Council Members: Boggs, McCaughan

JUDITH E. MC DONNELL  
JUDITH E. MC DONNELL, City Clerk

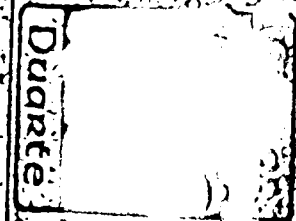
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The foregoing instrument is a full, true, and correct copy of the original on file in this office.

ATTEST: July 11, 1996  
Judith E. McDonnell  
City Clerk of the City of Downey

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Duarte

# CITY OF DUARTE

Sixteen Hundred Huntington Drive, Duarte, California 91010 (818) 257-7931

July 10, 1998

California Regional Water  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, California 91754

Dear Boardmembers:

The Duarte City Council  
Resolution No. 98-27

## RESOLUTION

OF THE CITY COUNCIL  
CONTRIBUTING TO THE  
WATER AND WASTE  
WATER WITHIN  
OF ISSUES  
DEVELOPMENT  
OBJECTIVE

21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, TO RETURN TO THE REGIONAL WATER QUALITY CONTROL BOARD, 1001 W. WASHINGTON AVENUE, MONTEREY PARK, CALIFORNIA 91754, A COPY OF THE CITY COUNCIL OF THE CITY OF DUARTE'S RESOLUTION NO. 98-27, DATED JULY 9, 1998, UNANIMOUSLY ADOPTED.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, TO RETURN TO THE REGIONAL WATER QUALITY CONTROL BOARD, 1001 W. WASHINGTON AVENUE, MONTEREY PARK, CALIFORNIA 91754, A COPY OF THE CITY COUNCIL OF THE CITY OF DUARTE'S RESOLUTION NO. 98-27, DATED JULY 9, 1998, UNANIMOUSLY ADOPTED.

Smiley V.

Beaumont  
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## RESOLUTION NO. 96-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS 614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS, AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES BASED ON RELEVANT STANDARDS AND STUDIES**

WHEREAS, the City Council of the City of Duarte is committed to taking all steps necessary for the City to be in full compliance with the requirements of the Clean Water Act; and

WHEREAS, the City Council of the City of Duarte is committed to cooperating with the Regional Water Quality Control Board (RWQCB) to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS 614001), which will implement the requirements of the Clean Water Act; and

WHEREAS, the staff of the Regional Water Quality Control Board has drafted a Tentative Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS 614001) which is scheduled for public hearing on July 15, 1996; and

WHEREAS, Finding 4 of the Tentative Order cites only a Federal guidance document which is general in nature, and not studies shown to be relevant to water bodies in Los Angeles County; and

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay, and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County; and

WHEREAS, certain pollutants present in storm water are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order; and

WHEREAS, it is a fact of nature beyond the control of Permittee cities that whenever it rains in Los Angeles County, storm water discharges will occur; and

WHEREAS, streets, curbs, and gutters are designed to convey water into storm drains; and

WHEREAS, the Clean Water Act does not require the impossible, and it is beyond the legal authority of the Board to require the impossible or to require absurd results (*Highey vs. JMS Development Corp.*, 42 ERC 1449 - 11th Cir., April 1, 1995); and

WHEREAS, inclusion of narrative receiving water limitations requiring that storm water discharges neither cause violations of water quality objectives nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard, and would expose them to litigation with respect to pollutants contributed by activities which they cannot control, which litigation would be baseless in the absence of the inclusion of the receiving water limitations in the Order; and

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WHEREAS, the findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits alleging that all water bodies in the County are to have all beneficial uses listed in the findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat; and

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP"); and

WHEREAS, the administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board, not the Permittee cities; and

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable; and

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude; and

WHEREAS, the Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to the disposal of hazardous substances and hazardous wastes, and the use of pesticides, which are matters preempted by Federal and State law and beyond the authority of the City; and

WHEREAS, the Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to matters which the Board has defined in only vague and ambiguous terms, and not in the manner prescribed by Federal regulations;

NOW, THEREFORE, the City Council of the City of Duarte, California, does hereby resolve as follows:

Section 1: The City Council of the City of Duarte calls upon the Regional Water Quality Control Board to direct its staff to revise the Tentative Order to:

- A. Prepare findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete the Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to have a valid scientific basis and which are demonstrated to be applicable to the water body in question;
- D. Delete requirements that the Permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB, and to require the Permittee cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of Permittees;

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- F. More specifically identify the responsibilities of the Permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order;
- G. Revise the provision relative to representations as to the legal authority of the City to conform to the requirements of the governing Federal regulations and the United States EPA Guidance Manual.

Section 2. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, and ADOPTED this 9th day of July, 1996.

/s/ Phillip R. Reyes  
Mayor Phillip R. Reyes

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF DUARTE            )

I, Maria Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 96-21 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 9th day of July, 1996, by the following vote:

AYES: Councilmembers: Fasana, Finlay, Kirchner, Davey, Reyes  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

/s/ Maria Akana  
City Clerk Maria Akana  
City of Duarte, California

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RESOLUTION NO. 3978

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 98-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, the City Council of the City of El Segundo is committed to taking all steps necessary for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, the City Council of the City of El Segundo is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001) which will implement the requirements of the Clean Water Act;

WHEREAS, the Staff of the Regional Water Quality Control Board has drafted a Tentative Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001) which is scheduled for public hearing on July 15, 1996;

WHEREAS, the Finding 4 of the Tentative Order cites only a federal guidance document which is general in nature, and not studies shown to be relevant to water bodies in Los Angeles County;

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, certain pollutants present in storm water are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order;

WHEREAS, it is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, the Clean Water Act does not require, and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (Hughey v. JMS Development Corp., 42 ERC 1449 (11th Cir., April 1, 1996));

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WHEREAS, inclusion of narrative receiving water limitations that require that storm water discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and would expose them to litigation which would be baseless in the absence of the inclusion of the receiving water limitations in the Order;

WHEREAS, the Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits alleging that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat;

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP");

WHEREAS, the administration of the GIASP and the GCASP are the responsibility of the Regional Water Control Board, not the Permittee Cities;

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of El Segundo calls upon the Regional Water Quality Control Board to direct its Staff to revise the Tentative Order to:

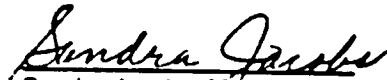
- A. Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete the Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question;
- D. Delete requirements that the Permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the Permittee Cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of the Permittees;

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- F. More specifically identify the responsibilities of the Permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.

**SECTION 2.** The City Clerk shall certify to the passage and adoption of this resolution; shall enter the same in the book of original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

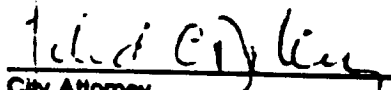
PASSED, APPROVED AND ADOPTED this 2nd day of July, 1996.

  
Sandra Jacobs, Mayor  
of the City of El Segundo,  
California

ATTESTED:

  
Cindy Mortesen  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

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CERTIFICATION

STATE OF CALIFORNIA        ]  
COUNTY OF LOS ANGELES    ] SS  
CITY OF EL SEGUNDO         ]

I, Lora Freeman, Deputy City Clerk of the City of El Segundo, California, DO HEREBY CERTIFY that the whole number of members of the City Council of the said City is five; that the foregoing resolution, being RESOLUTION NO. 3978 was duly passed and adopted by the said City Council, approved and signed by the Mayor or said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the 2nd day of July, 1996, and the same was so passed and adopted by the following vote:

- AYES:                           Mayor Jacobs, Mayor ProTem Wernick, Councilwoman Friedkin, Councilman Weston, and Councilman Gordon.
- NOES:                           None
- ABSENT:                       None
- ABSTENTION:                 None
- NOT PARTICIPATING:       None

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this 3<sup>rd</sup> day of July, 1996.

*Lora Freeman, Deputy*  
for  
CINDY MORTESEN,  
City Clerk of the  
City of El Segundo,  
California  
(SEAL)

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Adopted  
7-09-96  
Plumley/Givens  
All Ayes

RESOLUTION NO. 96-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDALE URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO.96-XXX (NPDES NO. CAS061654), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGE WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, the City Council of the City of Glendale is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, the City Council of the City of Glendale is committed to cooperation with the Regional Water Quality Control Board ("RWQCB") to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No.CAS061654) which will implement the requirements of the Clean Water Act;

WHEREAS, the RWQCB has issued a Tentative Order dated May 23, 1996, which is scheduled to be approved at a public hearing on July 15, 1996;

WHEREAS, Finding 4 of the Tentative Order is based on a federal guidance document which is general in nature, not studies shown to be relevant to water bodies in Los Angeles County;

WHEREAS, Finding 5 of the Tentative Order fails to identify which water bodies within L.A. County are impaired and fails to identify the sources of pollutants causing impairment.

WHEREAS, Finding 6 of the Tentative Order is relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any other water bodies in Los Angeles County;

WHEREAS, certain pollutants in storm water are contributed by activities which the permittee cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of permittee cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, Finding 19 of the Tentative Order sets both

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF Resolution 96-111 FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF GLENDALE DATED July 15, 1996

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ALEEN B. BOYLE CITY CLERK

*Muriel Plumley*  
CITY CLERK  
Senior Office Asst.

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narrative and numerical water quality objectives which would hold the permittees to an impossible standard and would expose them to litigation;

WHEREAS, the Tentative Order requires the achievement of receiving water limitations contrary to the Clean Water Act which does not require inclusion of receiving water limitations;

WHEREAS, Findings 25, 26, and 27 are based on generalized statements or studies none of which quantify if a problem exists in Los Angeles County or are relevant to water bodies in Los Angeles County;

WHEREAS, the findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits claiming that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and freshwater habitat;

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP") and the administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board.

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

WHEREAS, the Tentative Order, if adopted, contains provisions which will expose the City to costly and unnecessary third party lawsuits;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Glendale calls upon the Regional Water Quality Control Board to direct its staff to review the Tentative Order to:

- A. Delete Findings 4, 5, 6, 19, 25, 26, and 27. Prepare findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable.

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- B. Delete Receiving Water Limitations as a permit requirement.
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question.
- D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate.
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees.
- F. More specifically identify the responsibilities of the co-permittees in order that their respective elected officials will be able to assess the financial impact of the Tentative Order.
- G. Include a requirement in the Order that all model programs, not yet developed, be approved through a public hearing process before the RWQCB prior to implementation.
- H. Insert a provision into the Order whereby the RWQCB agrees to reopen negotiations on the requirements imposed on co-permittees in the event Congress modifies the Clean Water Act during the term of the Order.

**SECTION 2.** The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 9th day of July, 1996.

Alfred S. Baker  
MAYOR

ATTEST:

Aileen B. Boyle  
CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Glendale at a regular meeting thereof, held on the 9th day of July, 1996, by the following vote, to wit:

AYES:	Givens, Plumley, Reyes, Zarian, baker
NOES:	None
ABSENT:	None
ABSTAIN:	None

Aileen B. Boyle  
CITY CLERK

APPROVED AS TO FORM

Cherisham  
DEPUTY CITY ATTORNEY

DATED 6-26-96

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CITY OF

# Glendale CALIFORNIA

618 E. Broadway, Suite 220, Glendale, CA 91204-4384

Tel: (818) 548-2080  
Fax: (818) 547-3402

Office of the  
CITY ATTORNEY

## FACSIMILE TRANSMITTAL

Date: 7-10-96

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, MAY CONSTITUTE INSIDE INFORMATION AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED, AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT (818) 548-2080.

ADDRESSEE: Robert Ghirelli, Ph.D.

FACSIMILE NUMBER: 213-266-6856

SUBJECT/MESSAGE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FROM: Chris Lawrence

FACSIMILE NUMBER: (818) 547-3402

ORIGINAL(S) TO FOLLOW BY MAIL: YES X NO \_\_\_\_\_

TOTAL NUMBER OF PAGES YOU SHOULD RECEIVE, INCLUDING THIS COVER SHEET: 22

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# Glendale CALIFORNIA

813 E. Broadway, Room 200, Glendale, California 91208-4391

(818) 848-4844

July 10, 1988

Robert P. Ghirelli, D. Env.  
Regional Water Quality  
Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Re: Tentative Order For Waste Discharge  
Requirements for Municipal Storm Water  
Discharges From Los Angeles Regional Water  
Quality Control Board

Dear Mr. Ghirelli:

The upcoming decision of the Regional Water Quality Control Board to adopt its Tentative Order for waste discharge requirements for municipal storm water and urban runoff discharges (NPDES No. CAS0161654) is of great concern to City Council of the City of Glendale and its citizens. The Tentative Order raises substantial issues concerning informal rule making, a violation of the California Administrative Procedure Act, unfunded mandates, improper shifting of state responsibilities to local agencies, ill-defined programs, excessive regulation, inadequate foundation for findings and failure to protect cities from third party lawsuits.

On July 9, 1988, the Glendale City Council adopted a resolution urging the Regional Water Quality Control Board to defer issuance of its Tentative Order and asking that the Board direct its staff to work with the cities to resolve issues of unfunded mandates, economic impact and the development of more achievable goals and objectives based on relevant standards and studies. A copy of the resolution, the staff report and the City's comments to the Board's Executive Officer are attached hereto for your reference.

While the City is aware of the problems associated with storm water pollution and share a common concern to preserve and enhance the water quality of the ocean, individual cities' fiscal and administrative resources for implementing storm water programs are limited. At this point, neither the State nor the U.S. Environmental Protection Agency have offered any sort of financial assistance to the cities in implementing a program that is designed to meet both regional and national objectives.

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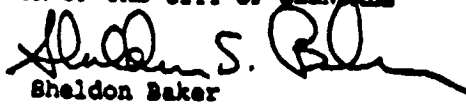
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Waste Discharge Requirements  
July 10, 1986  
Page 2

The City of Glendale asks for your support in its request to defer issuance of the Tentative Order until these issues are resolved.

Very truly yours,

MAYOR OF THE CITY OF GLENDALE

  
Sheldon Baker

CRS:cs

Attachments

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**CITY OF GLENDALE  
INTERDEPARTMENTAL COMMUNICATION**

**DATE June 27, 1996**

**TO David H. Ramsay, City Manager**  
**FROM Kerry L. Morford, Director of Public Works**

**SUBJECT Agenda Item:  
Regional Water Quality Control Board Tentative Order for  
Waste Discharge Requirements for Municipal Storm Water  
(1) Resolution urging the Regional Water Quality Control  
Board to return Tentative Order (NPDES No. CAS614001)  
Waste Discharge Requirements for Municipal Storm Water  
and Urban Runoff Discharges to Staff for Resolution of  
Issues of Unfunded Mandates, etc.**

**INTRODUCTION:**

The 1987 amendments to the Clean Water Act require regulation of Municipal Storm Water and Urban Runoff. These regulations deal with pollutants that wash off streets and landscape surfaces and eventually end up in receiving waters. EPA developed implementation guidelines which mandated a National Pollution Discharge Elimination System (NPDES) permit for jurisdictions with population of 100,000 or more residents. In California, the Water Quality Control Board issues the permits. The permits are issued for a five-year period.

In 1990, the Los Angeles Water Quality Control Board issued a Municipal Storm Water and Urban Runoff permit covering Los Angeles County. The permit was issued to Los Angeles County and to 87 cities within the County with Los Angeles County serving as the principle permittee and acting as an umbrella agency for administration of the permit. The 1990 permit was to expire in June of 1995, however, a permit renewal application was made in December 1994 when the County submitted the Report Of Waste Discharge (ROWD). As a result, the June 1990 permit has been extended until a new permit is issued. Since that time, Los Angeles Water Quality Control Board staff and the cities have been working on a new permit. Negotiations for new permit requirements have proven to be a long and difficult process.

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David H. Ramsay  
Page 2  
June 27, 1996

Los Angeles Quality Control Board staff issued a draft permit for review on December 18, 1995. That draft language received much criticism and consequently, Regional Water Quality Control Board staff revised the permit language. A draft Tentative Order was issued on May 23, 1996. The Tentative Order contains permit language which will place an administrative and financial burden upon the cities which can not be quantified because many of the requirements cities will be responsible for are to be developed as part of the permit.

CURRENT PERMIT STATUS:

The June 1990 permit specified a minimum of 13 Best Management Practices (BMPs) the cities are required to implement. In addition, the current permit imposes a requirement to conduct a monitoring program which none of the permittees have complied with. Glendale is still in the process of implementing the existing required BMPs and has programs underway that either fully or partially satisfy 11 of the 13 BMPs. A summary of the City's programs follow:

**Catch Basin Stenciling Program** - Currently, a pilot program that initially targets catch basins primarily in industrial areas is underway. Rather than stenciling, permanent ceramic tiles are used. Initial costs are higher, but these tiles are much more attractive. The cost of the pilot project is estimated at approximately \$1,000. It will probably cost about \$10,000 to \$20,000 to complete the entire city.

**24-Hour Telephone Number for Reporting of Illegal Dumping in the Storm Drains** - A number (818) 548-4820 has been established, where residents can call to report instances of illegal dumping. The line is answered by the Fire Dispatchers. Staff is currently reviewing how best to coordinate response to the calls.

**Runoff Control Ordinance** - Work on the ordinance will be completed following adoption of a new permit so that all of the requirements of the new permit can be properly addressed.

**Public Education and Outreach** - Glendale obtains informational materials developed by the County and City of Los Angeles and permission to customize them for use by Glendale. These materials are distributed to the public by including them in utility bills three times a year initially and are available at public counters. The City has also obtained videotapes that are aired on the City's cable television channel. Articles will be written for inclusion in City Views. The estimated annual cost for public education and outreach is \$40,000 per year.

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David H. Ramsay

Page 3

June 27, 1996

**Catch Basin Cleaning** - This year a new program was initiated using sewer maintenance crews to clean all City owned catch basins annually. This program needs to be expanded to address areas where there is a large accumulation of trash and debris and more than likely increase the frequency of catch basin cleaning to more than once a year. The cost of the existing program is \$58,000 per year.

**Increase Number of Roadside Trash Receptacles and Cleaning Frequency** - This is being done by the Integrated Waste Section with existing staff. Not including the cost of receptacles, this program cost \$10,000 per year.

**Street Sweeping** - City streets are swept every two weeks. This practice satisfies the current and proposed permit requirement. The estimated cost of this operation is \$700,000 per year.

**Discourage Improper Disposal of Litter, Lawn/Garden Clippings, and Pet Feces Into Streets** - A public education and outreach program needs to be developed to make the public aware of these requirements. City Code currently prohibits littering (GMC 24-9 to 24-15) and requires individuals to clean up after their pets (GMC 13-5.5).

**Facility Inspections of Industrial Facilities** - This is being accomplished by Industrial Waste Inspectors. The cost of this program is being developed.

**Encourage Residents/Businesses to Remove Debris From Sidewalks and Alleys** - A public education and outreach program needs to be developed to make the public aware of this requirement. The City has an ordinance which requires property owners to keep adjacent sidewalks, alleys, gutters, etc., free of dirt and debris (GMC 24-11).

**Encourage Recycling** - This is being accomplished by the City's existing recycling program. The cost of this program is \$2.5 million per year.

**Encourage Proper Disposal of Household Hazardous Wastes** - This is being accomplished by the City's existing household hazardous waste program. The cost of this program is \$450,000 per year.

**Encourage the Proper Use and Conservation of Water** - This is being accomplished by the City's existing water conservation and water reclamation programs.



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David H. Ramsay  
Page 4  
June 27, 1996

The City is currently spending in excess of \$3,758,000 per year on programs to meet the requirements of the existing permit. In addition to the annual cost of these programs, there are other start-up and ongoing administrative costs incurred as a result of the permit requirements.

**PROPOSED PERMIT**

Generally, the proposed permit fails to deal with practical implementation issues that cities must address. If adopted, the draft permit would force cities to implement untested costly programs. It contains language and provisions which will expose cities to costly and unnecessary third party lawsuits. In addition, the proposed permit base its administrative orders on findings which are generally inappropriate or not substantiated by scientific studies pertinent to Los Angeles County.

The permit establishes the water quality standards set forth in the Basin Plan as the receiving water limitations for stormwater discharges to receiving waters. These receiving water limitations based on numerical limits established in the Basin Plan would be nonobtainable by the cities. There is a requirement in the permit for programs to be developed during the term of the permit which are to be implemented shortly after their development. Implementation of these will not have to go through the process of public hearing and review, however, the public will be impacted by those requirements. The permit, as currently written, will also significantly hinder development of construction activities and will cause the cities to establish inspection programs which are much more comprehensive in nature than those currently implemented. For example, the proposed permit will require the City to implement BMPs to be employed by residents building a single family residence on a hillside.

A summary of the major concerns with the proposed permit follows:

**Findings:** Many of the findings are based on generalized studies/statements extrapolated to pertain throughout the county and all receiving waters while other findings serve to establish laws bypassing the legislative process. The findings should focus on facts verified by sound scientific studies appropriate to the areas in question.

**Receiving Water Limitations:** The cities may be found in non-compliance as a result of the language establishing water quality objectives and water quality standards contained in the Basin Plan. The Basin Plan establishes receiving water

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limitations which are non attainable without treating urban runoff. Accordingly, the receiving water limitations should be deleted or at a minimum the Basin Plan should not be used for water quality standards.

**Program Management:** Too much responsibility and authority is placed with L.A. County. Watershed Management Committees (WMC's) or an Executive Advisory Committee (EAC) should be given more responsibility to plan, oversee, and approve all studies. The WMC's do not have staff and should not be held responsible for any work items.

**Illicit Discharges:** Stormwater pollution comes from numerous sources, many outside the jurisdiction of the cities. Instead of focusing on eliminating illicit discharges, the permit should only require the identification of illicit discharges during the normal course of business (i.e. when seen).

**Public Education Program:** As proposed, the permit will mandate that cities establish public education programs that include mandatory site visits of certain businesses. The site visits will have to occur at a designated interval. In reality the site visits are site inspections. The program should be a public education program without specific requirements such as mandatory site visits. How the information should be disseminated should be left up to individual cities.

**Conditionally Exempted Discharges:** The draft permit should include reclaimed water line flushing, residential swimming pool discharges and sidewalk washing as exempted discharges.

**Performance Standards:** The requirements to adopt performance standards with the limited information available are too ambitious and may likely result in adopting inappropriate standards that may be extremely difficult to obtain.

**Unknown Permit Requirements:** During the term of the permit, many programs are to be developed and implemented by the cities. This places an unknown financial responsibility which many cities may not be able to meet.

**Implementation Schedules:** As written, the implementation schedules are too short and out of sync with the cities normal budgeting cycle. The implementation schedules should be flexible enough to allow the cities the opportunity to properly budget for the programs and activities that will be required of them.

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**Public Agency Activities:** Many of the requirements are duplicative of other federal and state laws. Others are inappropriate. This section should be streamlined to deal with what is achievable at reasonable cost.

**Studies to be completed by City and County of Los Angeles:** The permit calls for various studies to be undertaken by the City and County of Los Angeles with results applicable to all the cities. If the cities have to comply with results of studies they should have as much input and control of the study's methods and protocols as the sponsoring agency.

**Monitoring Program:** The monitoring program focuses on determining how unsanitary urban runoff is. The first priority should be on establishing baseline water quality criteria.

In summary, the permit imposes unreasonable reporting requirements on cities. In addition to extensive duplicative reporting on compliance activities, cities must provide detailed annual budget information including: capital, operation and maintenance expenditures; funding sources; staff resources, equipment, and support capabilities; contract services; cost-sharing arrangements; and any foreseeable shortfalls in funding.

Requirements with the Municipal NPDES permit should be premised upon implementation of best management practices (BMPs) to reduce the discharge of pollutants to the maximum extent practicable. The phrase "maximum extent practicable" (MEP) is frequently used in the Clean Water Act but often omitted in this proposed order. MEP means selecting BMPs taking into consideration factors including effectiveness, public acceptance, cost and feasibility.

The concerns of the affected cities regarding the lack of scientific basis, costs, legality and expected effectiveness of the requirements have been repeatedly expressed to the RWQCB staff but have not been answered in the proposed permit.

**RECOMMENDATION:**

It is recommended that the City Council adopt the subject resolution asking the Regional Water Quality Control Board to defer the issuance of the tentative order and to direct Board staff to prepare a proposed order in compliance with the Clean

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Water Act and Federal regulations that does not create an unreasonable economic burden on cities or their residential and business communities and does not contain language which exposes the City to costly and unnecessary third party lawsuits by:

- A. Preparing findings based on relevant, sound scientific data specific to the receiving waters;
- B. Deleting Receiving Water Limitations as a permit requirement.
- C. Specifically identifying, in the proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question.
- D. Deleting requirements that the permittees are to administer all or any part of the General Industrial Activity Stormwater Permit (GIASP) and the General Construction Activity Stormwater Permit (GCASP) as those are the responsibility of the RWQCB and to require the cities to administer them would be to impose an unfunded mandate.
- E. Deleting findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees.
- F. More specifically, identifying the responsibilities of the co-permittees in order that their respective elected officials will be able to assess the financial impact of the Tentative Order.
- G. Including a requirement in the Order that all model programs, not yet developed, be approved through a public hearing process before the RWQCB prior to implementation.
- H. Inserting a provision into the Order whereby the RWQCB agrees to reopen negotiations on the requirements imposed on co-permittees in the event Congress modifies the Clean Water Act during the term of the Order.

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Kerry L. Morford  
Director of Public Works

Adopted  
7-09-96  
Plumley/Givens  
All Ayes

**RESOLUTION NO. 96-111**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDALE URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO.96-KXX (NPDES NO. CAS061654), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGE WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES**

**WHEREAS, the City Council of the City of Glendale is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act;**

**WHEREAS, the City Council of the City of Glendale is committed to cooperation with the Regional Water Quality Control Board ("RWQCB") to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No.CAS061654) which will implement the requirements of the Clean Water Act;**

**WHEREAS, the RWQCB has issued a Tentative Order dated May 23, 1996, which is scheduled to be approved at a public hearing on July 15, 1996;**

**WHEREAS, Finding 4 of the Tentative Order is based on a federal guidance document which is general in nature, not studies shown to be relevant to water bodies in Los Angeles County;**

**WHEREAS, Finding 5 of the Tentative Order fails to identify which water bodies within L.A. County are impaired and fails to identify the sources of pollutants causing impairment.**

**WHEREAS, Finding 6 of the Tentative Order is relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any other water bodies in Los Angeles County;**

**WHEREAS, certain pollutants in storm water are contributed by activities which the permittee cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of permittee cities that whenever it rains in Los Angeles County, storm water discharges will occur;**

**WHEREAS, Finding 19 of the Tentative Order sets both**

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narrative and numerical water quality objectives which would hold the permittees to an impossible standard and would expose them to litigation;

WHEREAS, the Tentative Order requires the achievement of receiving water limitations contrary to the Clean Water Act which does not require inclusion of receiving water limitations;

WHEREAS, Findings 25, 26, and 27 are based on generalized statements or studies none of which quantify if a problem exists in Los Angeles County or are relevant to water bodies in Los Angeles County;

WHEREAS, the findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits claiming that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and freshwater habitat;

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP") and the administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board.

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

WHEREAS, the Tentative Order, if adopted, contains provisions which will expose the City to costly and unnecessary third party lawsuits;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Glendale calls upon the Regional Water Quality Control Board to direct its staff to review the Tentative Order to:

- A. Delete Findings 4, 5, 6, 19, 25, 26, and 27. Prepare findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable.

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CITY OF

# Glendale CALIFORNIA

813 E. Broadway, Suite 220, Glendale, CA 91204-4384  
June 26, 1996

Tel: (818) 848-3080  
Fax: (818) 847-3402

Office of the  
CITY ATTORNEY

VIA FACSIMILE AND MAIL

Dr. Robert Ghirelli  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Re: May 23, 1996 Draft NPDES Permit--Comments

Dear Dr. Ghirelli:

We appreciate the opportunity offered us as a co-permittee to review and comment on the draft permit. We have reviewed the draft, and, while the May 23, 1996 Tentative Order ("Draft Permit") contains a number of improvements over the previous December 18, 1995 Draft Permit, we continue to have serious concerns with the details.

As will be more fully explained below, the Draft Permit still contains sections which are problematic and unnecessarily expensive to implement. The following is a summary of the most critical areas of concern to permittees.

(1) Fiscal Resources. The Draft Permit gives insufficient attention to funding issues in establishing and maintaining the BMPs and the mandated programs that will be developed in the future. Estimates of costs to the permittees and, ultimately, to the taxpayer range from \$2 million (Long Beach) annually to \$15-20 million (Los Angeles County). More funding will be necessary to comply with the as-yet undefined mandated programs. Therefore, it is recommended that the Draft Permit be given close scrutiny in order to: (1) eliminate duplicative efforts with the State Board such as inspections of industrial/commercial facilities already permitted by the State and (2) develop cost-effective BMPs that have proven effectiveness in reducing storm water pollution downstream.

(2) Informal Rule Making. The process by which the Draft Permit is being developed does not appear to be consistent with basic principles of California Administrative Law. The EPA has general requirements for NPDES permit applications but it does not set forth specific requirements for the contents of such permits. 40 C.F.R.



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§§122.26, 122.41. The Board staff has attempted to provide more specific requirements by importing excerpts from different guidance manuals, reports, portions of other permits and suggestions and ideas generated by Board staff. However, in so doing, the Board staff may have violated the California Administrative Procedure Act, California Government Code §§11340, et seq. ("APA").

"Regulation" is defined as "every rule, regulation, Permit, or standard of general application ... adopted by a state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the state agency." Government Code §11342(g). The APA prohibits state agencies from utilizing any rule which is a regulation, as defined herein, unless the rule has been adopted as a formal regulation. Union of American Physicians and Dentists v. Kizer (1990) 223 C.A.3d 490. Rulemaking is required whenever an administrative agency creates a new rule for future application, as opposed to applying an existing rule to existing facts. See Twentieth Century Insurance v. Garamendi (1994) 8 C.4th 216, 275; Grier v. Kizer (1990) 219 C.A.3d 422, 434.

State water quality control programs such as that proposed in the Draft Permit are subject to the APA. Government Code §11353(b)(1) requires that "any policy, plan, or guidelines, or any revisions thereof, the State Water Resources Control Board has adopted or that a court determines is subject to this part, after June 1, 1992, shall be submitted to" the Office of Administrative Law. In State Water Resources Control Board v. Office of Administrative Law (1993) 12 C.A.4th 697, a water quality control plan was held to be a regulation which must comply with the APA. The Court remarked "... if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labelled it." Id. at 703.

Board staff legal counsel, Jorge A. Leon, asserts that "the fact that the draft permit makes use of materials not previously subjected to the APA does not . . . impose upon any group, any perceived requirements in those materials and documents. That would be rulemaking subject to the APA." However, upon review of the Draft Permit it appears

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that such studies and other materials were incorporated into the document and are the basis for the imposed requirements. Two separate Public Records Act requests for disclosure of documents pursuant to Government Code §§ 6250 et seq. were made to the Board. After a delay of over a month, the Board responded by making available four boxes of unmarked, unindexed materials. There was no indication as to which box or boxes contained the documents responsive to the items requested. No attempt was made to determine whether there were any documents which could be identified in response to the specific requests. Because there was insufficient information to identify each record, the party making the request deemed the Board non-responsive. Without a review of such documents, a determination as to whether the requirements constitute rulemaking in violation of the APA would be impossible.

Mr. Leon essentially contends that even if the process can be construed as rulemaking, the permittees have had the benefit of "safeguards not unlike the APA's procedural requirements." Mr. Leon did not provide any statutory or case law authority for his contention that the APA may be by-passed by a "similar" procedure without filing notice with the Secretary of State and publication in the California Code of Regulations. The procedure used by the Board staff for developing the Draft Permit was insufficient in that it consisted of meetings on short notice in which only a select few permittees were invited, a failure to report the results of such special meetings, contradictory statements between staff personnel which tended to mislead and confuse the permittees, and general inconsistencies among the Board staff as to how the review process would proceed and how notices would be given to permittees.

(3) Unfunded Mandate. The Draft Permit will require numerous programs which the cities will have to fund and implement with no funding for said programs or provisions for financial assistance. These programs and mandates go beyond the specific requirements of the Clean Water Act or EPA regulations. Article XIIB, Section 6 of the California Constitution requires a state agency which mandates a new program or a higher level of service to provide a subvention of funds to reimburse local governments for the costs of the program or increase in

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level of service. The Board has not provided for such funding.

Mr. Leon asserts that because the state is implementing a federal mandate pursuant to federal laws, it is exempt from the requirement for reimbursement. He claims that "the permit requirements are intended to require the minimal programs and activities necessary to carry out the intent of the Clean Water Act, which is to assure reduction to the maximum extent practicable the discharge or pollutants in storm water." However, the Draft Permit states that the Board is imposing "more stringent requirements" than required by the Clean Water Act. Therefore, reimbursement should be required.

Furthermore, in many cases, the programs in the Draft Permit are duplicative of those which the State Board has the responsibility to fund and implement. Article XIII B, Section 6 prevents the state from shifting the cost of government from itself to local agencies without providing funding or reimbursement therefor.

(4) Undefined Programs. Certain requirements of the Draft Permit have not yet been developed. For example, Table 2, page 24 and Table 3, page 30 contain timelines for development of model programs which will require mandatory City compliance. Performance standards will be developed at a later time after which implementation by the permittees will be mandatory. This uncertainty makes it impossible for permittees to plan, budget and fund the mandatory programs and locks permittees into a mandate without procedural safeguards against excessive regulation.

The City of Glendale recommends that before any model program or other requirements are incorporated into the permit they be subject to a public hearing before the Board.

(5) Cities' Scope of Control. It may not be possible for one permittee to comply with all requirements of the Draft Permit that affect all permittees. Individual permittees only have the responsibility and ability to prohibit non-storm water discharges within their jurisdiction. 40 C.F.R. §122.26(b)(1) (a "co-permittee" is a "permittee to a NPDES permit that is only responsible for permit

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conditions relating to the discharge for which it is operator.") Thus, enforcement of the Draft Permit without proof of causation for individual permittees may be considered excessive.

(6) The Draft Permit Improperly Shifts Responsibility from State. As indicated above, the Draft Permit attempts to shift the Board's own statutory responsibilities for industrial and commercial sources of pollution to the permittees without providing any funds to carry out those burdens. Inspections for state general industrial/commercial permits are the role of the State Board. The Draft Permit attempts to shift this duty to the permittees by requiring site visits to ensure that storm water pollution from these facilities is controlled, check to see the facility has a notice of intent ("NOI") and a storm water pollution prevention plan ("SWPPP")--all requirements of the state permit. Furthermore, the shift of responsibility raises the issue of informal rulemaking in that the state permitting and enforcement requirement for general industrial businesses and commercial developments over 5 acres is established by state law.

(7) Findings Lack Scientific Basis. The Findings section of the Draft Permit are intended to present the qualitative and scientific bases for specific requirements within the Draft Permit. However, the Findings fail to establish a scientific basis for the stringent controls over some discharges compared to federal standards. Further, federal regulations, 40 C.F.R. §122.26(d)(2)(iv)(B)(1), provide that certain identified discharges in excess of the federal standards are to be addressed only when the municipality identifies the discharges as a source of pollution. Therefore, Draft Permit requirements should allow the permittees to determine which non-storm water discharges should be regulated. The findings should focus on facts verified by sound scientific studies appropriate to the areas in question. Accordingly, Findings 4, 5, 6, 19, 25, 26 and 27 should be deleted.

Finding No. 29 should be modified to read as follows:  
"The Board recognizes that Permittees have no control over how much rain falls and only limited control over the amount of pollutants within their boundaries which flowing storm water may pick up. Accordingly, the occurrence of a

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violation of water quality objective nor a condition of nuisance shall not constitute a violation of this order."

(8) Receiving Water Limitations. The permittees may be found in non-compliance as a result of the language establishing water quality objectives and water quality standards contained in the Basin Plan which establishes receiving water limitations which are non-attainable. Accordingly, the City of Glendale requests that the receiving water limitations be deleted or, at a minimum, the use of the Basin Plan for water quality standards be deleted.

(9) Inspections Mischaracterized As Educational "Site Visits". In the previous Draft Permit, dated December 18, 1995, the Board required permittees to establish and implement an inspection program for all industrial and commercial facilities. The new Draft Permit recharacterizes the site inspection requirements as educational "site visits" while retaining enforcement language such as mandating that Permittees verify permits, make return visits to evaluate compliance, and refer apparent non-compliance to other agencies.

If the intent of the Draft Permit is to require permittees to provide educational information as to how to prevent storm water pollution, the permittees should be allowed to disseminate such information by alternative means without site visits. For example, such information may be given by mail, telephone, video tapes and television announcements. Records containing NOIs and SWPPs should be able to be verified through state records and can be checked without site visits. Again, the State Board should shoulder this responsibility.

As drafted, the inspection/site visit program is more than mere education. Cities do not have the authority to inspect without a search warrant or a finding of probable cause of a violation. The program should be a public education program and eliminate specific requirements, such as mandatory site visits, as to how the information should be disseminated.

(10) Excessive and Inappropriate Reporting Requirements. The Draft Permit requires "all reports or submittals made directly to the Regional Board or through the Principal

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Permittee shall be signed under penalty of perjury by the principal executive officer or the ranking elected official of the Permittee . . . Requiring such an officer to sign under penalty of perjury is excessive and inappropriate in this context.

(11) Program Development should not Rest Solely with the County. Too much responsibility and authority is placed with L. A. County. Watershed Management Committees (WMC's) or the RAC should be given more responsibility to plan, oversee, and approve all studies. The WMC's do not have staff and should not be held responsible for any work items.

(12) Inadequate Administrative Review Process. The Draft Permit fails to provide an adequate administrative review and appeals process in the event the Board intends to proceed with enforcement efforts against one or more permittees. The review process, as drafted in the Draft Permit pages 13-14, generally provides evaluation by the Executive Officer of the Regional Board but no further administrative appeals process. Mr. Leon stated that the provisions were drafted to create "an informal dispute resolution process for the benefit of the cities." The Draft Permit provides "As appropriate, any determination under . . . [the terms of the Draft Permit] may be considered by the Regional Board in a public hearing." However, this provision does not go far enough. Because of the fiscal and practical impact of the requirements of the Draft Permit and in order to adequately address compliance issues, it is recommended that a formal appeals process be established beyond the level of Executive Officer to allow full notice and opportunity to be heard at an administrative hearing by the Regional Board and State Board, if necessary. Such an administrative appeals process would be more cost effective and would reduce the likelihood of litigation.

(13) Conditionally Exempted Discharges. The draft permit should include reclaimed water line flushing, residential swimming pool discharges, and sidewalk washing as conditionally exempted discharges.

(14) Implementation Schedules. As written, the implementation schedules are too short and out of sync with the permittees normal budgeting cycle. The

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implementation schedules should be flexible enough to allow the cities the opportunity to budget for the necessary activities required to implement those programs.

(15) Monitoring Program. Los Angeles County recently settled a federal lawsuit with the environmental group, NRDC, for failure to control storm water polluting Santa Monica Bay. As part of the settlement, the County agreed to embark on a comprehensive monitoring program to determine where the pollution is coming from and to target how to effectively remove the pollution. The Draft Permit contains a monitoring program and it is likely that the program will be an outgrowth of the monitoring plan required by the settlement. This situation appears to present a conflict of interest in that the County will be driven by the terms of the settlement rather than establishing a monitoring plan which is the result of a collaborative effort by all permittees. This being the case, the permittees not had a fair opportunity for comment and input into the plan. Since the monitoring plan required by the Tentative Order impacts all the co-permittees, it is only fair that they have input into the plan.

Conclusion. The Draft Permit does not achieve the goal of targeting and addressing identifiable, controllable pollutants in a cost-effective manner which complies with state and federal law while taking into account the practical difficulties which cities face in trying to develop effective programs. The new Draft Permit should be adopted only after full compliance with proper administrative procedures. Full public participation should be allowed and the permit should realistically reflect the cities' individual capabilities.

This letter is intended to provide interim comments only. The City of Glendale requests an extension of time for submission of final comments on the May 23, 1996 Draft Permit until documentation establishing the scientific bases of the Findings, see Paragraph (7) herein, are identified. The City of Glendale further requests the

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Board to provide such documentation by July 1, 1996 after which the City will provide final comments by July 10, 1996.

Very truly yours,

SCOTT H. HOWARD, CITY ATTORNEY

By *Christina E. Sansone*  
Christina E. Sansone  
Deputy City Attorney

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- B. Delete Receiving Water Limitations as a permit requirement.
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question.
- D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate.
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees.
- F. More specifically identify the responsibilities of the co-permittees in order that their respective elected officials will be able to assess the financial impact of the Tentative Order.
- G. Include a requirement in the Order that all model programs, not yet developed, be approved through a public hearing process before the RWQCB prior to implementation.
- H. Insert a provision into the Order whereby the RWQCB agrees to reopen negotiations on the requirements imposed on co-permittees in the event Congress modifies the Clean Water Act during the term of the Order.

SECTION 2. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 9th day of July, 1996.

Sheldon S. Baker  
MAYOR

ATTEST:

Allen B. Boyle  
CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Glendale at a regular meeting thereof, held on the 9th day of July, 1996, by the following vote, to wit:

AYES:	Givens, Plumley, Reyes, Zarian, Baker
NOES:	None
ABSENT:	None
ABSTAIN:	None

Allen B. Boyle  
CITY CLERK

APPROVED AS TO FORMS

Allen B. Boyle  
DEPUTY CITY ATTORNEY

DATED 6-28-96

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**CITY OF GLENDORA** CITY HALL

118 EAST FOOTHILL BLVD, GLENDORA, CALIFORNIA 91741

56 (818) 914-8200  
JUL 15 5 11 PM '96  
CITY OF GLENDORA  
ELECTRONIC MAIL

July 10, 1996

California Regional Water  
Quality Control Board  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Dear Regional Board Members:

At its meeting of July 9, 1996, the Glendora City Council adopted Resolution No. 96-52 requesting the Regional Water Quality Board to address issues and concerns of the proposed National Pollution Discharge Elimination System (NPDES) permit regulations.

A certified copy of Resolution No. 96-52 is enclosed.

If you have any questions regarding this matter, please contact the Public Works Department at (818) 914-8246.

Sincerely,

Jo Ann Sharp  
City Clerk

JAS/jk

Enclosure

cc: Independent Cities Association  
California Contract Cities Association  
San Gabriel Valley Council of Governments

MISC/COUNCIL

PRIDE OF THE FOOTHILLS

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RESOLUTION NO. 96-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDORA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, the City Council of the City of Glendora is committed to taking all steps necessary for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, THE City Council of the City of Glendora is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES CAS 614001) which will implement the requirements of the Clean Water Act;

WHEREAS, the Staff of the Regional Water Quality Control Board has drafted a Tentative Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS 614001) which is scheduled for public hearing on July 15, 1996;

WHEREAS, Finding 4 of the Tentative Order cites only a federal guidance document which is general in nature, and not studies shown to be relevant to water bodies in Los Angeles County;

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, Certain pollutants present in stormwater are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order;

WHEREAS, It is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, Streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, The Clean Water Act does not require and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (Hughey v. JMS Development Corp., 42 ERC 1449 (11th Cir., April 1, 1995));

**WHEREAS**, Inclusion of narrative receiving water limitations that require that storm water discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and would expose them to litigation with respect to pollutants contributed by activities which they cannot control, which litigation would be baseless in the absence of the inclusion of the receiving water limitations in the Order;

**WHEREAS**, The Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits alleging that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat;

**WHEREAS**, The State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP");

**WHEREAS**, The administration of the GIASP and the GCASP are the responsibility of the Regional Water Control Board, not the Permittee Cities;

**WHEREAS**, The Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

**WHEREAS**, The Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

**WHEREAS**, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to the disposal of hazardous substances and hazardous wastes, and the use of pesticides, which are matters preempted by federal and state law and beyond the authority of the City;

**WHEREAS**, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to matters which the board has defined in only vague and ambiguous terms, and not in the manner prescribed by federal regulations;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDORA DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The City Council of the City of Glendora calls upon the Regional Water Quality Control Board to direct its Staff to revise the Tentative Order to:

- A. Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;

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- B. Delete the Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to have a valid scientific basis and which are demonstrated to be applicable to the water body in question;
- D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees;
- F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order;
- G. Revise the provision relative to representations as to the legal authority of the City to conform to the requirements of the governing federal regulations and the US EPA Guidance Manual.

Section 2. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 9th day of July, 1996.

CITY OF GLENDORA

By /s/ LARRY GLENN  
Mayor

ATTEST:

/s/ ANN SHARP  
City Clerk

APPROVED AS TO FORM:

/s/ MARY REDUS GAYLE  
City Attorney

0-1-52

State of California )  
County of Los Angeles ) ss.  
City of Glendora )

I, Jo Ann Sharp, City Clerk of the City of Glendora, California, do hereby certify that the foregoing resolution, being Resolution No. 96-52, was duly passed, approved and adopted by the City Council of the City of Glendora, approved and signed by the Mayor, and attested by the City Clerk, all at a Regular Meeting of said City Council held on the 9th day of July, 1996, and that the same was passed and adopted by the following vote, to wit:

AYES: Glenn, Bauer, Mow, Shade, Degrossi

NOES: None

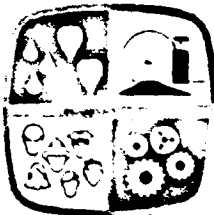
ABSENT: None

DATE: 7-12-96

  
Jo Ann Sharp, City Clerk  
City of Glendora

20153

**CITY OF HAWTHORNE**



CITY OF GOOD NEIGHBORS

**CITY COUNCIL**

4455 West 126th Street • Hawthorne, California 90250

96 JUL 15 PM 2:31

CITY COUNCIL CLERK  
LOS ANGELES REGION

(310) 970-7900

July 12, 1996

**California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754**

**Attention: Carlos Urruaga**

The City Council of the City of Hawthorne supports the objections of the South Bay Cities Council of Governments concerning the proposed Municipal Storm Water Permit for the County and Cities of Los Angeles County, and the City Council does hereby call upon the Regional Water Quality Control Board to direct its staff to revise the permit to:

- A. Prepare findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Reconsider receiving water limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question;
- D. Reconsider requirements that the Permittees' are to administer all or any part of the General Industrial Activities Storm Water Permit and the General Construction Activity Water Permit as those are the responsibilities of Regional Water Quality Control Board and to require the Permittee Cities to administer them would be to imposed an unfunded mandate;
- E. Reconsider findings and requirements which would impose artificial and unreasonable exposure to liability on the part of Permittee;

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7/12/96  
Page 2

- F. More specifically identify the responsibilities of the Permittee in order that their respective elected officials will be able to appreciate the financial impact of the permit.

Respectfully,



Bud Cormier  
City Manager

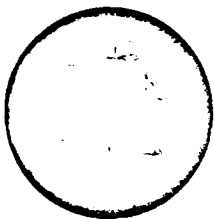
cc: City Council Members

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R0031610



# CITY OF IRWINDALE

5050 North Irwindale Avenue • Irwindale, California 91706  
(818) 962-3381 • Facsimile: (818) 962-4209

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July 12, 1996

File No. P47-22

Robert P. Ghirelli, Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
1010 Center Plaza Drive  
Monterey Park, CA 91754

Subject: Proposed Adoption of NPDES Permit

Dear Mr. Ghirelli:

Please be advised the City Council at its meeting of July 11 adopted Resolution No. 96-29-1484. This is in reference to the Regional Board's proposed adoption of NPDES Permit Discharge Requirements. The City Council adopted the attached resolution which indicates Irwindale's concerns over certain financial obligations which are unknown at this time and relate to requirements of this NPDES permit.

We believe the Regional Board is acting hastily without due consideration of this community's concerns. We also believe that other communities, as well as Irwindale, are in the same position which your Board should seriously consider. On behalf of the City of Irwindale, I would like to take this opportunity to once again object to the Board's proposed actions regarding the NPDES permit as it has been presently drafted.

Very truly yours,

Carlos Alvarado  
City Engineer

CA/ap

Encl.

cc: City Council  
Andrew Arczynski, City Attorney

RECEIVED  
JUL 15 PM 2:09  
LOS ANGELES REGION  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

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RESOLUTION NO. 96-29-1484

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINDALE URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES.

WHEREAS, The City Council of the City of Irwindale, is committed to taking all steps necessary for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, The City Council of the City of Irwindale is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES CAS 614001) which will implement the requirements of the Clean Water Act;

WHEREAS, The Staff of the Regional Water Quality Control Board has drafted a Tentative Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS 614001) which is scheduled for public hearing on July 15, 1996;

WHEREAS, Finding 4 of the Tentative Order cites only a federal guidance document which is general in nature, and not studies shown to be relevant to water bodies in Los Angeles County;

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, Certain pollutants present in stormwater are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order;

WHEREAS, It is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, Streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, The Clean Water Act does not require and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (*Hughey v. JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1995));

WHEREAS, Inclusion of narrative receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and would expose them to litigation with respect to pollutants contributed by activities which they cannot control, which litigation would be baseless in the absence of the inclusion of the receiving water limitations in the Order;

WHEREAS, The Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits alleging that all

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water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat;

WHEREAS, The State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP");

WHEREAS, The administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board, not the Permittee Cities;

WHEREAS, The Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

WHEREAS, The Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

WHEREAS, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to the disposal of hazardous substances and hazardous wastes, and the use of pesticides, which are matters preempted by federal and state law and beyond the authority of the City;

WHEREAS, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to matters which the board has defined in only vague and ambiguous terms, and not in the manner prescribed by federal regulations;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF IRVINDALE, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1 The City Council of the City of Irwindale calls upon the Regional Water Quality Control Board to direct its Staff to revise the Tentative Order to:

- A. Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete the Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to have a valid scientific basis and which are demonstrated to be applicable to the water body in question;
- D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees;
- F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.
- G. Revise the provision relative to representations as to the legal authority of the City to conform to the requirements of the governing federal regulations and the US EPA Guidance Manual.

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SECTION 2. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 1996.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Irwindale at a regular meeting thereof, held on the \_\_\_ day of \_\_\_\_\_, 1996, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
CITY CLERK

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
CITY ATTORNEY

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Marc Titel  
Vice Mayor

Joseph Esquivel  
Council Member



Robert G. Wagner  
Mayor

Wayne E. Piercy  
Council Member

Larry Van Nostrand  
Council Member

55 JUL 15 PM 1:27  
QUALITY CONTROL BOARD  
LOS ANGELES REGION

July 11, 1996

Dr. Robert P. Ghirelli  
Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey park, CA 91754-2156

Subject: Resolution Regarding Proposed Adoption of NPDES Permit

Dear Dr. Ghirelli:

At its meeting on July 9, 1996, the City Council of the City of Lakewood adopted Resolution 96-59 conditionally supporting the proposed NPDES permit for Los Angeles County, providing that it is revised in accordance with the suggestions contained in the resolution. A certified copy of the resolution is attached, and we hereby request that this resolution be made a part of the official record regarding this matter.

Should you have any further questions, please call the undersigned at (310) 866-9771, Extension 2501.

Sincerely:

*Lisa Ann Rapp*

Lisa Ann Rapp  
Director of Public Works

CC: Larry Zarian, City Councilman, City of Glendale  
Howard L. Chambers, City Administrator  
Denise Hayward, City Clerk

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RESOLUTION NO. 96-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY LAKEWOOD CONDITIONALLY SUPPORTING CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD ORDER 96-XXX (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM NO. CAS611001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES.

WHEREAS, the City Council of the City of Lakewood (hereinafter "City"), is committed to implementing programs and practices that shall, to the maximum extent practicable, reduce pollutants discharged into the San Gabriel River and, therefrom, into Long Beach Harbor (hereinafter as "receiving waters");

WHEREAS, the City is committed to cooperating with the California Regional Water Quality Control Board Staff, Los Angeles Region (hereinafter "regional board") and its staff, in reaching the goal of reducing pollutant discharges to receiving waters;

WHEREAS, regional board staff has drafted an "Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles" (hereinafter referred to as the "tentative order"), which authorizes the reissuance of the municipal Los Angeles County National Pollutant Discharge Elimination System (hereinafter referred to as "NPDES") permit;

WHEREAS, the City supports many of the provisions contained in the tentative order;

WHEREAS, on the other hand, the tentative permit contains several provisions that are vague, contradictory, and greatly exceed, without justification, federal NPDES requirements specified under the Clean Water Act;

WHEREAS, the findings and requirements of the tentative order are not in keeping with the Clean Water Act or are not based on any sound scientific examination of the impact of storm water and urban runoff on receiving waters into which the City discharges;

WHEREAS, several provisions of the tentative order will impose significant additional costs not only on the City, but on businesses and industries within the City as well, without any demonstrable benefit to the improvement of the receiving waters into which the City discharges;

WHEREAS, several provisions of the tentative order shall impose inconveniences upon City residents, without justification or any demonstrable benefit to the improvement of the receiving waters into which the City discharges;

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WHEREAS, the tentative order was revised June 17, 1996, to address problems associated with receiving water limitations which, prior to the revision, would have caused the City to be in immediate violation of the order because of impossible-to-meet requirements;

WHEREAS, despite the receiving water limitations revision, the tentative order will still cause the City to be in violation of the order and will subject it to the unilateral imposition of additional program requirements by regional board staff, without City approval or a public hearing process;

WHEREAS, the tentative order fails to identify pollutants that have a measurable impact on the beneficial uses of receiving waters into which the City discharges and further fails to demonstrate which facilities within the City, which are subject to its requirements, contribute significantly to the pollution of such receiving waters;

WHEREAS, compliance with provisions of the tentative order may constitute an unfunded mandate;

WHEREAS, the tentative order authorizes regional board staff to define and develop additional requirements following its adoption, without the City's approval;

WHEREAS, the tentative order will obligate the City to implement as-yet-to-be developed county-wide and watershed specific model storm water pollution prevention programs, at as-yet-to-be-determined costs, thereby denying the City the ability to evaluate the costs of participating in these programs;

WHEREAS, the tentative order contains provisions that would allow regional board staff at their discretion to impose on the City additional requirements, after the order is adopted, without a public hearing process, thereby denying the City the opportunity to comment or to effectively plan or budget for expenses associated with the order;

WHEREAS, certain businesses and industries are regulated under either a General Industrial Activity Storm Water Permit (hereinafter "GIASWP") or a General Construction Activity Storm Water Activity ("GCSWP");

WHEREAS, the administration and enforcement of the GIASWP and GCSWP are the responsibility of regional board;

WHEREAS, the tentative order will require the City to inspect businesses and industries within its boundaries, including those subject to GIASWPs and GCSWPs, for the purpose of evaluating the adequacy of their storm water and urban runoff management practices, under a program called "educational site visits;"

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WHEREAS, under the tentative order City staff is required to conduct inspections of many businesses, including: gas stations; auto repair, parts, body, and paint shops; car dealerships; restaurants; supermarkets, various manufacturing facilities; and a yet-to-be-determined category of other businesses;

WHEREAS, under the tentative order, the City is required to determine subject businesses that are or should be in possession of a regional board-issued permit; report such businesses to regional board staff, conduct follow-up for compliance after initial inspection; and prosecute non-complying businesses;

WHEREAS, the order imposes unreasonable reporting requirements on the City;

WHEREAS, compliance with the tentative order should be premised upon implementation of best management practices (BMPs) to reduce the discharge of pollutants to the maximum extent practicable, as defined in the Clean Water Act;

WHEREAS, the concerns of the City and other cities regarding costs, legality, lack of scientific basis, and expected effectiveness of the requirements, have been expressed repeatedly to regional board staff, but have not been addressed in the tentative order; and

WHEREAS, the tentative order issued on May 23, 1996, and again on July 5, 1996, is still in the process of being revised by regional board staff and, therefore, is incomplete;

WHEREAS, the tentative order is scheduled for public hearing on July 15, 1996, before the regional board, a nine (9) member body appointed by the Governor of the State of California;

Now, THEREFORE, the City Council of the City of Lakewood does resolve as follows:

SECTION 1. The City Council of the City of Lakewood calls upon the regional board to defer issuance of the tentative order and to direct its staff revise the tentative order as follows:

- A. Prepare findings based on relevant, sound scientific data specific to the receiving waters into which the City discharges, in accordance with NPDES provisions of the Clean Water Act;
- B. Identify negative impacts on receiving waters in which the City discharges, and develop a program of mitigation that is measurable, cost-effective, and reasonable;
- C. Delete requirements which impose obligations on the City that are the rightfully the responsibilities of the regional board;
- D. Develop record-keeping and reporting requirements that provide meaningful data relative to pollution problems associated with receiving waters into which the City discharges, rather than requiring the creation of unreasonably duplicative reports and irrelevant data;

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E. Prior to the adoption of the tentative order, replace "to be determined" elements of the county-wide and watershed management programs, with clearly defined, well-thought-out elements for which there is a scientific basis;

F. Delete findings and requirements that do not comply with the Clean Water Act or lack a sound scientific basis, that would, therefore, impose on the City unjustifiable requirements while also exposing it to the risk of lawsuits from third parties;

G. Insert a provision into the tentative order whereby the regional board agrees to reopen negotiations on the requirements imposed on cities under the tentative order if it modifies the order for any reason, or if Congress so modifies the Clean Water Act during the term of the order;

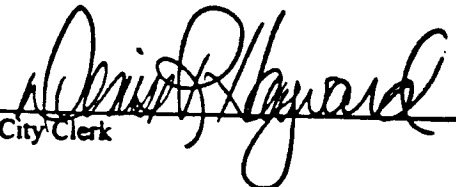
H. Work in good faith with the municipalities affected by the tentative order to carry out all of the above.

SECTION 2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED AND APPROVED this 9th day of July, 1996.

  
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Mayor

ATTEST:

  
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City Clerk

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STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF LAKEWOOD        )


I, DENISE R. HAYWARD, City Clerk of the City of Lakewood, do hereby certify that the foregoing Resolution No. 96-59 was adopted by the City Council of the City of Lakewood at a regular meeting of the City Council held on July 9, 1996, signed by the Mayor and attested by the City Clerk, and that the same was adopted by the following roll call vote:

AYES:        COUNCIL MEMBERS: Piercy, Van Nostran, and Wagner  
NAYS:        COUNCIL MEMBERS: None  
ABSENT:     COUNCIL MEMBERS: Titel and Esquivel

  
Denise R. Hayward, City Clerk

I, DENISE R. HAYWARD, City Clerk of the City of Lakewood do hereby certify the foregoing to be a true and correct copy of the document on file in my office.

SIGNED AND SEALED THIS 11TH DAY OF JULY, 1996.

  
Denise R. Hayward, City Clerk



# CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

(310) 570-6711

FAX (310) 570-6583

JAMES C. HANKLA  
CITY MANAGER

July 15, 1996

California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Re: Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff  
Within the County of Los Angeles (NPDES No. CAS614001)

Dear Regional Board Members:

Submitted herewith, for your consideration, is a resolution adopted by the City Council of Long Beach urging you to defer the issuance of the Tentative Order for the Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles. The City Council makes this request because they believe this permit is deficient in a number of areas and that the permit as written does not comply with State and Federal law, exposing Los Angeles County cities to an unreasonable risk of lawsuits. Therefore, please direct your staff to respond to the issues set forth here, in our resolution, and in the City Attorney's letter to Dr. Robert Ghirelli, Executive Director of the Regional Water Quality Control Board, dated June 26, 1996, and to make corresponding revisions to the draft permit.

Long Beach is fully committed to maintaining the quality of its beaches and receiving waters. The Pacific Ocean is our "front door." These waters and beaches are an asset treasured by our citizens. Further, tourism is a very important part of the Long Beach economy. The recreational opportunities provided by clean beaches and safe water are a vital part of Long Beach's appeal to visitors.

In addition, Long Beach is at the receiving end of two major watersheds, the San Gabriel and Los Angeles Rivers. Draining about two-thirds of Los Angeles County, these two rivers deliver a substantial amount of debris to our beaches. Our City definitely stands to benefit from a storm water quality program which is imposed on all of the cities in Los Angeles County.

With this in mind, Long Beach City staff has been working for over a year with the Regional Board staff and County staff and representatives from the 85 cities in Los Angeles County to come to consensus on the terms of a new municipal storm water quality permit for Los Angeles County. Everyone involved in the process shares the desire to preserve and enhance the water quality of the ocean.

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California Regional Water Quality Control Board

July 15, 1996

Page 2

To our disappointment, many of the concerns expressed repeatedly by the cities were not addressed in the Tentative Order received on May 29, 1996. Long Beach firmly believes this Tentative Order greatly exceeds the legal authority of the Regional Board in that it exceeds the requirements of the Clean Water Act and does not comply with the Porter-Cologne Water Quality Act.

The following are some of the City's major concerns outlined in the resolution. These concerns are based on review of the Tentative Order received on May 29, 1996.

1. The findings and permit requirements do not comply with the Clean Water Act. Additionally, they are not based on any sound scientific examination of the impact of stormwater and urban runoff on the receiving waters off Long Beach.
2. The requirements will impose significant additional costs on the City and will require businesses and industry within the City to incur additional expense to comply with the program, without demonstrable benefit to the City or its receiving waters.
3. Compliance with the requirements of this order may constitute an unfunded mandate.
4. This Order will obligate Long Beach to implement as-yet-undeveloped County model programs at yet-to-be-determined costs, denying the City the ability to evaluate the costs of participating in these programs.
5. This Order contains provisions that would allow the Regional Water Quality Board to impose additional requirements as it sees fit after adoption, without a public hearing process, denying the City the opportunity to comment, or to effectively plan or budget for expenses.
6. This Order will require the City to inspect approximately 3,800 businesses in Long Beach, including those subject to the State General Industrial Activities Storm Water Permit, to evaluate their stormwater and urban runoff management practices under the program called "educational site visits".
7. This Order fails to identify pollutants that have a measurable impact on the beneficial uses of the receiving waters of Long Beach and fails to demonstrate that facilities within the City of Long Beach contribute significant amounts of pollution to those receiving waters.

The City Council of Long Beach calls upon this Regional Water Quality Control Board to defer issuance of this tentative order and to direct its staff to revise the tentative order as follows:

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1. Prepare findings based on relevant, sound scientific data specific to the receiving waters of Long Beach, in accordance with the Clean Water Act.
2. Identify the negative impacts on the receiving waters of Long Beach of specific pollutants, develop a program of mitigation that is measurable, cost-effective and reasonable.
3. Delete requirements which impose obligations on the City of Long Beach which are rightful responsibilities of the Regional Water Quality Control Board.
4. Develop recording and reporting requirements which will provide meaningful data concerning the receiving waters of Long Beach rather than generate unreasonably duplicative reports and statistics.
5. Replace "to be determined" elements of the program with clear, defined, well-thought-out elements for which there is scientific basis prior to the issuance of a permit.
6. Delete findings and permit requirements which do not comply with the Clean Water Act or which lack a sound scientific basis and which would therefore expose the City of Long Beach to unreasonable risks of lawsuit by third parties.
7. Insert a provision in the permit whereby the Regional Water Quality Control Board agrees to reopen negotiations on the requirements imposed on cities under this permit if Congress so modifies the Clean Water Act during the term of this permit.
8. Develop a funding mechanism to assist cities in meeting the cost of complying with the requirements of this permit.

This Order has not been prepared or circulated in compliance with either Federal or State laws or regulations. Board staff issued a revision letter June 17, 1996 and issued a Revised Tentative Order July 5, 1996, which was received by the City on July 8, 1996: seven days before this hearing. Obviously, Long Beach staff has not had sufficient time to analyze these latest changes, but a cursory review indicates many of the City's issues remain unresolved. Certainly, it would be in the best interest of everyone to defer the adoption of this Revised Tentative Order to allow an adequate public review period, and comply with State and Federal law.

Without question, the Long Beach City Council is in favor of clean water. Are the waters off Long Beach unclean? To our knowledge, your staff has not demonstrated they are. Your staff has not ascertained by any scientifically acceptable procedure that there are specific pollutants impairing the beneficial use of our receiving waters. Thus, to impose blanket restrictions on all 425,000

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California Regional Water Quality Control Board  
July 15, 1996  
Page 4

residents, as well as thousands of businesses of Long Beach, is overly burdensome and unwarranted.

I believe when the citizens and business owners of Los Angeles County fully realize the significant impacts this Tentative Order has on their daily lives and business operations, we will see a reaction similar to what happens when one swats a hornets' nest. If you are prepared to swat such a nest, it seems to me, you would want a solid foundation for doing so. Respectfully, Long Beach does not believe you have such a foundation!

Please incorporate this letter and the attached documents as part of the official record for this public hearing.

Thank you for allowing us to present our concerns. I remain hopeful you will act in accordance with our recommendations.

Respectfully,

  
James C. Hankla  
City Manager

Attachments

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RESOLUTION NO. C-26036

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3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH URGING THE CALIFORNIA  
5 REGIONAL WATER QUALITY BOARD, LOS ANGELES  
6 REGION, TO DEFER ISSUANCE OF THE TENTATIVE  
7 ORDER NO. 96-XXX (NPDES NO. CAS614001) (WASTE  
8 DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM  
9 WATER AND URBAN RUNOFF DISCHARGES WITHIN LOS  
10 ANGELES COUNTY) AND TO DIRECT ITS STAFF TO  
11 RESOLVE ISSUES OF LACK OF SCIENTIFIC BASIS FOR  
12 REQUIREMENTS, AND TO DEVELOP A REASONABLE AND  
13 COST-EFFECTIVE PROGRAM TO IDENTIFY AND MITIGATE  
14 LOCAL RECEIVING WATER POLLUTION  
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16 WHEREAS, the City Council of the City of Long Beach is  
17 committed to taking all steps required for the City to be in full  
18 compliance with the requirements of the Clean Water Act, and

19 WHEREAS, City staff has been working for over a year with  
20 the California Regional Water Quality Control Board, Los Angeles  
21 Region (RWQCB) staff and representatives from the 86 cities in Los  
22 Angeles County as well as the County itself to come to consensus on  
23 the terms of a new municipal National Pollution Discharge  
24 Elimination System (NPDES) permit for Los Angeles County, and

25 WHEREAS, the RWQCB staff has issued a tentative order  
26 which will impose a new municipal storm water and urban discharge  
27 permit on all of Los Angeles County, and

28 WHEREAS, the City of Long Beach, which derives great

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R. Calhoun  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
(310) 570-2200

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1 benefit from its beaches and Harbor, currently spends approximately  
2 \$12.4 million on activities which maintain the quality of both, and

3 WHEREAS, this tentative order greatly exceeds the legal  
4 authority of the RWQCB in that it exceeds the requirements of the  
5 Clean Water Act and the implementing Federal regulations, and

6 WHEREAS, the findings and requirements of this tentative  
7 order do not comply with the Clean Water Act or are not based on any  
8 sound scientific examination of the impact of stormwater and urban  
9 runoff on the receiving waters off Long Beach, and

10 WHEREAS, these requirements will impose significant  
11 additional costs not only on the City but will require businesses  
12 and industry within the City to incur additional expense to comply  
13 with the program, without any demonstrable benefit to the City or  
14 its waters, and

15 WHEREAS, the estimated cost to the City of the  
16 requirements of the proposed permit is \$3.47 million in addition to  
17 the money currently being spent, and

18 WHEREAS, compliance with the requirements of this permit  
19 may constitute an unfunded mandate; and

20 WHEREAS, many aspects of the proposed program will be  
21 defined and developed after the issuance of the permit, and

22 WHEREAS, the proposed permit will obligate Long Beach to  
23 implement as-yet-undeveloped County model programs at yet-to-be-  
24 determined costs, denying the City the ability to evaluate the costs  
25 of participating in these programs, and

26 WHEREAS, the tentative order contains provisions that  
27 would allow the RWQCB to impose additional requirements as it sees  
28 fit after adoption, without a public hearing process, denying the

J. R. Calhoun  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
(310) 570-2200

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1 City the opportunity to comment, or to effectively plan or budget  
2 for expenses, and

3 WHEREAS, certain businesses and industries in Long Beach  
4 are regulated under either a General Industrial Activities Storm  
5 Water Permit (GIASP) or a General Construction Activity Permit  
6 (GCASP) issued by the State Water Resources Control Board, and

7 WHEREAS, the administration and enforcement of the GIASP  
8 and the GCASP within the City of Long Beach are the responsibility  
9 of the RWQCB, not the City of Long Beach, and,

10 WHEREAS, the tentative order will require the City of Long  
11 Beach to inspect approximately 3,800 businesses in Long Beach,  
12 including those subject to the GIASP and GCASP permits, to evaluate  
13 their stormwater and urban runoff management practices under a  
14 program called "educational site visits," and

15 WHEREAS, City staff would be required to conduct  
16 inspections of many types of businesses including gas stations, auto  
17 accessories stores, restaurants, car dealerships, and aircraft  
18 manufacturing

19 WHEREAS, City inspectors would be required to determine  
20 whether each business is or should be in possession of any RWQCB  
21 permits, to report violators, to follow up for compliance after the  
22 initial inspection, and to prosecute noncompliance, and

23 WHEREAS, this tentative order fails to identify pollutants  
24 that have measurable impact on the beneficial uses of the receiving  
25 waters of Long Beach and fails to demonstrate that facilities within  
26 the City of Long Beach contribute significant amounts of pollution  
27 to those receiving waters, and

28 WHEREAS, the order imposes unreasonable reporting

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R. Calhoun  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
(310) 570-2200



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1 requirements on cities, and

2 WHEREAS, compliance with the Municipal NPDES permit should  
3 be premised upon implementation of best management practices (BMPs)  
4 to reduce the discharge of pollutants to the maximum extent  
5 practicable, as defined in the Clean Water Act, and

6 WHEREAS, the concerns of Long Beach and other affected  
7 cities regarding the costs, legality, lack of scientific basis and  
8 expected effectiveness of the requirements have been repeatedly  
9 expressed to the RWQCB staff but have not been answered in the  
10 proposed order, and

11 WHEREAS, a public hearing on the proposed permit will be  
12 held on July 15, 1996,

13 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH  
14 DOES HEREBY RESOLVE AS FOLLOWS:

15 Section 1. The City Council of the City of Long Beach  
16 calls upon the Regional Water Quality Control Board to defer  
17 issuance of the tentative order and to direct its staff to revise  
18 the tentative order as follows:

19 A. Prepare findings based on relevant, sound scientific  
20 data specific to the receiving waters of Long Beach, in accordance  
21 with the Clean Water Act;

22 B. Identify the negative impacts on the receiving waters  
23 of Long Beach of specific pollutants, and develop a program of  
24 mitigation that is measurable, cost-effective and reasonable;

25 C. Delete requirements which impose obligations on the  
26 City of Long Beach which are the rightful responsibilities of the  
27 RWQCB;

28 D. Develop recordkeeping and reporting requirements which

City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
(310) 570-2200

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1 will provide meaningful data concerning the receiving waters of Long  
2 Beach rather than generate unreasonably duplicative reports and  
3 statistics;

4 E. Replace "to be determined" elements of the program  
5 with clearly defined, well-thought-out elements for which there is  
6 a scientific basis prior to the issuance of a permit;

7 F. Delete findings and requirements which do not comply  
8 with the Clean Water Act or which lack a sound scientific basis and  
9 which would therefore expose the City of Long Beach to unreasonable  
10 risks of lawsuit by third parties;

11 G. Insert a provision in the permit whereby the RWQCB  
12 agrees to reopen negotiations on the requirements imposed on cities  
13 under this permit if Congress so modifies the Clean Water Act during  
14 the term of this permit;

15 H. Develop a funding mechanism to assist cities in  
16 meeting the cost of complying with the requirements of this  
17 permit;

18 I. Work in good faith with the affected cities to carry  
19 out all of the above.

20 Sec. 2 This resolution shall take effect immediately  
21 upon its adoption by the City Council, and the City Clerk shall  
22 certify the vote adopting this resolution.

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J. R. Callhoun  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90807-4664  
(310) 570-2200

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1 I hereby certify that the foregoing resolution was adopted  
2 by the City Council of the City of Long Beach at its meeting of  
3 July 2 \_\_\_\_\_, 199<sup>6</sup>, by the following vote:

4 Ayes: Councilmembers: Drummond, Clark, Robbins,  
5 Topsy-Elvord, Donelon, Kellogg.

7 Noes: Councilmembers: None.

9 Absent: Councilmembers: Oropeza, Lowenthal, Shultz.

*Shelba Powell*  
City Clerk

CERTIFIED AS A TRUE AND CORRECT COPY  
*Shelba Powell*  
CITY CLERK OF THE CITY OF LONG BEACH  
BY *[Signature]*  
DATE: 7/3/96

LPR:et  
6/21/96  
MPDES.RES

J. R. Calhoun  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
(310) 570-2200



CITY HALL  
LOS ANGELES CALIFORNIA 90012  
(213) 847-3400

OFFICE OF THE MAYOR

RICHARD J. RIORDAN  
MAYOR

July 11, 1996

Jack J. Coe, Ph.D  
Chairman  
California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges  
within the County of Los Angeles

Dear Dr. Coe:

I am writing to urge that you approve the Revised Tentative Waste Discharge Requirements for Storm Water (Los Angeles County Municipal Stormwater Permit), scheduled for consideration at your July 15 meeting; the permit calls on the 88 cities within Los Angeles County and the County itself to enhance some existing practices and implement some new practices that will further reduce pollution in stormwater and urban runoff.

Pollution from industrial sources and sewage treatment plants has declined over the last twenty years, but the proportion of water pollution attributable to stormwater has risen. Stormwater now constitutes from fifty to sixty percent of pollutants in the water. It carries debris, bacteria, viruses and toxics that have the potential to ruin the beauty of our beaches, entangle and poison marine life, contaminate fish and cause illness to people who swim in the water. Polluted stormwater also requires local agencies to expend substantial sums to clean out catch basins, to rake the beaches and to dredge and dispose of contaminated sediments.

A significant aspect of the economic vitality of Southern California depends on clean beaches and coastal waters.



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The City of Los Angeles had an extremely active role in the participatory process involving Los Angeles County, other cities in the County, businesses and environmental organizations to develop the permit. During the term of the existing permit the City has developed a model program for improvement of storm water quality. The Revised Tentative permit dated July 5, 1996 embodies a reasonable plan designed to enhance programs that are already addressing surface and coastal water pollution from stormwater within Los Angeles County. City staff is working with your staff to resolve the few remaining technical issues.

The Revised Tentative permit provides a vehicle for the County and cities to cooperate and offers flexibility so that they can tailor cost effective measures to abate stormwater pollution.

I join my support with that of the Los Angeles City Council, the Los Angeles County Board of Supervisors, the environmental community and numerous business leaders.

Therefore, I urge the Regional Water Quality Control Board to support and adopt the stormwater permit at its meeting on July 15.

Sincerely,



Richard J. Jordan

sm:na

cc: Members California Regional Water Quality Control Board  
Robert P. Ghirelli, D.Env., Executive Officer

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RESOLUTION 112

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WHEREAS, the City of Los Angeles is engaged in several programs to reduce water pollution and preserve and protect inland and coastal water resources, and

WHEREAS, storm water and urban run off have been determined to be significant sources of water pollution and the recent Santa Monica Bay Epidemiological study indicates that swimming in polluted waters near storm drains can lead to illness, and

WHEREAS, in June, 1990, the County of Los Angeles and the 85 Los Angeles County municipalities were issued a 5-year permit for municipal storm water discharges, and that permit will be considered for renewal by the Regional Water Quality Control Board, Los Angeles Region, at its July 15, 1996, meeting, and

WHEREAS, the City of Los Angeles has developed a model storm water program under the initial storm water permit, and

WHEREAS the City of Los Angeles strongly supports the continuation and expansion of the municipal storm water program in a sensible and programmatic fashion to further reduce storm water pollution, and

WHEREAS, the City of Los Angeles believes protection of our water and coastal resources is the responsibility of all levels of government, and

WHEREAS, the new storm water permit will require implementation of Storm Water Management Programs, which will require implementation of measures intended to reduce pollutants in storm water to the maximum extent practicable by all 85 Los Angeles County municipalities in a coordinated fashion, and

WHEREAS the Regional Water Quality Control Board, Los Angeles Region, released a Revised Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within Los Angeles County on July 5, 1996, at 6 p.m., which addresses the majority of the concerns expressed by the City and other local governments.

NOW, THEREFORE, BE IT RESOLVED that the City Council determine, as provided in Section 5-4954.2(b)(2) of the Government Code, and pursuant to Rule 23 of the Rules of the City Council, that there is a need to take immediate action on this matter AND that the need for action came to the attention of the City Council subsequent to the posting of the agenda for today's Council meeting; and

BE IT FURTHER RESOLVED that the City Council hereby express its strong support for the Revised Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within Los Angeles County; and

BE IT FURTHER RESOLVED that the City Council requests the staff of the Water Quality Control Board, Los Angeles Region, to continue to work with the City of Los Angeles, other local governments, environmental groups, and other interested parties, to resolve and address any concerns that remain over the Revised Tentative Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within Los Angeles County; and

BE IT FURTHER RESOLVED that the City Council urge the Regional Water Quality Control Board to support and adopt the revised Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within Los Angeles County at its meeting on July 15, 1996; and

BE IT FURTHER RESOLVED the City Council requests the City Clerk transmit a copy of this resolution to all members of the Los Angeles Regional Water Quality Control Board.

RESOLUTION & FINDINGS  
ADOPTED  
JUL 09 1996

PRESENTED BY: Ruth Galanter  
Ruth Galanter, Councilmember  
6th Council District

SECONDED BY: M. J. Mandel

LOS ANGELES CITY COUNCIL

FORTHWITH TO CONCERNED DEPTS.



City of **LYNWOOD**

*A City Meeting Challenges*

11330 BULLIS ROAD  
LYNWOOD, CALIFORNIA 90262  
(310) 603-0220



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STATE OF CALIFORNIA     )  
  ) SS.  
COUNTY OF LOS ANGELES    )

I, RITA MANIBUSAN, Deputy City Clerk of the City of Lynwood, do hereby certify that the attached is a true and correct copy of :

**RESOLUTION NO. 96-102 ENTITLED: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNWOOD URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001,) WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENTS OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES".**

on file with the City of Lynwood and adopted by the vote and date therein stated.

Dated this 12th day of July, 1996.

*Rita Manibusan*

Rita Manibusan, Deputy City Clerk  
City of Lynwood

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RESOLUTION NO. 96-102

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNWOOD URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO 96-XXX (NPDES NO. CAS614001,) WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENTS OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES.

WHEREAS, The City Council of the City of Lynwood, is committed to taking all steps necessary for the City to be in full compliance with the requirements of the Clean Water Act,

WHEREAS, The City Council of the City of Lynwood, is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES CAS 614001) which will implement the requirements of the Clean Water Act,

WHEREAS, The Staff of the Regional Water Quality Control Board has drafted a Tentative Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS 614001) which is scheduled for public hearing on July 15, 1996,

WHEREAS, Finding 4 of the Tentative Order cites only a federal guidance document which is general in nature, and not studies shown to be relevant to water bodies in Los Angeles County,

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County,

WHEREAS, Certain pollutants present in stormwater are contributed by activities which the permittees cannot control, despite full implementation of all provisions of the Tentative Order,

WHEREAS, It is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur,

WHEREAS, Streets, curbs and gutters are designed to convey water into storm drains,

WHEREAS, The Clean Water Act does not require and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (*Hughey v JMS Development Corp.*, 42 ERC 1449 (11th Cir., April 1, 1995),

WHEREAS, Inclusion of narrative receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and would expose them to litigation with respect to pollutants contributed by activities which they cannot control, which litigation would be baseless in the absence of the inclusion of receiving water limitations in the Order,

WHEREAS, The findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits alleging that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial used as ocean commercial fishing and cold freshwater habitat,

WHEREAS, The State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP"),

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WHEREAS, The administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Board, not the Permittee Cities.

WHEREAS, The Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable.

WHEREAS, The Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude.

WHEREAS, The Tentative Order, if adopted, would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to the disposal of hazardous substances and hazardous wastes, and the use of pesticides, which are matters preempted by federal and state law and beyond the authority of the City.

WHEREAS, The Tentative Order, if adopted would require the City Attorney to represent to the Board that the City has the authority to enact laws with respect to matters which the board has defined in only vague and ambiguous terms, and not in the manner prescribed by federal regulations.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNWOOD DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1** The City Council of the City of Lynwood calls upon the Regional Water Quality Control Board to direct its Staff to revise the Tentative Order to:

- A Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable.
- B Delete the Receiving Water Limitations as permit requirements;
- C Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to have a valid scientific basis and which are demonstrated to be applicable to the water body in question.
- D Delete requirements that the Permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the Permittee cities to administer them would be to impose an unfunded mandate.
- E Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of Permittees.
- F More specifically identify the responsibilities of the Permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order
- G Revise the provision relative to representations as to the legal authority of the City to conform to the requirements of the governing federal regulations and the US EPA Guidance Manual.

**SECTION 2** The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 12th day of July, 1996.

/s/ Paul H. Richards, II  
PAUL H. RICHARDS, Mayor  
City of Lynwood

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ATTEST:

/s/Andrea L. Hooper  
ANDREA L. HOOPER, City Clerk  
City of Lynwood

APPROVED AS TO FORM

APPROVED AS TO CONTENT

/s/William B. Rudell  
City Attorney  
City of Lynwood

/s/Faustin Gonzales  
FAUSTIN GONZALES  
City Manager

/s/Emilio M. Murga  
Emilio M. Murga  
Assistant City Manager/  
Director of Public Works

STATE OF CALIFORNIA )  
                                  ) S.  
COUNTY OF LOS ANGELES )

I, the undersigned, City Clerk of the City of Lynwood, do hereby certify that the foregoing resolution was passed and adopted by the City Council of the City of Lynwood at a regular meeting held on the 12th day of July, 1996.

AYES: COUNCILMEMBER BYRD, HEINE, HENNING, REA, RICHARDS

NOES: NONE

ABSENT: NONE

/s/Andrea L. Hooper  
City Clerk, City of Lynwood

STATE OF CALIFORNIA )  
                                  ) S.  
COUNTY OF LOS ANGELES )

I, the undersigned, City Clerk of the City of Lynwood, and Clerk of the City Council of said City, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 96-102 on file in my office and that said resolution was adopted on the date and by the vote therein stated. Dated this 12th day of July, 1996.

/s/Andrea L. Hooper  
City Clerk, City of Lynwood

NPDES2

200-1-02

RESOLUTION NO. 96-40

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA,  
CONDITIONALLY SUPPORTING THE  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD ORDER  
FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
NO. CAS614001, WASTE DISCHARGE REQUIREMENTS FOR  
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGE  
WITHIN THE COUNTY OF LOS ANGELES**

WHEREAS, the City Council of the City of Monrovia is committed to implementing programs and practices, to the maximum extent practicable, to be in full compliance with the requirements of the Clean Water Act; and

WHEREAS, the Tentative Waste Discharge Order authorizes the new National Pollutant Discharge Elimination System (NPDES) Municipal Permit (No. CAS614001) for Los Angeles County as prepared by the California Regional Water Quality Control Board (RWQCB), Los Angeles Region; and

WHEREAS, the City Council of the City of Monrovia is committed to cooperate with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles which will implement the requirements of the Clean Water Act; and

WHEREAS, streets, curbs and gutters are designed to convey storm water and runoff into storm drains where certain pollutants present in storm water are contributed by activities which the Permittees cannot control, despite full implementation of all provision of the Tentative Order; and

WHEREAS, the Findings of the Tentative Order are based on documents which are general in nature and not studies demonstrated to be relevant to water bodies in Los Angeles County; and

WHEREAS, inclusion of narrative Receiving Water Limitations that require that stormwater discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and may expose them to litigation; and

WHEREAS, the State Water Resources Control Board is responsible for issuance of General Industrial Activities Storm Water Permits (GIASP) and General Construction Activity Storm Water Permits (GCASP); and

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are based on future studies and require future actions which have not been identified; and

WHEREAS, the Tentative Order if adopted, would impose financial obligations which are not now quantifiable, and are of undeterminate, but significant magnitude; and

WHEREAS, the implementation of programs included in the Tentative Order sets time schedules that are not tied to the fiscal and administrative cycles of cities.

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NOW THEREFORE, the City Council of the City of Monrovia does hereby resolve as follows:

**SECTION I.** The City Council of the City of Monrovia calls upon the Regional Water Quality Control Board to direct its staff to revise the Tentative Order to:

- A. Modify the receiving water limitations in a manner that will not cause the City to be in non-compliance with the Order and subject to potential litigation;
- B. Include Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable within Los Angeles County;
- C. Delete requirements for Permittees to administer all or any part of the GIASP and the GCASP as those are the responsibility of the Regional Water Quality Control Board;
- D. Modify provisions regarding the Countywide Storm Water Management Program and Watershed Management Program in a manner that will not impose, unilaterally, additional requirements on the City in the form of tasks or best management practices without the opportunity to appeal such requirements to the Regional Board, and
- E. Establish program time schedules that will coincide with fiscal and administrative cycles of cities.

**PASSED, APPROVED AND ADOPTED** this 2nd day of July, 1996 by the following vote:

**AYES:** Council Members Adams, Blakely, McCarville, Wilcox and Mayor Bartlett

**NOES:**

**ABSTAIN:**

**ABSENT:**

BY: 

STATE OF CALIFORNIA, }  
County of Los Angeles, }  
CITY OF MONROVIA, }

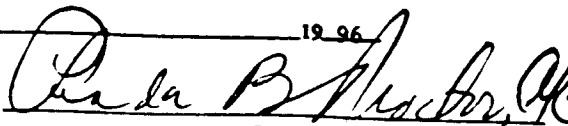
I, Linda B. Proctor, Clerk of the City of Monrovia, County and State aforesaid, do hereby certify the foregoing to be a full, true and correct copy of

Resolution No. 96-40

As the same appears of record, and that I have carefully compared the same with the original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Monrovia this

3rd day of July 1996

  
Clerk of the City of Monrovia

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NOW THEREFORE, the City Council of the City of Monrovia does hereby resolve as follows:

SECTION I. The City Council of the City of Monrovia calls upon the Regional Water Quality Control Board to direct its staff to revise the Tentative Order to:

- A. Modify the receiving water limitations in a manner that will not cause the City to be in non-compliance with the Order and subject to potential litigation;
- B. Include Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable within Los Angeles County;
- C. Delete requirements for Permittees to administer all or any part of the GIASP and the GCASP as those are the responsibility of the Regional Water Quality Control Board;
- D. Modify provisions regarding the Countywide Storm Water Management Program and Watershed Management Program in a manner that will not impose, unilaterally, additional requirements on the City in the form of tasks or best management practices without the opportunity to appeal such requirements to the Regional Board; and
- E. Establish program time schedules that will coincide with fiscal and administrative cycles of cities.

**PASSED, APPROVED AND ADOPTED** this 2nd day of July, 1996 by the following vote:

**AYES:** Council Members Adams, Blakely, McCarville, Wilcox and Mayor Bartlett

**NOES:**

**ABSTAIN:**

**ABSENT:**

BY: *Robert T. Bartlett*

ROBERT T. BARTLETT, MAYOR  
CITY OF MONROVIA, CALIFORNIA

ATTEST:

*Linda B. Proctor*

LINDA B. PROCTOR, CITY CLERK  
CITY OF MONROVIA, CALIFORNIA

APPROVED AS TO FORM:

*Michele Beal Bagnert*  
MICHELE BEAL BAGNERIS  
CITY ATTORNEY

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**RESOLUTION NO. 4259**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE WASTE DISCHARGE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO ITS STAFF WITH INSTRUCTIONS TO REVISE SAME AS DESCRIBED HEREINAFTER TO DEVELOP A DOCUMENT THAT CONTAINS ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES**

**WHEREAS, the City Council of the City of Pico Rivera is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act; and**

**WHEREAS, the City Council of the City of Pico Rivera is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001) which will implement the requirements of the Clean Water Act; and**

**WHEREAS, the Finding 4 of the Tentative Order is based on a federal guidance**

I, Evelyn Izaguirre, do hereby certify that I am the duly appointed and acting Deputy City Clerk of the City of Pico Rivera, California and that the foregoing Resolution No. 4259, URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE WASTE DISCHARGE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO ITS STAFF WITH INSTRUCTIONS TO REVISE SAME AS DESCRIBED HEREINAFTER TO DEVELOP A DOCUMENT THAT CONTAINS ACHIEVABLE GOALS AND OBJECTIONS, BASED ON RELEVANT STANDARDS AND STUDIES adopted July 9, 1996, is a true and correct copy of the original thereof on file in my office.

I declare the foregoing to be true and correct under penalty of perjury, this 15th day of July, 1996.

Evelyn Izaguirre  
Evelyn Izaguirre, Deputy City Clerk  
City of Pico Rivera, California

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**RESOLUTION NO. 4259**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE WASTE DISCHARGE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO ITS STAFF WITH INSTRUCTIONS TO REVISE SAME AS DESCRIBED HEREINAFTER TO DEVELOP A DOCUMENT THAT CONTAINS ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES**

**WHEREAS, the City Council of the City of Pico Rivera is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act; and**

**WHEREAS, the City Council of the City of Pico Rivera is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001) which will implement the requirements of the Clean Water Act; and**

**WHEREAS, the Finding 4 of the Tentative Order is based on a federal guidance document which is general in nature, not studies shown to be relevant to water bodies in Los Angeles County; and**

**WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County; and**

**WHEREAS, streets, curbs and gutters are designed to convey water into storm drains; and**

**WHEREAS, certain pollutants present in storm water are contributed by activities which the Permittee cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur; and**

**WHEREAS, the Clean Water Act does not require, and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (Hughey vs. JMS Development Corp., 42 ERC 1449 (11th Cir., April 1, 1996); and**

0-1-87

WHEREAS, inclusion of narrative receiving water limitations that storm water discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittee to an impossible standard and would expose them to litigation which would be baseless in the absence of the inclusion of the receiving water limitations in the Order; and

WHEREAS, the Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits claiming that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat; and

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (GIASP) and a General Construction Activity Storm Water Permit (GCASP); and

WHEREAS, the administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board, not the Permittee Cities; and

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable; and

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Pico Rivera calls upon the Regional Water Quality Control Board to direct its staff to revise the Tentative Order to:

- A. Prepare Findings based on relevant, sound scientific studies specific to the Water bodies to which they are to be applicable;
- B. Delete Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question;

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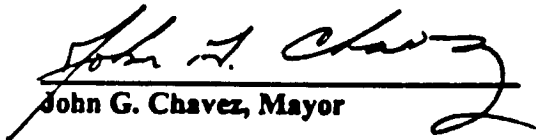
RESOLUTION NO. 4259

Page 3

- D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of permittee.
- F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.

**SECTION 2.** The City Clerk shall certify the adoption of this Resolution.

APPROVED AND ADOPTED this 9th day of July, 1996.

  
John G. Chavez, Mayor

ATTEST:

  
Christine J. Schaefer, City Clerk

APPROVED AS TO FORM:

  
Scott Nichols, City Attorney

AYES: De La Rosa, Gardner, O'Hara, Proo, Chavez  
NOES: None  
ABSENT: None  
ABSTAIN: None

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# THE CITY OF POMONA

Public Works Department



ROBERT A. DeLOACH  
Director

July 11, 1996

California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention: Catherine Tyrrell, Assistant Executive Officer

Subject: *Comments - Concerns on Tentative Order No. 96-XXX,  
[NPDES No. CAS614001] Revision of July 5, 1996*

96 JUL 12 PM 1:24  
LOS ANGELES REGION  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

Dear Ms. Tyrrell:

After a very thorough review of the July 5 Draft Stormwater Permit, I offer the following general comments and concerns on behalf of the City of Pomona:

1. As previously stated, after a review of the EAC comments on the permit, we would concur to some extent on all of their concerns. However, the July 5 revision would alleviate my major concerns on the Receiving waters limitations and a part of the Administrative Review area, except as otherwise noted.
2. Definitions in the attachment. Many common terms were redefined to a point of absurdity, yet others not nearly so common, like silvaculture [page 5 of the permit], were totally ignored. It would also seem applicable to have ALL anachronism's like NOI, ROWD, SWPPP listed to insure that the person reading the permit would have adequate reference - for while these terms are in some cases spelled out - they are not in others.

#### Specific Areas.

1. Receiving Water Limitations - Page 13 Part 1; I. Permittee shall... Shall is a mandatory, implying that the Permittees have, under their absolute and direct control, the drains and waterways within their jurisdictional boundaries. This is particularly difficult under item 2 & 3. Would request that strong, yet not mandatory phrase be substituted, i.e. "diligently pursue a program which should eliminate". . .

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2. **Program Management requirements.** Clarify budget data. The way it is stated, if the governing body were to adopt a budget prior to permit issuance and the issuance of guidelines, they would not be required to submit for a year, yet one whose budget was adopted the day after these occurrences would be in violation in 60 days. While some might argue, this item, page 20, D2, should most probably read as follows.

"Each permittee shall submit to the principal Permittee a summary of resources dedicated for stormwater program implementation no later than 90 days after the budget guidance document has been issued by the Principal Permittee. In the second and subsequent years of the permit the Permittees shall submit such data within 90 days of budget adoption by their respective agencies." The last sentence in this section is acceptable as presented.

3. **Illicit Connections and Discharges - C, 2.** While an improvement overall, the language should require some degree of proof on the part of the Executive Officer that any conditionally exempted discharges are in fact causing significant impact on the receiving waters - particularly in the area of waterline flushing and swimming pool discharges. This would especially be applicable if in some areas, this created a problem that would not exist in other locations or under other Permittees. This should probably refer to "limited prohibitions in such locations where harm would or could occur."

4. **Development Planning and Construction.** I would suggest that this be rephrased to include, once potential stormwater management considerations have been identified by the Principal Permittee, those should be presented to each Permittee's planning department for inclusion in the General Plan during any revision.

a. **Construction Control Measures.** The Regional Board needs to inform all Permittees on a real time basis of all NPDES Permits issued by the Board that fall within a Permittee's jurisdiction.

5. **Public Agency Activities - Parking Facilities Management.** Maintenance of large parking lots with regard to debris is typically not a significant problem, a fact which you have recognized. The removal of the cleaning to eliminate the oil and grease, petroleum by-products and metals at this time is commendable. While these items need to be addressed, the development of procedures to accomplish these goals in a reasonable and cost-efficient manner should be the responsibility of either the Board or the Principal Permittee. The permit should reflect that this assignment has been made and accepted for compliance, if feasible in future permits.

6. **Public Information and Participation.** Again, I would like to say that to the extent that the Board has finally figured out what it will take to clean up our waters - Reaching the citizen!!; I applaud this effort!! However, the following still represents a partial list of criticisms on that which was presented:

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- a. Immediate Outreach - A.,1., a. iii. Training materials for education of permittee employees. This program needs to be developed - most probably by the Principal

Permittee and/or the City of Los Angeles; then implemented by the other Permittees. This item, if professionally done by each permittee, could cause a significant "Dent" in a meager storm water budget. While I agree in principle with one of my peers, "If you have the permit, you have the curriculum!," lack of professional training material planning could have significant long impacts on the program! Far too many persons feel that "they can teach anything" and the only thing worse than no instruction is improper instruction. Obviously, each agency will have their own specific problems which need to be addressed; however, minor modifications on a standardized program module are significantly easier than development of the module itself.

- b. Immediate Outreach - A.,1., a. iv. Who defines who is qualified in this area? This item needs more specificity. This should probably be done by Regional Board or the Principal Permittee - not the individual Permittees.
- c. Immediate Outreach - A.,3. Thank you for the deletion. It would have been only a waste of money as proposed~l
- d. Educational site visits. GREAT, however, I will repeat that the funding for staffing for those who do not have their own Health and Fire Departments could result in a significant fiscal impact. Deletion of the word "Department" does not significantly change anything. If the principal permittee can "Lock" County Health & Fire Departments into the loop, it would be a great deal more viable concept. Additionally, in some types of businesses, the owners or higher management are not available [or will not make themselves available] to a City staff person, unless they carry a badge. Personally, I have been told by a business owner that "I am not going to talk to you and unless you have a search warrant or court order, stay the @#@!! off of my property."
- e. While the "Piggyback Concept" is very positive and is encouraged within the permit, it may take some time to implement within the various jurisdictions, departments and agencies within a given permittee's organizational structure. It is the only thing that makes sense to accomplish our goals and objectives; however, any change in the way things are or have been done takes time, and the larger the permittee, the more time it takes.

7. Program Reporting and Evaluation Section VII - C,1 Analysis, in 48 months, while better than the 36 months originally specified when this item was in the "Public Information and Participation" Section will not truly reflect the effectiveness or lack thereof of any PIP program.

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July 11, 1996  
NPDES No. CAS614001  
Page 4

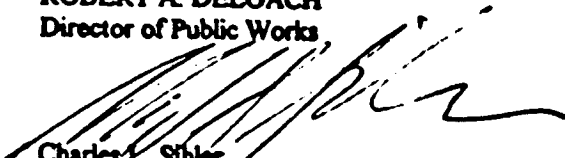
This item, if required, should be a part of the next ROWD - five years hence. It has been proven, thru many studies, that behavior modification requires between 5 to 10 years to occur once the need has been identified and addressed. While we have one or two years of public information/outreach under our belt at this time with the current permit, this needs to be done in conjunction with the ROWD at the end of this permit period to truly reflect any degree of accomplishment in this area. Thirty months into the next permit would be the appropriate location to truly judge the program effectiveness!!

Attachments - Attachment D - Glossary of terms Page D-2. - Dechlorinated Swimming Pool Discharges. The deletion of the words "*clean and swimmable*" would allow the discharge of heavily organic or particulate laden water into the streets, drains and receiving waters. These words should be restored to preserve the item. Otherwise, the Executive Director could (and probably rightfully) remove these discharges from the "Conditionally Exempted Discharges", page 32. **PLEASE RESTORE THIS WORDING**

These comments are offered in a spirit of constructive criticism. Please feel free to contact me if you have any questions on either the wording or intent of the various comments within this letter. If more time were available, significantly more items would have been addressed; however, due to the time frames, I intentionally overlooked small impact items or those that would not have any effect upon our agency. We do appreciate the opportunity to comment on the draft and hope that our comments will be incorporated within the body of the final permit.

Sincerely,

**ROBERT A. DELOACH**  
Director of Public Works



Charles L. Stihler  
Engineering Associate

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RESOLUTION NO. 7819  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF REDONDO BEACH  
URGING THE REGIONAL WATER QUALITY CONTROL BOARD  
TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001),  
WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM  
WATER AND URBAN RUNOFF DISCHARGE WITHIN THE  
COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF  
ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND  
DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE  
GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, the City Council of the City of Redondo Beach, is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, the City Council of the City of Redondo Beach is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS 614001) which will implement the requirements of the Clean Water Act;

WHEREAS, Finding 4 of the Tentative Order is based on a federal guidance document which is general in nature, not studies shown to be relevant to water bodies in Los Angeles County;

0-1-64

WHEREAS, Finding 5 of the Tentative Order fails to identify which water bodies within L.A. County are impaired and fails to identify the sources of pollutants causing impairment.

WHEREAS; Finding 6 of the Tentative Order is relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, certain pollutants present in storm water are contributed by activities which the permittees cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of permittee cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, Finding 19 of the Tentative Order sets both narrative and numerical water quality objectives which would hold the permittees to an impossible standard and would expose them to litigation;

WHEREAS, the Clean Water Act does not require inclusion of receiving water limitations and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (Hughey v. JMS Development Corp., 4Z FRC 449 (11th Cir., April 1, 1996));

WHEREAS, Finding 25, 26 and 27 are based on generalized statements or studies none of which quantify if a problem exists in Los Angeles County or are relevant to water bodies in Los Angeles County;

WHEREAS, the Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or

lawsuits claiming that all water bodies in the County are to have all beneficial users listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat;

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP") and the administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board;

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable;

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Redondo Beach calls upon the Regional Water Quality Control Board to direct its staff to review the Tentative Order to:

- A. Delete Findings 4, 5, 6, 19, 25, 26 and 27. Prepare findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete Receiving Water Limitations as permit requirement;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question;



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D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate;

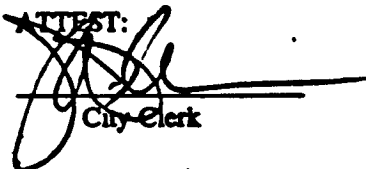
E. Delete finding and requirements which would impose artificial and unreasonable exposure to liability on the part of permittees;

F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.

SECTION 2. The City Clerk shall certify the adoption of this resolution.

Passed, approved and adopted this 3rd day of July, 1996

  
Mayor Pro Tem

ATTEST:  
  
City Clerk

(SEAL)

APPROVED TO FORM:

  
City Attorney

00-1-51-1

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss  
CITY OF REDONDO BEACH )

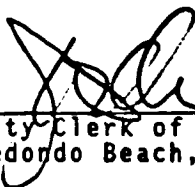
This is certified to be a true and correct copy of the original on file in this office.  
DATED: July 15 1996  
ATTEST: Susan Chavez Assistant Deputy  
City Clerk of the City of Redondo Beach, State of California

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I, JOHN OLIVER, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing resolution, being Resolution No. 7819 was passed and adopted by the City Council, at an adjourned regular meeting of said Council held on the 3rd day of July, 1996, and thereafter signed and approved by the Mayor and attested to by the City Clerk of said City, and that said resolution was adopted by the following vote:

YES: Councilmembers Dawidziak, Hill, Gin, and White.  
NOES: Councilmember Pinzler.  
ABSENT: None.

(SEAL)

  
City Clerk of the City of Redondo Beach, California

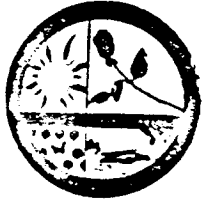
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MAYOR  
MARGARET CLARK  
MAYOR PRO TEM  
JAY T. IMPERIAL  
COUNCIL MEMBERS  
JOE VASQUEZ  
ROBERT W. BRUESCH  
GARY A. TAYLOR



# City of Rosemead

CT

8838 E VALLEY BOULEVARD - P.O. BOX 300  
ROSEMEAD, CALIFORNIA 91770  
TELEPHONE (818) 288-6671  
TELECOPIER 8183079218

July 10, 1996

96 JUL 11 PM 1:29  
U.S. MAIL PERMIT NO. 105 ANGELES, CA 90001

Charles C. Vernon  
Regional Board Member  
California Regional Water  
Quality Control Board  
101 Centre Plaza Avenue  
Monterey Park, CA 91754-2156

Dear Mr. Vernon:

I have enclosed a copy of Resolution No. 96-27 adopted unanimously on Tuesday, July 9, 1996, by the Rosemead City Council. Resolution No. 96-27 cites the City of Rosemead's ongoing concerns about the Regional Water Quality Control Board's Tentative Order regarding municipal storm water runoff requirements. Specifically, our concerns, as enumerated in the Resolution, revolve around the need for municipal immunity from third party lawsuits, the adoption of acceptable and quantifiable storm water runoff standards and a residential exemption from the compliance measures mandated by the Board. On the basis of those serious concerns, we are requesting that the Water Quality Control Board defer the scheduled July 15, 1996 public hearing on this matter for a period of ninety (90) days to allow more thorough review and discussion of the Draft Tentative Order.

If you have any questions, please feel free to give me at call at (818) 288-7308.

Sincerely,

*Margaret Clark*

MARGARET CLARK  
Mayor

MC:nv

mm:D-26:3  
mrg:M-D26

RESOLUTION NO. 96-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSEMEAD URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO POSTPONE ADOPTION OF THE TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS611001) WASTE DISCHARGE REQUIREMENTS FOR URBAN MUNICIPAL STORMWATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, IN ORDER TO RESOLVE ISSUES OF UNFUNDED MANDATES, UNREASONABLE RESIDENTIAL IMPACTS, AND DEVELOPMENT OF MORE ACHIEVABLE GOALS AND OBJECTIVES BASED ON MEASURABLE STANDARDS

WHEREAS, the City Council of the City of Rosemead is committed to taking all steps required for municipalities in meeting the requirements of the Clean Water Act, and

WHEREAS, the Tentative Order issued by the California Regional Water Quality Control Board of the County of Los Angeles contains conflicting provisions which, if not corrected, would expose the Permittee cities to citizen lawsuits, and

WHEREAS, certain pollutants present in stormwater are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order, and

WHEREAS, the Clean Water Act does not require the impossible and it is beyond the legal authority of the Board to require impossible or absurd results (Hughey v. JMS Development Corp., 42 ERC 1449 11th Cir., April 1, 1993), and

WHEREAS, inclusion of receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and would expose them to litigation with respect to pollutants contributed by activities which they cannot control, and

WHEREAS, despite the stated intent of the Water Quality Control Board to limit residential involvement in enforcing the Permit to educational programs only, the current draft Permit includes language specifying significant enforcement activities involving residential properties, and

WHEREAS, the Tentative Order, if adopted as currently written, would result in significant indeterminate and non-quantifiable financial obligations among the Permittees.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ROSEMEAD DOES HEREBY RESOLVE AS FOLLOWS:

The City of Rosemead calls upon the Regional Water Quality Control Board to postpone adoption of the Tentative Order until the following provisions are made:

- A. IMMUNITY: Upon complying with the BMPs and other requirements of the Permit, cities must receive immunity from third party litigation that may result from elements beyond the cities' control and scope of responsibility.
- B. QUANTIFICATION: Specific and quantifiable stormwater and urban runoff standards must be established. Cities must be aware of the type of testing that will take place, the frequency of the testing and the standards that will be applied. Cities must be protected from third party litigation that may take place as a result of activities down stream.

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C. RESIDENTIAL EXEMPTION: Section E of the Tentative Order states that each Permittee shall "individually or collectively possess" the legal authority to prohibit and/or control a number of water runoff activities. Since the intent of the Order is that residential compliance be limited to educational activities, the Order must be amended as follows:

- 1. Eliminate Section E. 1. a (v) prohibiting discharges of swimming pool filter backwash.
- 2. Eliminate Section E. 1. c (vi) requiring the removal and proper disposal of all fuel and chemical residue, animal waste, garbage and other items.

DONE THIS 9TH DAY OF JULY, 1996.

Margaret Clark  
MAYOR

ATTEST:

Dan Waldman  
CITY CLERK

I hereby certify that the foregoing Resolution No. 96-27 was duly and regularly adopted by the Rosemead City Council at a regular meeting held on the 9th day of July, 1996, by the following vote:

Yes: Vasquez, Taylor, Clark, Bruesch, Imperial  
No: None  
Absent: None  
Abstain: None

Dan Waldman  
City Clerk

11-23-96

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STATE CAPITOL  
P.O. BOX 38899  
SACRAMENTO, CA 95834-0899  
916 445-7000  
FAX 916 324-1300  
DISTRICT OFFICE  
200 SOUTH CHAPEL AVENUE, SUITE 8  
ALHAMBRA, CA 91801  
916 878-6181  
FAX 916 878-6478

# Assembly California Legislature

**DIANE MARTINEZ**  
ASSEMBLY MEMBER, FORTY-SEVEN DISTRICT

COMMITTEES  
CHAIRWOMAN  
UTILITIES AND COMMERCE  
EDUCATION  
GOVERNMENTAL ORGANIZATION  
PUBLIC SAFETY  
SELECT COMMITTEE ON THE  
INSOLVENCY OF ORANGE COUNTY

July 10, 1996

Mr. Michael I. Koston, Chair  
California Regional Water  
Quality Control Board - Los  
Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Dear Mr. Koston:

The City of Rosemead has made numerous attempts to play a role in the drafting of the final version of the Los Angeles County Municipal Storm Water Permit with little success.

On July 1, in a meeting with the mayor of Rosemead and a city councilmember, Ms. Catherine Tyrell made it clear that she was not interested in receiving their input, bluntly telling them that she did not want to "engage in a debate." During a telephone conference call two days later, another staff member told a number of local elected officials that the meeting was not to include a discussion of the specifics of the draft plan.

It concerns me greatly that city officials whose responsibility it will be to implement the new plan have not played a more significant role in the decision-making process. And from reviewing the draft plan, it is clear that their concerns have not been addressed.

I am requesting that the Regional Water Quality Control Board for the Los Angeles Region postpone action on the Los Angeles County Municipal Storm Water Permit until such time as the affected cities are able to play a more meaningful role in the drafting of the plan.

The City of Rosemead has a number of valid concerns with regard to the current draft plan:

- The draft plan requires cities to exercise "full legal authority" to compel residents to comply, which is contrary to repeated assurances by the Water Quality Control Board that the plan would only call for an "educational campaign" urging resident to comply.
- The draft plan does not contain specific and quantifiable stormwater and urban runoff standards. It fails to provide cities with specifics as to the type of testing that will take

ENCLOSURE

place, the frequency of the testing and the standards that will be applied.

- The draft plan fails to protect cities from third party litigation that may result from elements beyond the cities' control and scope of responsibility. Rosemead and other cities could be sued in citizen lawsuit(s) for contamination which occurs upstream but is present in detectable levels within city limits.
- The draft plan requires an unfunded mandate. There are no funds mandated for local governments to pay for implementation.

I believe it is in the best interests of all involved for action on this matter to be delayed until a more meaningful dialogue can be established between the Regional Water Quality Control Board and the affected cities.

Thank you in advance for your consideration of this matter.

Warmest Regards,

*Diane Martinez*  
 DIANE MARTINEZ  
 Assemblywoman, 49th District

cc: Hon. Margaret Clark  
 Mayor, City of Rosemead

Hon. Frank Tripepi  
 City Manager, City of Rosemead

DM:jl

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CONCERN

RESOLUTION NO. 96-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS URGING THE REGIONAL WATER QUALITY CONTROL BOARD ("RWQCB") TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, the City Council of the City of San Dimas is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act; and

WHEREAS, the City Council of the City of San Dimas is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES No. CAS 614001) which will implement the requirements of the Clean Water Act; and

WHEREAS, Finding 4 of the Tentative Order is based on a Federal guidance document which is general in nature, not studies shown to be relevant to water bodies in Los Angeles County; and

WHEREAS, Findings 5 and 6 of the Tentative Order as relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County; and

WHEREAS, streets, curbs and gutters are designed to convey water into storm drains; and

WHEREAS, certain pollutants present in stormwater are contributed by activities which the Permittee cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur; and

WHEREAS, the Clean Water Act does not require, and it is beyond the legal authority of the Board, to require the impossible, or to require absurd results; and

WHEREAS, inclusions of narrative receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the permittees to an impossible standard and would expose them to litigation which would be baseless in the absence of the inclusion of the receiving water limitations in the order; and

WHEREAS, the findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims and lawsuits claiming that all water bodies in the County are to have all beneficial uses listed in the findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat; and

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASP") and a General Construction Activity Storm Water Permit (the "GCASP"); and

WHEREAS, the administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board, not the Permittee Cities; and

WHEREAS, the tentative order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not been identified and are not now identifiable; and

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WHEREAS, the tentative order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES HEREBY RESOLVE AS FOLLOWS:

- SECTION 1. The City Council of the City of San Dimas calls upon the Regional Water Quality Control Board to direct its staff to revise the tentative order to:
- A. Prepare findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable.
  - B. Delete Receiving Water Limitations as permit requirements.
  - C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question.
  - D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate.
  - E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability on the part of the permittees.
  - F. More specifically, identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the tentative order.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 9th day of JULY, 1996.

  
MAYOR

ATTEST:

  
CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution No. 96-67 was adopted by vote of the City Council of the City of San Dimas at its regular meeting of July 9, 1996, by the following vote:

AYES: Councilmembers Bertone, Ebner, McHenry, Templeman, Morris  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
CITY CLERK

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• City With A Mission • Founded 1771 •  
P Michael Paules, City Administrator • 818-308-2802

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July 12, 1996

Robert P. Ghirelli, D. Env.  
Executive Officer  
California Regional Water Quality  
Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: NPDES Stormwater Discharge Permit

Dear Mr. Ghierlli:

The City of San Gabriel is committed to taking all steps necessary for the City to be in full compliance with the requirements of the Clean Water Act. However, we feel there are significant questions still unresolved in regard to the proposed National Pollution Discharge Elimination System (NPDES) permit.

The City of San Gabriel has a great concern about the costs local governments and businesses will incur in complying with the new permit as it would hold cities responsible for implementing a long list of costly measures.

The City of San Gabriel calls upon the Regional Water Quality Control Board to return Tentative Order No. 96-XXX (NPDES NO. CAS614001) to Staff for resolution of issues of unfunded mandates, economic impacts and development of more certain and achievable goals and objectives based on relevant standards and studies.

Your attention to this request will be greatly appreciated.

Sincerely,

P. Michael Paules  
City Administrator

PNP:tm

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ID:

JUL 12 '96 15:24 No.015 P.01



City of San Gabriel

532 WEST MISSION DRIVE, SAN GABRIEL, CA 91776  
P.O. BOX 130, SAN GABRIEL, CA 91778-0130  
(818) 308-2800 FAX: (818) 458-2830

### FAX TRANSMITTAL SHEET

Fax Number: (213) 266-7600

Date: 7/12/96

To: Rbt P. Ghiselli

Company: City Reg. & Inter. Security Center

From: P. Michael Paules

Dept: City Administrator

Sender's Phone Number: (818) 308-2803

Number of pages including this cover sheet: 2

- These are transmitted:
- As requested
  - For your use
  - For approval
  - For review and comment
  - Other

Remarks: \_\_\_\_\_  
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Should you experience any problems with this transmittal, please call the City Clerk's office at (818) 308-2816. Thank you.

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**RESOLUTION NO. R96-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARINO URGING THE CALIFORNIA REGIONAL WATER QUALITY BOARD, LOS ANGELES REGION, TO MODIFY TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS614001) (WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN LOS ANGELES COUNTY) BEFORE ISSUANCE**

WHEREAS, the City of San Marino is a co-permittee, along with the County of Los Angeles and 86 other cities in Los Angeles County under Order No. 90-079 issued by the California Regional Water Quality Control Board, Los Angeles Region as waste discharge requirements for storm water/urban runoff discharges within Los Angeles County, and such Order serves as the NPDES permit for the discharge of storm water into the municipal separate storm water sewer system for the County under the federal Clean Water Act, and

WHEREAS, the current Order was scheduled to expire on June 18, 1995, and prior to the expiration, the City, along with the County and the other co-permittees, filed a report of waste discharge as their application for the renewal of the existing waste discharge requirements, and

WHEREAS, the City Council of the City of San Marino is committed to taking all reasonable steps required of the City to fully comply with the requirements of the federal Clean Water Act and the California Porter-Cologne Water Quality Act with respect to those discharges to the County municipal storm water sewer system over which the City has realistic regulatory control, and

WHEREAS, City staff and the City Attorney's office have been working for over a year with the California Regional Water Quality Control Board, Los Angeles Region (RWQCB) staff and representatives from the 86 cities in Los Angeles County as well as the County itself to reach a consensus on the terms of a new municipal National Pollution Discharge Elimination System (NPDES) permit for Los Angeles County, and

WHEREAS, the RWQCB staff has issued a tentative order in the form of waste discharge requirements setting forth a new municipal storm water and urban discharge program for Los Angeles County and the municipalities within the County, and

WHEREAS, these requirements will impose significant additional costs not only on the City, but will require businesses and residents within the City to incur additional expense to comply with the program, and

WHEREAS, compliance with the requirements of this permit may constitute an

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unfunded mandate, and

WHEREAS, the concerns of the City of San Marino and other affected cities regarding the costs and expected effectiveness of the requirements have been repeatedly expressed to the RWQCB staff,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MARINO DOES HEREBY RESOLVE, AS FOLLOWS:

Section 1. The City Council of the City of San Marino calls upon the Regional Water Quality Control Board to direct its staff to revise the tentative order in accordance with the modifications suggested by the City Attorney's office in its letter of June 21, 1996, a copy of which is attached hereto and incorporated herewith, and further, to delay its consideration of and comment further on the proposed order.

Section 2. The City Clerk shall certify the adoption of this Resolution and forward it to the Executive Director of the Regional Water Quality Control Board.

**PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF JULY, 1996.**

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Mayor

ATTEST:

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CITY CLERK

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CITY OF SANTA FE SPRINGS  
11710 Telegraph Road  
Santa Fe Springs, California  
(310) 868-0511  
FAX (310) 868-7112

# fax

to: Robert P. Ghirelli

fax #: (213) 266-7600

from: John Price, Director of Public Works

date: July 12, 1996

subject: Revised Tentative Permit

pages: 5

NOTES: Attached is Resolution No. 6099 approved by the City Council supporting the tentative permit at their meeting of July 11, 1996 subject to conditions as set forth in the Resolution.

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State of California )  
County of Los Angeles )ss  
City of Santa Fe Springs )

I, Marilyn Jannak, Deputy City Clerk of the City of Santa Fe Springs, do hereby certify that the attached copy of Resolution No. 6099 is a true and exact copy of Resolution No. 6099 adopted by the Santa Fe Springs City Council on July 11, 1996.

Dated this 12th day of July, 1996.

Marilyn Jannak  
Deputy City Clerk

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RESOLUTION NO. 6099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS611001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, the City Council of the City of Santa Fe Springs is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, the City Council of the City of Santa Fe Springs is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001) which will implement the requirements of the Clean Water Act;

WHEREAS, the Finding 4 of the Tentative Order is based on a federal guidance document which is general in nature, not studies shown to be relevant to water bodies in Los Angeles County;

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, certain pollutants present in stormwater are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, the Clean Water Act does not require, and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (Hughes v. JMS Development Corp., 42 ERC 1449 (11th Cir., April 1, 1996));

WHEREAS, inclusion of narrative receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and would expose them to litigation which would be baseless in the absence of the inclusion of the receiving water limitations in the Order;

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WHEREAS, the Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits claiming that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat;

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASWP") and a General Construction Activity Storm Water Permit (the "GCASWP");

WHEREAS, the administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board, not the Permittee Cities;

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not identified and are not now identifiable;

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Santa Fe Springs calls upon the Regional Water Quality Control Board to direct its staff to revise the Tentative order to:

- A. Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question;
- D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability in the part of permittees;
- F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.

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Section 2. The City Clerk shall certify the adoption of this Resolution.

APPROVED and ADOPTED this 11th day of July, 1996.

  
Mayor

ATTEST:

  
City Clerk

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5-1-2003

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# CITY OF SANTA FE SPRINGS



10 TELEGRAPH ROAD, 90670-3658 · P.O. BOX 2120 · (310) 868-0511 · FAX (310) 868-7112



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July 17, 1996

California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention: Robert P. Ghirelli, Executive Officer

Subject: Tentative Waste Discharge Order No. 96-XXX  
NPDES No. CAS611001

Gentlemen:

We are forwarding by mail:

<u>No. of Copies</u>	<u>Description</u>
1	Resolution No. <del>6099</del>
1	Certification of City Clerk

On July 11, 1996, the City Council of the City of Santa Fe Springs adopted Resolution No. 6099 urging the Regional Water Quality Control Board to return Tentative Order No. 96-xxx (NPDES No. CAS 611001), waste discharge requirements for municipal storm water and urban runoff discharges within the County of Los Angeles, to staff for resolution of issues of unfunded mandates, economic impacts and development of more certain and achievable goals and objectives, based on relevant standards and studies.

The attached is the hard copy of materials faxed to you on July 12, 1996.

If you have any questions, please contact George O'Brien of this office at (310) 868-0511, Extension 267.

Very truly yours,

John R. Price  
Director of Public Works

JRP/gho/tc

George Minnehan, Mayor · Ronald S. Kernos, Mayor Pro-Tem

City Council  
Mercedes A. Diaz · Albert L. Sharp · Betty Wilson

City Manager  
Don Powell

62-2-1-5

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State of California )  
County of Los Angeles )ss  
City of Santa Fe Springs )

I, Marilyn Jannak, Deputy City Clerk of the City of Santa Fe Springs, do hereby certify that the attached copy of Resolution No. 6099 is a true and exact copy of Resolution No. 6099 adopted by the Santa Fe Springs City Council on July 11, 1996.

Dated this 12th day of July, 1996.

Marilyn Jannak  
Deputy City Clerk

(Seal)

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RESOLUTION NO. 6099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS URGING THE REGIONAL WATER QUALITY CONTROL BOARD TO RETURN TENTATIVE ORDER NO. 96-XXX (NPDES NO. CAS611001), WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES, TO STAFF FOR RESOLUTION OF ISSUES OF UNFUNDED MANDATES, ECONOMIC IMPACTS AND DEVELOPMENT OF MORE CERTAIN AND ACHIEVABLE GOALS AND OBJECTIVES, BASED ON RELEVANT STANDARDS AND STUDIES

WHEREAS, the City Council of the City of Santa Fe Springs is committed to taking all steps required for the City to be in full compliance with the requirements of the Clean Water Act;

WHEREAS, the City Council of the City of Santa Fe Springs is committed to cooperation with the Regional Water Quality Control Board to develop a workable and effective order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001) which will implement the requirements of the Clean Water Act;

WHEREAS, the Finding 4 of the Tentative Order is based on a federal guidance document which is general in nature, not studies shown to be relevant to water bodies in Los Angeles County;

WHEREAS, Findings 5 and 6 of the Tentative Order are relevant only to studies of conditions of the Santa Monica Bay and no scientific basis has been presented for extrapolating those studies to any or all other water bodies in Los Angeles County;

WHEREAS, streets, curbs and gutters are designed to convey water into storm drains;

WHEREAS, certain pollutants present in stormwater are contributed by activities which the Permittees cannot control, despite full implementation of all provisions of the Tentative Order, and it is a fact of nature beyond the control of Permittee Cities that whenever it rains in Los Angeles County, storm water discharges will occur;

WHEREAS, the Clean Water Act does not require, and it is beyond the legal authority of the Board to require the impossible, or to require absurd results (Hughey v. JMS Development Corp., 42 ERC 1449 (11th Cir., April 1, 1996));

WHEREAS, inclusion of narrative receiving water limitations that require that stormwater discharges neither cause violations of water quality objectives, nor cause conditions of nuisance in receiving waters would hold the Permittees to an impossible standard and would expose them to litigation which would be baseless in the absence of the inclusion of the receiving water limitations in the Order;

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WHEREAS, the Findings of the Tentative Order fail to specify which water bodies in the County of Los Angeles have which beneficial uses, raising the possibility of claims or lawsuits claiming that all water bodies in the County are to have all beneficial uses listed in the Findings, including such mutually exclusive beneficial uses as ocean commercial fishing and cold freshwater habitat;

WHEREAS, the State Water Resources Control Board has issued a General Industrial Activities Storm Water Permit (the "GIASWP") and a General Construction Activity Storm Water Permit (the "GCASWP");

WHEREAS, the administration of the GIASP and the GCASP are the responsibility of the Regional Water Quality Control Board, not the Permittee Cities;

WHEREAS, the Tentative Order, if adopted, would impose significant conditions and requirements which are to be based on future studies and require future actions which have not identified and are not now identifiable;

WHEREAS, the Tentative Order, if adopted, would impose financial obligations which are not now quantifiable, and are of indeterminate, but significant magnitude;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Santa Fe Springs calls upon the Regional Water Quality Control Board to direct its staff to revise the Tentative order to:

- A. Prepare Findings based on relevant, sound scientific studies specific to the water bodies to which they are to be applicable;
- B. Delete Receiving Water Limitations as permit requirements;
- C. Specifically identify, in proposed findings, the beneficial uses of each body of water in the County of Los Angeles, based on studies which are demonstrated to be applicable to the water body in question;
- D. Delete requirements that the permittees are to administer all or any part of the GIASP and the GCASP as those are the responsibility of the RWQCB and to require the permittee cities to administer them would be to impose an unfunded mandate;
- E. Delete findings and requirements which would impose artificial and unreasonable exposure to liability in the part of permittees;
- F. More specifically identify the responsibilities of the permittees in order that their respective elected officials will be able to appreciate the financial impact of the Tentative Order.

Section 2. The City Clerk shall certify the adoption of this Resolution.

APPROVED and ADOPTED this 11th day of July, 1996.

  
Mayor

ATTEST:

  
City Clerk

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9-1-2000



PAUL ROSENSTEIN  
MAYOR

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# SANTA MONICA

1685 Main Street, P.O. Box 2200  
Santa Monica, California 90407-2200  
(310) 828-9436  
FAX (310) 449-4418

July 9, 1996

QUALITY UNIT  
LOS ANGELES REGION

96 JUL 11 PM 1:15

California Regional Water Quality Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park CA 91754

Dear Board Member:

On behalf of the Santa Monica City Council, I would like to express our strong support for the Proposed NPD/S permit for Los Angeles County. This permit, which engages in a comprehensive and integrated strategy towards watershed protection, is the single most important mechanism to insure protection and restoration of the Santa Monica Bay. It is for this reason that the Santa Monica City Council unanimously adopted a resolution which supports the adoption of the permit. Please find a copy of this resolution attached.

The Santa Monica Bay is a precious biological, economic and recreational resource highly valued by residents, visitors and businesses in Santa Monica and throughout the entire Los Angeles region. In light of the findings of the recent epidemiological study and the region's dependence on tourism to fuel the economy, the proposed permit is clearly in the best interest of businesses and communities in Southern California. Many business leaders, such as those in the Santa Monica Chamber of Commerce who unanimously approved a motion to support the permit, recognize that a vital economy depends on a healthy environment and a sound program for water quality protection.

While the City of Santa Monica has long been committed to the protection and restoration of the Santa Monica Bay, success in this effort requires a regional approach, with the active participation of all municipalities in Los Angeles

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County. The proposed permit identifies specific tasks and milestones that will insure consistent program implementation, resulting in a more effective and equitable stormwater management program.

For these reasons, we urge your support of the proposed NPDES permit. Your consideration of this request is greatly appreciated.

Sincerely,



Paul Rosenstein  
Mayor

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EPD:CP:JM:BR:F:\KPWM\SHARE\NPDES.SR  
Council Meeting: June 25, 1996

Santa Monica, California

TO: Mayor and City Council

FROM: City Staff

SUBJECT: Recommendation to Approve a Resolution Supporting the Adoption of the Proposed NPDES Permit for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles (NPDES No. CAS614001)

INTRODUCTION

This report requests that the City Council approve a resolution supporting the adoption of the Proposed NPDES Permit for Stormwater and Urban Runoff Discharges within the County of Los Angeles.

BACKGROUND

The Santa Monica Bay is an economic, recreational and biological resource for the City of Santa Monica and the entire Los Angeles region. The Bay contributes to the natural ambiance which draws over 25 million tourists to Los Angeles County annually and supports more than 7,000 jobs within the City and 392,000 jobs throughout the region. Stormwater runoff which is contaminated by heavy metals, bacteria, enteric viruses, pesticides, nutrients, polycyclic aromatic hydrocarbons, polychlorinated biphenyls, organic solvents, sediments and trash threatens to degrade these valuable coastal resources.

Post-It® Fax Note	7871	Date	7/9/96	# of Pages	10
To	Winnie Jesena	From	Bill Roman		
Co/Dept	SWACB	Co	City of Santa Monica		
Phone #		Phone #	310-458-8231		
Fax #	310-266-6787	Fax #	310-393-6697		

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Studies by the Santa Monica Bay Restoration Project (SMBRP) have determined that urban runoff is the most significant source of nonpoint<sup>1</sup> pollution to the Santa Monica Bay. An epidemiological study (An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay, SMBRP, May 1996) conducted during the summer of 1995 for the SMBRP demonstrated that there is an increased risk of acute illness caused by swimming near flowing storm drain outlets in Santa Monica Bay.

National recognition of the damage caused by polluted urban runoff throughout the country led to amendments to the Clean Water Act in 1987 to include nonpoint source pollution. Under these amendments National Pollution Discharge Elimination System (NPDES) permits for discharges of stormwater to the municipal separate storm sewer system (storm drain system) requiring controls to reduce the discharge of pollutants to the maximum extent practicable were mandated. Because of the complexity and networking of the storm drain system and drainage facilities within and tributary to the County of Los Angeles, the Regional Board adopted a county wide approach to permitting stormwater and urban runoff discharges. As the Principal Permittee, the County is responsible for general administration of the permit and facilitating cooperation among the Permittees.

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<sup>1</sup> Nonpoint sources are the combination of small amounts of pollutants that originate from different sources over a wide area.

The Los Angeles Regional Water Quality Control Board, delegated NPDES permitting authority from the EPA, issued the first stormwater permit in June of 1990 to the County of Los Angeles and 85 municipalities within Los Angeles County. This permit specified 13 Baseline Best Management Practices (BMPs) as county wide minimum requirements. These BMPs were very general such as, Catch Basin labeling and more street sweeping, and generally lacked enforceable standards, resulting in inconsistent implementation among the Permittees. While Santa Monica received a rating of excellent in an assessment of compliance with the 1990 permit by Heal the Bay, the overall performance of the Permittees was characterized as disappointing. Some of the Permittees developed programs only in response to costly citizen law suits filed under the Clean Water Act.

On December 21, 1994, the Permittees submitted a Report of Waste Discharge (ROWD) as an application for re-issuance of waste discharge requirements and a NPDES permit. In consultation with a committee of stakeholders comprised of representatives of the Permittees and environmental organizations, as well as discussions with business communities, state officials and the public, the staff at the Regional Board has developed a tentative permit that will be presented to the Los Angeles Regional Water Quality Control Board for approval during a public hearing on July 15, 1996.

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**DISCUSSION**

The Santa Monica Bay watershed is comprised of 5,000 miles of storm drains which can discharge billions of gallons of storm flows in one day. In order to be effective at protecting and restoring water quality in the Santa Monica Bay, a stormwater management program must be implemented with consistency throughout the entire watershed.

The proposed permit delineates areas in which the Principal Permittee (Los Angeles County) must develop model programs and general guidelines with specific compliance dates as follows: a) Illicit connection and illicit discharge requirements; b) Development planning and construction; c) Public agency activities requirements; d) Public information and education; e) Monitoring program; and f) Program reporting and evaluation. These guidelines and programs must be adopted and implemented by the Permittees within a specified time frame. A summary of the Permittees requirements is included in this report as Attachment 1. The permit requires that the Permittees demonstrate that they have dedicated financial resources and possess the legal authority to be able to implement and enforce the stormwater management program required by the permit. The City of Santa Monica's stormwater management program which is contained in the Proposed 1996-97 City Budget includes sufficient funding to implement all anticipated permit requirements.

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Adoption of this permit by the Regional Board would provide multiple benefits to the City, including the following:

1. **Consistency with the City's Urban Runoff Pollution Ordinance**  
In 1992, Council adopted the Urban Runoff Pollution Ordinance which contains provisions for runoff mitigation during and after construction, runoff pollution prevention and control, as well as citywide runoff education programs. The proposed permit specifies requirements in these areas which will serve to create a unified and consistent stormwater management program throughout the watershed.
  
2. **Implementation of the Santa Monica Bay Restoration Plan**  
The Santa Monica Bay Restoration Project developed a Bay Restoration Plan to serve as a blueprint for recovery of the Bay. The adoption of a strong, environmentally-sound NPDES permit was recommended in the Plan, which was endorsed by the Council in 1994, as the regulatory mechanism for enforcement of urban runoff pollution prevention.
  
3. **Cost Effective Water Quality Protection**  
The proposed NPDES permit presents a comprehensive and integrated watershed management strategy towards water resource protection, enhancement and restoration, while balancing economic and environmental impacts.



## Attachment 1 Summary of Proposed NPDES Permittee Requirements and Compliance Dates

Requirements	Compliance Date (from Adoption)
<b>Program Management</b>	
Submit annual budget summary to Principal Permittee	60 days after budget adoption
Demonstrate Legal Authority	120 days
<b>Illicit Connection and Discharge Requirements</b>	
Implement illicit connection elimination program developed by County	4 months after approval of model
Implement illicit discharge elimination program	4 months after approval of model
Implement non-stormwater management program BMPs	3 months
Implement standard program to facilitate public reporting of illicit discharges and illicit disposal	4 months after approval of standard program
Implement standard program for reporting hazardous materials	4 months after approval of standard program
<b>Development Planning and Construction</b>	
Implement a system of prioritization of development projects	6 months after approval of model system
Develop and implement a program for planning measures consistent with the Standard Urban Stormwater Mitigation Plan	6 months after approval of SUSMP
Incorporate CEQA guidelines into internal procedures	6 months after approval of guidelines
Include watershed and stormwater management considerations into the General Plan revisions	During General Plan revisions
Develop a regulatory program with County guidelines for construction	6 months after approval of guidelines
Require applicants to demonstrate coverage under the State Construction Permit prior to issuance of grading permits	6 months
Implement a construction inspection program	6 months after approval of model
<b>Public Agency Activities Requirements</b>	
Develop a program to reduce storm water impacts from public agency activities with a schedule for implementation	4 months after approval of model
<b>Public Information and Education Requirements</b>	
Have outreach material available for distribution	8 months
Demonstrate outreach materials are being distributed	12 months
Train Permittee employees	12 months
Complete analysis of targeted audiences	30 months
Collect industrial/commercial information on database format	6 months after format provided
Implement and Industrial/Commercial facility site visit program	1 every 12 months
Begin use of checklist of BMPs for industrial/commercial site visits	Upon approval



RESOLUTION NO. \_\_\_\_\_  
(CITY COUNCIL SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA TO SUPPORT THE ADOPTION OF THE TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL STORMWATER AND URBAN RUNOFF DISCHARGES WITHIN THE COUNTY OF LOS ANGELES (NPDES NO. CAS614001).

WHEREAS, Santa Monica Bay is an economic resource for the region, contributing to the ambiance which draws over 25 million tourists to Los Angeles County annually, and, is a recreational, environmental and educational resource for the millions of people who visit the beaches annually; and,

WHEREAS, contaminated stormwater runoff has been determined to be the largest source of pollution to the Santa Monica Bay; and,

WHEREAS, the large impervious surfaces of urban areas increase the quantity and peak flows of runoff which in turn causes hydrologic impacts such as loss of habitat, scoured stream bed channels, in-stream sedimentation and mass loadings of pollutants; and,

WHEREAS, an epidemiological study conducted during the summer of 1995 for the Santa Monica Bay Restoration Project demonstrated that there is an increased risk of acute illness caused by swimming near flowing storm drain outlets in Santa Monica Bay; and,

WHEREAS, the 1987 amendments to the Clean Water Act (CWA) established statutory requirements to control industrial and municipal stormwater discharges to waters of the United States [CWA

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Section 402 (p)] by requiring National Pollution Discharge Elimination Systems (NPDES) permits for stormwater discharges to the municipal separate storm drain system and requires controls to reduce the discharge of pollutants to the maximum extent practicable; and,

WHEREAS, the Los Angeles Regional Water Quality Control Board staff, in consultation with a committee of stakeholders comprised of representatives of the Permittees and environmental groups, as well as discussions with business communities, state officials and the public, has issued a proposed NPDES permit outlining waste discharge requirements for municipal stormwater and urban runoff discharges within the County of Los Angeles; and,

WHEREAS, the Santa Monica Bay Restoration Plan adopted by Council in 1994, which serves as a blueprint for the Santa Monica Bay's recovery, recommends actions that the Regional Board has integrated into the stormwater permit and provides guidance to the Regional Board for the development of a strong, environmentally-sound stormwater program; and,

WHEREAS, the Regional Board has implemented a Watershed Management Approach to address water quality protection in the region which provides a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES RESOLVE AS FOLLOWS:

SECTION 1. To support the adoption of the Waste

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Discharge Requirements for the Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles (NPDES NO. CA5614001) by the Los Angeles Regional Water Quality Control Board; and,

SECTION 2. To participate on the Watershed Management Committee in the development of the Watershed Management Area Plan; and,

SECTION 3. To support implementation of plans, programs and procedures as developed by Los Angeles County, the Principal Permittee; and,

SECTION 4. To urge the other 84 incorporated cities and the County of Los Angeles to support the adoption and implementation of the permit.

SECTION 5. The City Clerk shall certify to the adoption of this resolution, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:

Marsha Jones Moutrie  
City Attorney

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DEE HARDISON  
MAYOR

CITY OF  
TORRANCE

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July 11, 1996

QUALITY CONTROL BOARD  
LOS ANGELES REGION

California Regional Water Quality Control Board  
Los Angeles Region  
104 Centre Plaza Drive  
Monterey Park, CA 91754-2156

Attention: Catherine Tyrrell  
Assistant Executive Officer

On July 9, 1996, the City Council of the City of Torrance formally considered the proposed National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Discharge Permit (Tentative Permit) for Los Angeles County. Although the City is committed to developing a workable and cost effective program to address the problem of stormwater discharges into coastal and inland regions, the Council took a position in opposition to the Tentative Permit for Los Angeles County due to a number of concerns with the permit as currently constituted.

Specifically, the City is concerned that the proposed implementation requirements incorporated in the Tentative Permit will place major cost burdens not only on Municipal Government, but also on local businesses and residents. Based on the proposed provisions, the City of Torrance would initially incur \$300,000 in additional costs annually to administer the order, with additional costs not yet identified.

In addition, the lack of definition with regard to compliance measures may impose substantial financial obligations on the City in the future which are unknown. Also, the Permit should seek to balance the relative costs and environmental benefits of the NPDES Program in light of competing public needs.

Aside from financial considerations, the City also has concerns regarding uncertainties associated with program implementation and the cost effectiveness of prescribed compliance measures. The Tentative Permit would also impose significant conditions and requirements which are to be based on future studies and require future actions that have not been identified. Furthermore, the proposed Tentative Permit and corresponding NPDES requirements have been developed without sufficient opportunities for meaningful input by local elected officials.

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COMMUNITY

While the City of Torrance has serious reservations regarding the proposed Tentative Permit for Los Angeles County, we welcome the opportunity to work with the Regional Water Quality Control Board to develop a reliable NPDES Program to protect the San Monica Bay and Los Angeles Harbor Watersheds.

If you require any further clarification regarding the City of Torrance's position on this matter, please feel free to contact me or the Engineering Director, Richard Burt , at (310) 618-2820.

Sincerely,



Dee Hardison  
Mayor

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ENCLOSURE

RESOLUTION NO. 6714

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF WHITTIER CONDITIONALLY  
SUPPORTING CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD ORDER 96-XXX  
(NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM NO. CAS611001), WASTE  
DISCHARGE REQUIREMENTS FOR MUNICIPAL  
STORM WATER AND URBAN RUNOFF DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES

WHEREAS, the City of Whittier ("City"), is committed to implementing programs and practices that shall, to the maximum extent practicable, reduce pollutants discharged into the San Gabriel River and into the Long Beach Harbor; and

WHEREAS, the City is committed to allocating resources to finance the cost of implementing reasonable storm water/urban runoff pollution reduction programs; and

WHEREAS, the tentative waste discharge order ("tentative order") authorizes the new National Pollutant Discharge Elimination System ("NPDES") municipal permit for Los Angeles County prepared by the California Regional Water Quality Control Board, Los Angeles Region ("regional board"), and such order contains conflicting provisions which, if not corrected, would not allow effective compliance; and

WHEREAS, finding #4 of the tentative order refers to studies that show that organic and inorganic pollutants contained in storm water runoff are often found in wastewaters and that such pollutants can have adverse impacts on human health and aquatic ecosystems and high volumes of stormwater discharge from municipal storm water systems in "areas rapid urbanization have had significant impacts on aquatic ecosystems due to physical modifications such as bank erosion and widening of channels"; and

WHEREAS, finding #4 is a generalization and should not be used to justify any requirement contained in the tentative order because it does not refer to any specific study pertaining to storm water or urban runoff from areas within the Los Angeles basin; and

WHEREAS, while heavy volumes of stormwater discharge into the Municipal Storm Water System from areas of rapid urbanization, which may cause bank erosion and channel widening, such impacts have not been documented in any area within the Los Angeles basin because most of the channels and rivers that are responsible for conveying most of the storm water are concrete lined (with the small exception of those portions of channels or rivers that are used for ground water recharge or detention purposes); and

WHEREAS, the Federal "Guidance Manual for the Preparation of Part II of the NPDES Applications for Discharges from Municipal Storm Sewer Systems," is irrelevant because it contains no mention of storm water or urban runoff problems within the Los Angeles basin; and

WHEREAS, finding #5 of the tentative order, refers to "Periodic Water Quality Assessments," on which regional board staff bases its assertion that beneficial uses of such water bodies in Los Angeles County are "impaired or threatened to be impaired" because of heavy metals, coliform, enteric viruses, pesticides, nutrients, and other pollutants; and

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WHEREAS, while the City agrees that pollutants in runoff can impair the beneficial uses of water bodies, finding #5 is an generalization to the extent that it does not identify which water bodies are impaired (i.e., receiving waters in each of the watersheds subject to the tentative order), the beneficial uses of each watershed, the extent of impairment of water bodies within each watershed, and the pollutants responsible for such impairment, and

WHEREAS, finding #5 overlooks the fact that the monitoring component of the tentative order calls for a "receiving water study," to determine "the impacts, if any, of storm water/non-storm water discharges on the beneficial uses of Santa Monica Bay" and the Los Angeles and San Gabriel River where the conclusion makes the beneficial uses of the Los Angeles River, San Gabriel River, Los Angeles Harbor, Long Beach Harbor, or other water bodies in the basin, that are impaired by storm water and non-storm runoff premature and suppositional; and

WHEREAS, finding #6 of the tentative order refers to an epidemiological study commissioned by the Santa Monica Bay Restoration Project ("SMBRP") which confirms that swimming near flowing storm drains in Santa Monica Bay increases health risks to humans and other studies conducted by the SMBRP identified pathogenic contamination in non-storm water flows during the summer at four storm drain locations in Santa Monica Bay; and

WHEREAS, the tentative order's assertion that the results of the SMBRP studies can be "extrapolated" to other water bodies should be regarded as speculative and that similar studies conducted in other parts of the country (e.g., Chesapeake Bay) should not be "extrapolated" and applied to Santa Monica Bay (a fact acknowledged in the 1994 "Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coast Watersheds of Los Angeles and Ventura Counties"), and

WHEREAS, the City received late notification from the regional board in a letter dated June 17, 1996, informing of it changes it made to the receiving water limitations section of the tentative order; and

WHEREAS, the regional board's revision of the receiving water limitations still needs modification because it requires the City to meet impossible water quality objectives and standards contained in the Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, California Regional Water Quality Control Board, Los Angeles Region, Monterey Park, 1994 ("basin plan"); and

WHEREAS, though the revised receiving water limitations provides for the City to be in compliance with impossible-to-meet water quality objectives and standards through the "timely and compete implementation" of storm water management programs in the tentative order, such provision applies only to "discharges authorized under the Order," and would cause the City to be in violation of the order if it failed to meet a water quality objective or standard as a result of a discharge NOT authorized under the tentative order such as a sewer leak, an undetected illicit connection, or an undetected act of an illegal disposal; and

WHEREAS, the tentative order contains provisions that would impose upon the City requirements that exceed Federal storm water provisions of the Clean Water Act ("CWA"), including but not limited to the legal authority requirements that mandate the prohibition of hazardous waste in containers used for municipal refuse collection and a

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future county-wide storm water management plan that is to include a program for reporting incidents of hazardous substances in "reportable quantities" entering the Municipal Storm Water System (only an NPDES requirement for those industries that are subject to General Industrial Activity Storm Water NPDES permits and for facilities that are subject to 40 CFR 110.6); and

WHEREAS, the tentative order contains several provisions that would do little to improve the quality of storm water and urban runoff while imposing a substantial cost to City residents and business as taxpayers; and

WHEREAS, by imposing upon the City any requirement that exceeds the Federal storm water provisions of the CWA, may be interpreted by a Federal court to be actionable under the Clean Water Act, which entitles third party citizen law suits, and

WHEREAS, the tentative order contains provisions that are written in a manner that is unclear and confusing which, if not corrected, would lead the City into partial or non-compliance, thereby causing the City's exposure to citizen law suits; and

WHEREAS, the tentative order, under "conditionally exempted discharges," lists street washing as a non-storm water discharge, which "need not be prohibited," and the order also lists street washing again as designated discharge, and without explaining what a "designated discharge" is anywhere in the order; and

WHEREAS, the regional board staff feels that it has the authority to impose upon the City and other municipalities requirements that exceed Federal storm water regulations that are based on supposition, rather than on scientific data; and

WHEREAS, several City Attorneys have requested regional board staff to provide documents containing scientific data that would justify the imposition requirements beyond those mandated by Federal storm water regulations and the regional board staff has not complied with such requests; and

WHEREAS, the tentative order contains provisions that require development and implementation of a county-wide storm water management plan and/or a watershed management plan which would impose upon the City additional requirements to be determined after the waste discharge order is approved, without City review or approval; and

WHEREAS, the tentative order states that the City will be subject to a county-wide storm water management plan or a watershed management plan, yet in another states that the City will be subject to both plans, and in each case there is no explanation as to what or who will determine which plan the City will be subject to or how it is to be implemented; and

WHEREAS, the tentative order contains a provision which is contrary to what has been asserted by the regional board, and would require site visits of industrial activity facilities for the purpose of inspection and enforcement in addition to providing public education; and

WHEREAS, the tentative order contains a provision that would prohibit the discharge of potable water applied to sidewalks and streets, even if such water does not cause the delivery of refuse or other pollutants into the Municipal Storm Water System (includes streets, alleys, curbs, catch basins, and other conveyances); and

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WHEREAS, the tentative order contains legal authority requirements that are vague and offer no guidance on how to achieve compliance; and

WHEREAS, the tentative order is redundant in that it requires the City to prohibit littering (even if the litter does not enter into the Storm Drain System), and the disposal of leaves, dirt, or other landscape debris into a storm drain, and also prohibits illicit discharges, which broadly includes the discharge of any material other than storm water to the system, unless such discharge is exempted by the order or an NPDES permit; and

WHEREAS, the tentative order requires proper disposal of food wastes by the food service and food distribution industry but it does not define what "proper disposal" means nor does it provide a definition of food service or food service distribution industry; and

WHEREAS, the tentative order requires the City to identify industrial activity facilities by Standard Industrial Code classification ("SIC") and determine if such facilities are covered by an NPDES permit; and

WHEREAS, the responsibility for identifying industrial activity facilities by SIC and determining if such facilities are covered by an NPDES permit, should rest with regional board staff since it has more experience and expertise and is responsible for enforcing General Industrial Activity Storm Water Permit requirements on behalf of the State Water Resources Control Board; and

WHEREAS, the tentative order requires the City to establish legal authority to control the pollutants to the Municipal Storm Water System "by discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity"; and

WHEREAS, the tentative order's legal authority requires the City to control pollutant discharges from sites of industrial activity is excessive and probably not permitted because "sites of industrial activity," includes "11 categories of industrial activities required to obtain National Pollutant Discharge System (NPDES) permits for storm water discharges as required by 40 CFR 122.26(c)," and as such are regulated by the State Water Resources Control Board (under Water Quality Order No. 91-13-DWQ, NPDES General Permit No. CAS000001) and are enforced by the regional board. Requirements cannot be imposed on the City because the City would be preempted by State law from enforcing them and as asserted under finding #15 of Order 95-180, NPDES Permit No. CAS029718, Reissuing Waste Discharge Requirements for municipalities and districts in Santa Clara County: "... under the Clean Water Act, the regional board cannot delegate to the Dischargers its own authority to enforce these general permits," (made in reference to industrial and construction activity permits), because such discharges from industrial activities are already controlled; and

WHEREAS, the tentative order contains requirements that are not in Federal storm water regulations per Title 40, Code of Federal Regulations, §122(d)(2)(1)(A-F), including proscriptions mentioned in E.1(a)(b) of the tentative order (e.g., prohibiting littering and discharges to the Municipal Storm Water System from storage areas containing hazardous materials); and

WHEREAS, the tentative order prohibits the discharge of untreated wash waters from gas stations, auto repair garages, or similar use facilities and from mobile auto washing, steam cleaning, mobile carpet cleaning, and other

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such mobile commercial and industrial operations then state such discharges are prohibited under the illicit discharges and non-storm water sections of the tentative order; and

WHEREAS, such requirements also extends to gas stations, auto repair garages, or similar use facilities (a term also not defined in the tentative order), even though these commercial facilities are not, by the tentative order's own definition, considered sites of industrial activity; and

WHEREAS, tentative order overlooks the fact that the City does not have the authority to prohibit discharges from sites of industrial activity if the facility is covered under an NPDES general industrial activity permit and has certified to the regional board that it cannot eliminate non-storm water discharges; and

WHEREAS, although the City is prepared to allocate a portion of its resources to fund storm water/urban runoff pollution prevention programs, it is concerned about the cost-effectiveness of some of the programs proposed in the tentative order and potential legal costs associated not only with defending against frivolous citizen law suits resulting from unreasonable requirements imposed on the City by tentative order, but also in defending against legal challenges from facilities or individuals that the City has taken enforcement action for failing to comply with a vague or unreasonable legal authority requirement; and

WHEREAS, the tentative order is incomplete; and

WHEREAS, the tentative order references "standard pollution prevention practices developed by the American Water Works Association, California-Nevada Section," ("AWWA"), but does not describe such practices or append the referenced document to the orders; and

WHEREAS, potable water discharges to the Municipal Storm Water System are conditioned on the implementation of standard pollution prevention practices developed by AWWA and such practices are not totally appropriate because they were developed for water producers and cannot apply to potable water discharges originating from residential, commercial, and industrial sites; and

WHEREAS, the regional board was required by Federal regulations to adopt waste discharge orders authorizing the second five-year NPDES municipal permit in June of 1995; and

WHEREAS, since February of 1995, the regional board has been negotiating with the Executive Advisory Committee ("EAC"), consisting of individuals representing the County of Los Angeles, the City of Los Angeles, and other cities from six watersheds for the purpose of negotiating waste discharge order requirements with regional board staff; and

WHEREAS, city representatives of the EAC negotiating team, excluding the City of Los Angeles, disengaged from negotiations with the regional board staff in October of 1995 because it continually ignored requests from negotiating team for a complete draft of permit requirements; it failed to incorporate into its partial working draft waste discharge order recommendations from city negotiating team members; it made revisions to the working draft waste discharge order without prior consultation with negotiating team members; it failed to provide negotiating team members with a complete draft waste discharge order until December 1995, some ten months after negotiations began; and it first agreed and then reneged on several important waste discharge order issues; and

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WHEREAS, the City has apprised the regional board staff of the several problems associated with the December 18, 1995 draft permit waste discharge orders through extensive comments that were not addressed now presents problems in the tentative order; and

WHEREAS, the regional board informed cities that it would complete the tentative orders by April 30, 1996, but did not send cities the tentative orders until May 23, 1996; and

WHEREAS, the regional board staff retained a consultant to develop waste discharge orders for Ventura County authorizing its municipal storm water management program, yet it chose not to retain a consultant to develop a program for Los Angeles County; and

WHEREAS, the EAC developed an alternative storm water management program that corrects the several problems associated with the tentative order and submitted it to regional board staff; and

WHEREAS, regional board staff claims a "strong correlation" exists between the EAC's alternative storm water management program and the tentative order, however, the regional board staff has also asserted, the tentative order differs substantially from the EAC's alternative storm water management program; and

WHEREAS, the EAC and other cities subject to the tentative order have expressed a need for a shorter tentative order, (now over 100 pages), similar to other storm water management program waste discharge orders adopted in other regions of the state;

THE CITY COUNCIL OF THE CITY OF WHITTIER DOES RESOLVE AS FOLLOWS:

Section 1. Advise regional board members of the City's conditional support of the permit and recommend revision of the tentative orders to the following extent:

- A. Amend the receiving water limitations in a manner that does not cause the City to be in non-compliance with the orders such as those written for Santa Clara County (Order 95-180, NPDES Permit No. CAS02918.
- B. Amend provisions to be identified by City staff to eliminate contradiction and confusion;
- C. Amend provisions regarding the County-wide Storm Water Management Program and Watershed Management Program in the following manner:
  - i. The Program will not impose additional requirements on the City in the form of tasks or best management practices, without the opportunity to appeal such requirements to the regional board's governing body.
  - ii. The Program clarifies whether the City shall be subject to requirements of the County-wide Storm Water Management Program or the Watershed Management Program.
  - iii. The Program identifies the mechanism for determining which of the two plans will apply to the City and how each plan is implemented.

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D. Clarify proposed legal authority requirements including but not limited to the following:

- i. prohibiting untreated wash waters to the Municipal Storm Water System which is in conflict with the tentative order's prohibition on illicit discharges.
- ii. requiring proper disposal of food wastes by the food service and food distribution industries by defining "proper disposal" and identifying food service and distribution industries.
- iii. requiring specific tasks to achieve "compliance with conditions in ordinances, permits, and contracts".
- iv. requiring specific tasks to achieve "control through interagency or inter-jurisdictional agreements among Permittees or any alternative means, the discharge of one portion of the Municipal Storm Water System to another".
- v. prohibiting the placement of hazardous materials into refuse containers for municipal trash disposal.

E. Clarify the following non-storm water discharge provisions:

- i. the definition of "designated discharge".
- ii. the placement of street washing under "conditionally exempted discharges" and under "designated discharges".
- iii. conditioning the discharge of potable water discharges to the Municipal Storm Water System.
- iv. explaining what determines a non-storm water discharge to be designated discharges.

F. Delete or amend the following:

- i. findings 4, 5, and 6.
- ii. legal authority requirements pertaining to industrial activity facilities.

G. Resolve the conflict between industrial/commercial public education visits and enforcement of legal authority requirements.

Section 2. The City Clerk shall certify to the passage and adoption hereof.  
 APPROVED AND ADOPTED this 19th day of July, 1996.  
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ATTEST: JRLD YTC

*Kathryn Marshall*  
 KATHRYN A. MARSHALL, City Clerk

*Janet R. Henke*  
 JANET R. HENKE, Mayor

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CITY OF WHITTIER )  
 )  
STATE OF CALIFORNIA )

I, Kathryn A. Marshall, City Clerk in and for the City of Whittier, California, hereby certify that the above and foregoing is a true and correct copy of Resolution No. 6714, adopted by the City Council of the City of Whittier in Regular Session, Tuesday, the 9th day of July and same was passed by the following votes:

AYES: G. Nordbak R. L. Henderson  
A. P. Solnekoff J. R. Henke

NOES: None

ABSENT: D. O. Butler

WITNESS my hand and the official seal of the City of Whittier this 10th day of July, 1996.

Kathryn A. Marshall  
KATHRYN A. MARSHALL, City Clerk

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT. WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY OF WHITTIER THIS 15th DAY OF July, 1996.

Kathryn A. Marshall  
CITY CLERK

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**COMMENTS OF THE CITIES OF CARSON, WEST HOLLYWOOD, WESTLAKE  
VILLAGE, NORWALK, CUDAHY, LA HABRA HEIGHTS, SAN MARINO, DIAMOND  
BAR, ROLLING HILLS AND ARTESIA ON THE PUBLIC HEARING OF THE  
PROPOSED  
WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES  
ORDER NO. 96-XXX  
(NPDES NO. CAS614001)**

July 15, 1996

**TO THE REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION:**

We have received and have reviewed the Regional Water Quality Control Board's redlined revision of the Tentative "Waste Discharge Requirements for Municipal Storm Water Discharges Within the County of Los Angeles" (the "Tentative Permit"), dated July 5, 1996. We have been asked by the Cities of Carson, West Hollywood, Westlake Village, Norwalk, Cudahy, La Habra Heights, San Marino, Diamond Bar, Rolling Hills and Artesia to submit these comments on their behalf, although these cities have asked us to expressly reserve their right both to raise additional concerns to the Permit. We have addressed many of these matters and have included suggested modifications to specific provisions of the Tentative Permit.

We appreciate the time that the Board's staff, and, in particular, the Board's Assistant Executive Director, Catherine Tyrrell, have taken to meet with us over the past few months to discuss our concerns regarding the Tentative Permit and to try to draft language to address the concerns of the Permittee cities, while trying to balance the legitimate concerns of the environmental groups who have also been involved in the process.

Although we have worked with the Board's staff to try to resolve questions over the language of the Tentative Permit, a number of significant and fundamental policy issues regarding the scope and cost of the Storm Water Management Program prescribed by the Tentative Permit remain open to discussion.

**The Cost of Implementing the Permit**

The cities which we represent are certainly aware of the problems associated with storm water pollution. Their residents and businesses all share a common concern to preserve and enhance the water quality of the ocean. However, individual cities' fiscal and administrative resources for implementing storm water programs are limited. Of all the governmental agencies in California involved in this effort, the many small cities which we represent are the least suited to bear the full brunt of the responsibility for controlling storm water pollution, as the Tentative Permit requires. At this point, neither the state nor the U.S. Environmental Protection Agency have offered any sort of financial assistance to the

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cities in implementing a program that is designed to meet both regional and national objectives.

While the suggested modifications set forth below attempt to address matters of wording in the Tentative Permit, the fundamental policy issues raised by the extensive Storm Water Management Program set forth in the Tentative Permit cannot be quite so easily resolved. These are not simply issues of wording, but rather questions of how tens of millions of dollars will be spent by cities in Los Angeles County to address a problem, the sources of which are ill-defined. These are not just questions of "unfunded mandates," but rather how local agencies can best direct their efforts and apply their ever-shrinking tax revenues in an effective manner.

One very important concern has been the cost of implementing the programs set forth in the Tentative Permit. The potential costs of the individual programs and the potential quantifiable benefits have not been identified such that a realistic cost/benefit analysis can be made by individual cities.

Some rough figures can be derived by cost analyses already performed by some Permittee cities. For example, the cost estimates derived from the San Gabriel Valley COG Survey project annual costs for larger cities, such as Pomona, West Covina and Pasadena, at \$8.98 per person per year. (These costs tend to diminish somewhat for smaller, primarily residential cities.)

The City of Long Beach estimated that it is spending \$12.4 million a year and that the estimated costs of implementing the new programs under the Tentative Permit would be another approximately \$3.4 million, or about \$16.1 million total. That number works out to about \$38.35 per person a year.

The comparative cost numbers prepared by the Santa Monica Bay Restoration Project and presented at the Regional Board's June 18 workshop estimated an average cost of dedicated storm water program funding of \$3.34 a month per household, or approximately \$13.36 per person per year. Using that number as a base, a city with a population of approximately 40,000 could expect to spend over \$500,000 a year on its storm water program. For example, the City of Manhattan Beach, estimated that its current costs are in the neighborhood of \$850,000. A city with a population of approximately 100,000 people could expect to spend well over \$1,000,000 a year.

These numbers, of course, do not include potential increased costs to residents, business and industry in complying with the discharge prohibitions and other requirements set forth in the Tentative Permit. The financial impact of these regulatory requirements on the citizens and businesses of Los Angeles County have not been quantified.

ENCLOSURE

The Sources of Storm Water Pollution

All parties involved in this process, whether they represent the cities, the regulated community, environmental groups, or state agencies, share a common goal of ensuring that the monies spent on storm water programs were utilized in a cost effective manner. The cities which we represent have been particularly sensitive to the need for ensuring that objective and scientifically reliable data supports the specific approaches to storm water management programs set forth in the Tentative Permit and that these programs will achieve verifiable results.

Necessarily, the expenditure of such large amounts of money is an important public policy question, particularly in a situation where neither the state nor the federal government have been willing to provide any meaningful source of funds to carry out these programs. It should also be kept in mind that it is not the cities themselves that are the sources of storm water pollution; municipal facilities have not been identified, to our knowledge, as being significant sources of contaminated run-off. Rather, the sources of this type of pollution, to the extent they can be identified, appear to be primarily the result of hydrological changes brought about by urbanization, highway runoff, automobile/atmospheric deposit, industrial and construction activities (which are already regulated directly by the Board), accidental spills and illegal dumping, urban housekeeping and landscaping practices, and other activities over which cities have little practical control. (See, pp. 1-2 through 1-8 of the Municipal Best Management Practice Handbook.) Nevertheless, the cities are being ordered in the Tentative Permit to bear the full and unassisted responsibility for ending storm water pollution themselves.

Moreover, the contamination found in our bays and other receiving waters is not solely the result of storm water runoff; the contamination has been caused in significant part by point source discharges, as well as disposals and discharges that occurred before current regulatory initiatives under the Clean Water Act began.

One of the concerns that has been raised consistently is that the Storm Water Management Program set forth in the Permit attempts to dictate approaches to problems the sources of which have not been identified at this point. Regrettably, objective and reliable scientific data regarding the sources of pollution in our oceans and bays and the impact of storm water has not fully been developed. Perhaps more importantly, the effectiveness of management practices and other approaches to minimizing storm water pollution have not been established. While we certainly understand the urgency in addressing the problem, the Permittees' legitimate questions about the scientific reliability of the methods for addressing these problems should be fully considered before the Permittees' limited administrative manpower and resources are devoted to a particular approach to the storm water pollution.

Also, the proposed findings contained in the Tentative Permit refer to a wide variety of studies regarding storm water pollution. In many cases, the applicability and the scientific reliability of some of the studies is open to question. While we have not specifically addressed such matters in these comments, you should not interpret the Permittees lack of comment at this time as an approval of such studies or reports.



Similarly, we are not confident that the results of the water quality assessments performed to date with respect to certain receiving waters can be extrapolated to every watershed and every Permittee covered by this permit.

Compliance With the California Administrative Procedure Act

The process by which the Tentative Permit was developed did not follow applicable principles of California administrative law. One of the biggest problems which the Board staff and the representatives of the Permittees have faced in the process has been the lack of any established, clearly-defined *written* policies, guidelines, objectives, or regulations setting forth the specific elements must be included in a municipal storm water permit issued by the Board. Although the State Board has adopted very general regulations for the issuance of waste discharge requirements in 23 C.C.R. §§2200 *et seq.*, those regulations do not directly address the specific components of a municipal storm water NPDES permit. Similarly, although the United States Environmental Protection Agency's regulations contained in 40 CFR Section 122.26 address the requirements for a permit *application*, those regulations do not set forth specific requirements for the contents of a municipal storm water NPDES *permit*. (See, for example, 40 CFR Section 122.41)

As a result, the Tentative Permit is an amalgamation of excerpts from different guidance manuals, reports, extracts from other permits, and suggestions and ideas developed without compliance with California's Administrative Procedure Act. California Government Code §§11340, *et seq.* ("APA").

While the issuance of individual waste discharge requirements may not be subject to the provisions of the APA (See, Government Code §11352(b)), the standards, objectives and guidelines which dictate the content of those requirements have to be formally adopted in accordance with the APA. (Government Code §11352(b).) California law does not permit either the State Water Resources Control Board or any of the Regional Water Quality Boards to develop and impose requirements of general application in such a manner; like any other state agency, the Board is required to *first* formally establish its objectives, guidelines and requirements through formal rulemaking in compliance with the APA. (Government Code §11340.5(a).)

The APA prohibits state agencies from issuing, utilizing enforcing or attempting to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule which is a "regulation", as defined in Government Code §11342(g), unless the rule has been adopted as a formal regulation. Government Code §11340.5; Union of American Physicians and Dentists v. Kizer, 223 Cal.App.3d 490, 496 (1990). Rulemaking is required whenever an administrative agency creates a new rule for future application, as opposed to applying an existing rule to existing facts. See, Twentieth Century Insurance v. Garamendi; 8 Cal.4th 216, 275 (1994); see also Grier v. Kizer, 219 Cal.App.3d 422, 434 (1990).

A "regulation" is defined as "every rule, regulation, order, or standard of general application ... adopted by a state agency to implement, interpret, or make specific

the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the state agency." Government Code §11342(b). "House rules" of an agency, promulgated without public notice or an opportunity to be heard, or filing with the Secretary of State, and publication in the California Code of Regulations, are prohibited. Union of American Physicians and Dentists v. Kizer, *supra*, 223 Cal.App.3d 497.

Government Code §11353(b)(1) specifically provides that "any policy, plan, or guidelines, or any revisions thereof, the State Water Resources Control Board has adopted or that a court determines is subject to this part, after June 1, 1992, shall be submitted to the office [the Office of Administrative Law]."

Our courts have held, and the Board has agreed, that water quality control programs are subject to the Administrative Procedure Act. See, State Water Resources Control Board v. Office of Administrative Law, 12 Cal.App.4th 697 (1993). In that case, the court concluded that the regulatory matters contained in water quality control plans were actually regulations. Those regulations are neither expressly nor impliedly exempt from the provisions of the Administrative Procedure Act. On that basis, the Court invalidated a water quality control plan. (12 Cal.App.4th at 706) In doing so, the court held that "... if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labelled it." (12 Cal.App.4th at 703) The various procedural steps followed for issuing waste discharge requirements contained in 23 C.C.R. §2200, *et seq.* are not a substitute for this process.

The principle underlying the APA's requirements is that state agencies are not allowed to adopt or enforce unwritten laws, regulations or policies. When applying for a permit, applicants have a right to know in advance what requirements will be imposed upon them. Applying for a storm water permit, or any other permit, does not give the Board a blank check to impose any requirements it believes are appropriate, no matter how well-intentioned the Board's objectives may be.

Regional Board staff has expressly stated on a number of occasions that the State Water Resources Control Board is attempting to develop and implement permit conditions which will be consistent from one region to the other. Such action is rulemaking in its most basic form. However, no notice of rulemaking was ever issued, nor was any regulatory package submitted to the OAL for approval.

The procedural requirements of the APA serve a very important function of ensuring that the policy, cost and scientific issues raised by a regulatory initiative, such as this, are fully considered. Before adopting a regulation, an agency is required by Government Code § 11346.2 to consider and provide a full statement of the reasons for the regulation, which includes a discussion of the specific purpose of the regulation, "an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the adoption, amendment, or repeal of a regulation...", and "...the alternatives to the regulation considered by the agency and the

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agency's reasons for rejecting those alternatives...", among other things. That section also allows the Board to

"... adopt regulations different from federal regulations contained in the Code of Federal Regulations addressing the same issues upon a finding of one or more of the following justifications:

- (A) The differing state regulations are authorized by law.
- (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment."

In this case, the Board believes that it is only carrying out federal mandates. Under such circumstances, Government Code § 11346.2(c) requires

- " (c) ... However, the agency shall comply fully with this chapter with respect to any provisions in the regulation that the agency proposes to adopt or amend that are different from the corresponding provisions of the federal regulation. "

(See, also, Government Code § 11346.5(a)(3)(A).)

Most importantly, Government Code § 11346.5(a) requires the agency to make:

- "(5) A determination as to whether the regulation imposes a mandate on local agencies or school districts and, if so, whether the mandate requires state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4.
- (6) An estimate, prepared in accordance with instructions adopted by the Department of Finance, of the cost or savings to any state agency, the cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4, other non-discretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state. For purposes of this paragraph, "cost or savings" means additional costs or savings, both direct and indirect, that a public agency necessarily incurs in reasonable compliance with regulations."

Government Code § 11346.3(a) also requires the agency to "assess the potential for adverse economic impact on California business enterprises and individuals, avoiding the imposition of unnecessary or unreasonable regulations or reporting, record-

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keeping, or compliance requirements." See also, Government Code § 11346.3(c), and Government Code § 11346.9, 11347.3. Government Code § 11346.3(a)(11) requires a determination of the impact of the regulation on housing costs.

The need for the analysis inherent in formal rulemaking under the APA is readily apparent in this case. This permit will have a significant impact not only on the individual Permittee cities, but also on their residents, businesses and industries, and the economy and housing market in Southern California.

The procedures set forth in the APA ensure that the important policy, cost and scientific issues are fully addressed and a proper administrative record is made. In our comments to prior drafts of the permit, we asked that an application be made to the Office of Administrative Law to determine whether the Board first must engage in formal rulemaking to develop the written guidelines which would be applied in issuing this or any other municipal storm water permit, *before* attempting to establish the terms of this proposed permit. We reiterate that request. We believe that the failure to institute formal rulemaking early in the process will leave open a means for attacking the Tentative Permit, if adopted, on the ground that the Board failed to comply with the APA.

Unfunded State Mandates

The Tentative Permit is also exposed to criticism on the ground that it is "unfunded mandate." The Tentative Permit requires numerous new programs which individual cities will have to fund and implement, despite the fact that no funding mechanism, nor any assistance, financial or otherwise, is being provided to the cities.

Article XIII B, Section 6 of the California Constitution requires a state agency which mandates a new program or a higher level of service to provide a "subvention" of funds to reimburse local governments for the costs of the program or increased level of service. To our knowledge, the State Board made no such provision for funding the programs which it has proposed in the current draft.

The Board purports to be implementing the requirements of the Clean Water Act ("CWA") and the U.S. Environmental Protection Agency's regulations under the CWA. Article XIII B, Section 6 prevents the state from shifting the cost of government from itself to local agencies. State agencies are not free to shift state costs to local agencies without providing funding merely because those costs were imposed upon the state by the federal government. If the state freely chooses to impose costs upon a local agency as a means of implementing a federal program, then those costs should be reimbursed by the state agency. See, Hayes v. Commission on State Mandates, 11 Cal.App.4th 1564, 1593-1594 (1992). If the state refuses to appropriate money to reimburse a city, the enforcement of the state mandate can potentially be enjoined by a court. See, Lucia Mar Unified School District v. Honig, 44 Cal.3d 830, 833-834 (1988).

The Tentative Permit contains many new programs and mandates which go beyond the specific requirements of either the Clean Water Act or the EPA's regulations

implementing the CWA. These are new state programs which are not being specifically required by the federal government, but, instead, have been initiated, formulated and proposed by the Regional Board's and State Board's staff.

While we understand that the Board's staff disagrees with our analysis of this issue, the Regional Board should nevertheless support the cities in obtaining reimbursement from the state for these programs. If not, we believe that the California Commission on State Mandates should be allowed to hear and determine a test case and to decide whether the programs proposed in the Tentative Permit are reimbursable.

There should be no misunderstanding that our cities fully support the same objectives that the Regional Board and the environmental groups wish to achieve. However, our clients will be signing the checks to pay the costs of these programs. While certainly they will have input in the development of these programs, we believe the Board has to carefully consider the costs and benefits before requiring cities to implement them. With these concerns in mind, we ask that the Board, at the very least, make the following changes outlined below in the Tentative Permit.

#### SUGGESTED MODIFICATIONS

The following suggested modifications refer to the July 5 Draft of the Tentative Permit.

#### FINDINGS.

##### Finding No. 12, page 4.

Finding No. 12 acknowledges that the Permittees cannot control all pollutants which enter storm water or the MS4. However, we do not agree with the conclusion set forth in the last sentence of the Finding, which states, as follows:

"However, Permittees can implement measures to minimize entry of these pollutants into storm water."

There are no practical or realistic measures which Permittees can implement to minimize entry of "polycyclic aromatic hydrocarbons which are the products of internal combustion engine operation, . . .", or any of the other pollutants identified in Finding No. 12. For that reason, we believe that the last sentence of Finding 12 should be deleted.

##### Finding No. 15, pages 4-5.

Finding No. 15 states that the Permit includes "management measures for pollution from urban runoff and marinas, thus, it provides functional equivalence for compliance with CZARA in these two areas." In our review of the Permit, we found no

specific provisions addressing either marinas or recreational boating. We are concerned that this finding may imply a requirement for Permittees to develop management measures for marinas and recreational boating. We suggest that the last sentence of this Finding be modified, as follows:

"The management measures included in this order are intended to provide functional compliance with the requirements of CZARA."

Finding No. 21, page 6.

This finding refers to the Santa Monica Bay Restoration Plan as having been developed to serve as a blueprint for the Santa Monica Bay's recovery and that the plan "provides guidance to the Regional Board for the development of a strong, environmentally-sound storm water program." We are concerned that this finding might be incorrectly interpreted as a determination that the Bay Restoration Plan is a water quality control plan approved by the Board, which, to our knowledge, is not the case. A number of cities have not approved the Bay Restoration Plan. The Board should not implement the measures and apply the guidance recommended in the Bay Restoration Plan without proceeding through formal rulemaking. Accordingly, we ask that this finding be deleted.

Finding No. 25, page 7.

We are concerned about the breadth of revised Finding No. 25. Specifically, the reference to "facilities with paved surfaces subject to frequent motor vehicular traffic . . ." is far too broad and could encompass everything from residential driveways to freeways. Our clients do not necessarily agree that the studies referred to in the finding confirm accuracy of the statements in this finding. We suggest that the first sentence of the finding be modified, as follows:

"Studies indicate that facilities such as retail gasoline stations, or facilities which perform vehicle repair, maintenance or fueling, are potential sources of pollutants of concern in storm water...."

We also suggest that the first sentence of the second paragraph be modified, as follows:

"Studies also suggest that the implementation of best management practices by facilities such as retail gasoline stations, vehicle repair, maintenance and fuelling facilities may reduce storm water pollutants from these types of facilities."

Finding 27, pages 8.

In order to clarify that the Permit does not impose any requirement under this Permit to comply with any numerical water quality objectives or water quality standards, we

suggest that either Finding No. 27 be supplemented or a new finding be added to the Permit to include the following provision:

"Neither the Clean Water Act nor EPA's regulations require numeric water quality-based effluent limitations. EPA has found that numeric limitations for storm water permits are technically infeasible to develop at this time because of the existing state of knowledge about the intermittent and variable nature of these discharges, their effects on receiving waters, and the effectiveness of control measures in achieving numeric effluent limitations and improving water quality. Under the Clean Water Act and federal regulations, the State Board and the Regional Board are authorized to employ a variety of controls in storm water permits, such as best management practices, where, as in this case, numeric effluent limitations are determined to be infeasible. Accordingly, this Order only uses best management practices, which are both recommended in this Order and will be developed by the Principal Permittee and the Permittees, as its water quality-based limitations, rather than any numeric effluent limitations."

Finding No. 28, pages 8 and 9.

Finding No. 28, as set forth in the prior draft of the Permit, was very important from the standpoint of the Permittees. While the Tentative Permit contains the first sentence of the original Finding, the second sentence, which was just as important for Permittees, was deleted. Those provisions should be re-inserted in the Permit, in the following modified form:

"Therefore, this Order includes a procedure for evaluating whether a storm water management program should be revised. A Permittee will be considered to be in compliance with the Receiving Water Limitations of this Order so long as it implements the storm water programs developed pursuant to this Order in conformance with the schedules set forth herein.

Finding No. 30, page 9.

After further consultation with our clients, we suggest that the first sentence of this finding be further modified as follows:

"Each Permittee is only responsible for the development and implementation of the appropriate storm water management program pursuant to the requirements of this Order, and not for the development and implementation of the provisions applicable to the Principal Permittee or other Permittees."

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Finding No. 30, page 9.

We had understood that this Finding would be modified in accordance with the suggestions attached to our letter of June 26, 1996. While most of the changes we suggested have been made, the Finding was not modified completely in the manner which we had suggested. Also, new language was included which, we believe, is ambiguous. Accordingly, we ask that the second (and last) sentence of this Finding be modified to conform with our prior request, as follows:

"A Permittee is required to comply only with the requirements of this Order applicable to discharges which originate from facilities within its boundaries and over which it has regulatory control. A Permittee is not responsible for discharges originating outside of its boundaries or for those discharges over which it has no realistic regulatory control."

Finding No. 38, page 11.

Considering the changes to Section I.G. of the Storm Water Management Program Requirements (at pages 25 and 26), Finding No. 38 should be modified to void any inadvertent inconsistency with the requirements of Section I.G. We suggest that the Finding be modified to read, as follows:

"This Order provides the flexibility for a Permittee to petition the Regional Board Executive Officer to substitute a BMP or requirement under the SWMP with an alternative BMP or requirement."

The remainder of the sentence should be deleted.

PART I - DISCHARGE PROHIBITIONS AND RECEIVING WATER LIMITATIONS.

II. Receiving Water Limitations, page 13.

Despite the improvements in this section, our clients have expressed a considerable amount of concern about the language of the Receiving Water Limitations of the Tentative Permit and wish to ensure that there is absolutely no misunderstanding or implication that the Permit imposes any requirement under this Permit to comply with any numerical water quality objectives or water quality standards set forth in the Basin Plan. Accordingly, we suggest that the second sentence be modified, as follows:



\* It is the ultimate purpose of this Order that the discharge of storm water, or non-storm water, from the municipal separate storm sewer system (MS4).....\*

We also suggest that the first sentence of paragraph 2 of this section be modified, as follows:

"Timely and good faith implementation by a Permittee of the storm water management programs prescribed in this Order will satisfy the requirements of this section and will constitute compliance with receiving water limitations.

We also believe that the reference in this section to the Integrated Receiving Waters Impact Report should be modified in the following manner and moved to Section VII.D, at page 74:

"However, if the Integrated Receiving Waters Impact Report required in this order (Section VII.D.) and other objective and scientifically reliable data show that the discharges authorized under this Order still cause or contribute to the impairment of beneficial uses or exceedances of water quality objectives, . . ."

**PART 2. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS.**

**I. Program Management**

**Section I.E.1. page 21 (Legal Authority).**

We believe that Sections I.E.a. through c. of the Legal Authority provisions can be deleted. Although Permittees can be required to demonstrate legal authority to conform with the requirements of 40 CFR § 122.26(d)(2)(i), neither EPA's regulations, nor the sample legal authority contained in EPA's guidance manuals, prescribe the requirements set forth in this section. (See, for example, Appendix C to EPA's "Guidance Manual for the Preparation of Part 2 of the NPDES Permit Applications for Discharges from Municipal Separate Storm Sewer Systems" (November 1992).) Also, other permits recently issued in other regions do not contain such specific requirements. (See, for example, Section V.9 of Order No. 96-30 (NPDES No. CAS618033), dated March 8, 1996 (the "Permit") and issued by the Regional Water Quality Control Board - Santa Ana Region ("RWQCB-SAR"), which regulates Areawide Urban Storm Water Run-off for the County of Riverside and Incorporated Cities within Riverside County.)

Representatives of other cities have specifically commented upon the constitutional implications of a state agency dictating in a regulatory permit specific ordinances which Permittees would be required to adopt to comply with the Permit. We

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believe that this concern would be avoided by simply requiring compliance with 40 CFR § 122.26(d)(2)(i).

As an alternative, we suggest that the subsections of Section I.E.1. be modified to track the language of the federal regulations, as follows:

- a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity, unless permitted under a separate NPDES permit.
- b. Prohibit illicit discharges and illicit connections to the MS4 and require removal of illicit connections;
- c. Prohibit the discharge and the dumping or disposal of materials other than storm water, or exempted discharges, conditionally exempted discharges or designated discharges, to the MS4.

Section I.E.1. page 23 (Legal Authority).

We also suggest that the last paragraph of this section be modified in the following manner:

"The above requirements (Part 2.I.E.1.) do not require inspection of private property. Legal authority is necessary, however, so that if a Permittee becomes aware of situations on private property cause open and obvious prohibited discharges to the MS4 or pose the potential for such discharges, the Permittee has the legal authority to abate such discharges"

Section I.G.2(d). page 26. (Administrative Review)

We suggest that this new section be modified, as follows:

"The Executive Officer shall not take enforcement action against a Permittee until thirty (30) days after the Executive Officer has notified the Permittee in writing that the administrative review process has been exhausted and that the Executive Officer has determined that a violation exists warranting enforcement and the specific facts upon which the Executive Officer has based such a determination."

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Section II.C.1. page 32 (Exempted Discharges).

We suggest that this subsection be modified, as follows:

"f. Discharges or flows from emergency fire fighting activities and fire training activities."

Section II.C.2. pages 32-33. (Conditionally Exempted Discharges).

We believe that Subsection (k) should be modified to include non-commercial car washing activities, such as charitable car washes, as follows:

" (k) Non-commercial vehicle washing; and .... "

We also believe that a new Subsection (m) should be added to include graffiti removal activities, as follows:

"m. Flows and discharges from graffiti removal activities."

One of the major problems raised by this Permit is the potential health problem posed to cities which permit outdoor dining. Health and safety considerations dictate that these dining areas be washed. Accordingly, we also suggest that the following new subsection (n) be added to the list of conditionally exempted discharges:

"n. Cleansing of outdoor dining areas, as required by health and safety statutes, ordinances or regulations."

Lastly, the reference to the "Executive Officer" in the first paragraph be changed to the "Regional Board" to ensure consistency with the second paragraph of Designated Discharge Section (Section II.C.3).

Section II.C.4 (Procedures for Exemption). page 34.

Exemption requests should be subject to the administrative review process set forth in Section I.G.1 of the Permit. The last paragraph of this section should be modified, as follows:

"The exemption request for additional non-storm water discharges may be submitted, beginning with the first Annual Report, and will be reviewed and acted upon by the Executive Officer in accordance with Section I.G.1 of this Order."

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**IV. Public Agency Activities.**

**Section IV.C.1. page 50 (Sewage System Operations).**

We suggest that a new subsection (f) be added, as follows:

"To the extent a Permittee's sewage system operations are performed by the Principal Permittee, the Principal Permittee's development and implementation of the foregoing procedures will be deemed functional compliance with this section of this Order."

**Section IV.C.3.a.ii-iv (Vehicle Maintenance). page 51.**

We believe Sections (ii) through (iv) should be eliminated or that the requirement should be clearly limited to those public agency facilities which are the equivalent of Federal Phase 1 facilities.

**Section IV.C.3.b (Vehicle Maintenance). page 51.**

The preface to this subsection should be modified to read as follows:

"BMP's for facilities covered under Section IV.C.3.a. to improve Site-Specific pollutant control . . ."

**Section IV.C.4 (Landscape and Recreational Facilities Management). pages 51-52.**

We believe that this section should be deleted. Unlike Sections IV.C.2 and 3., which only apply to facilities that would otherwise be regulated under the General Industrial/ Commercial Permit or the General Construction Activity Permit, the requirements set forth in this section go beyond the requirements otherwise imposed on private facilities. (See, Source Control BMP's, Section 4, Industrial/ Commercial Best Management Practice Handbook). Individual Permittees should have the option of selecting the BMP's applicable to their facilities from those already developed by the State Board in the Municipal Best Management Practice Handbook rather than have specific BMP's arbitrarily dictated to them

**Section IV.C.5.a (Storm Drain Operation and Maintenance). page 53.**

The provisions for record-keeping of catch basins cleaning and the recording of overall quantity of base collected should be deleted. This function is performed by the County for many Permittees. We are informed that the County does not provide such information to the individual cities.

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Section IV.C.5.d (Storm Drain Operation and Management), pages 53-54.

We understood that this subsection regarding a program to investigate the feasibility of dry weather flow diversion would be shifted to the responsibilities of the Principal Permittee. We again request that this requirement either be shifted or deleted.

Section V. Public Information and Participation

Section V.A.1.a.v. (Immediate Outreach- Written Material) page 59.

This second sentence of this subsection should be modified as follows:

"This list should be updated regularly, but not more often than once a year."

Section V.B.3.b (Educational Site Visits), page 64.

The educational site visit program set forth in the Permit is based upon the premise that a means is available for individual Permittees to conduct such educational site visits. Unfortunately, most Permittee cities do not conduct industrial inspection programs themselves. In many cases, the programs for industrial waste or fire inspection are performed by the County of Los Angeles on a contract basis. Although the County has indicated its willingness to try to incorporate a storm water educational site visit program into the inspection services it already provides on a contract basis to cities, the Permittees still have not received a firm response from the County on this program. Accordingly, the imposition of the educational site visit program should be made contingent upon Principal Permittee agreeing to provide services to contract cities, which would include educational site visits at a reasonable cost.

With respect to the specific sections, new subsection B.3 has been modified to add the phrase "and other legal instruments". We believe that the new additional language should be deleted on the basis that it is ambiguous.

Section V.B.3.c (Educational Site Visits), page 64.

The Tentative Permit includes a new subsection (c) requiring quarterly reports on site visits which was not discussed with the interested parties. We had understood that, in general, quarterly reports would not be required. We ask that this provision be deleted.

Section V.C.1.b.iv.dd (Five-year Storm Water Education Strategy) page 68.

We understood that this subsection would be modified to read, as follows:

"dd. Applicable NPDES municipal permit requirements."

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PART 3. STANDARD PROVISIONS.

Section II, page 75.

In our prior comments, we asked that the provision that a report be signed under penalty of perjury be deleted. It appears to us that 40 CFR § 122.22 (Certification Requirements), only applies with respect to permit applications. That certification is simply under penalty of law.

Considering that most of the information obtained in reports would be prepared by third parties, we do not believe it is practicable or equitable to require a mayor of a city to make a declaration under penalty of perjury. A better approach would be to simply refer to the certification requirements of 40 CFR § 122.22, except for the certification by legal counsel regarding the Permittee's legal authority, as set forth in Section I.E.2.a. (see, the State Board's Water Quality Order No. 91-13-DWQ (as amended by Water Quality Order No. 92-12-DWQ) National Pollution Discharge Elimination System Permit (NPDES) General Permit No. CAS000001- Waste Discharge Requirements for Storm Water Discharges Associated With Industrial Activities Excluding Construction Activities, Section C.9 and 10.)

Also, the word "in" between the words "described" and "above" in Section A should have been deleted.

CONCLUSION

We recognize that the drafting of this Permit represented a major regulatory effort by the staff of the Regional Board, who were put in a very difficult position of trying to balance competing interests of the environmental community, the Permittee cities, and the businesses and residents of this County. We understand the need to promptly adopt a storm water permit for the Permittee cities so that new programs can be developed and implemented. However, we believe that all parties involved share a common goal of ensuring that the Permit sets achievable and realistic goals and programs. For that reason, we ask that the Board reconsider the Tentative Permit before it and, at the very least, modify the Permit in the manner set forth above.

DATED: July 12, 1996

RICHARDS, WATSON & GERSHON  
A Professional Corporation

By: \_\_\_\_\_  
John J. Harris

00520

Table 1

RESOLUTIONS/LETTERS RECEIVED AFTER 7/9/06

PERMITTEES	DATE RECEIVED	R=RESOLUTION L=LETTER	ADOPT	POSTPONE
Baldwin Park (Rutan & Tucker, LLP)	7/10	R	yes*	
Monrovia	7/10	R		yes**
El Segundo	7/10	R		yes**
Glendale	7/10	R		yes**
Temple City	7/10	R		yes**
Santa Monica	7/11	R	yes	
Downey	7/12	R		yes**
Rosemead	7/12	R		yes**
Cudahy	7/12	L	yes***	
Rolling Hills Estate	7/12	L	yes	
Los Angeles	7/12	R	yes	
Duarte	7/12	R		yes**
Pomona	7/12	Comment L	N/A	N/A
Santa Fe Springs	7/12	R		yes**
San Gabriel	7/12	L		yes
Hawthorne	7/12	L		yes**
Torrance	7/12	L		yes**
Richards, Watson & Gershon (represent several cities)	7/12	Comment L		
<b>GOVERNMENT OFFICIALS</b>				
Assembly Member Dominic Cortese	7/11	L		yes
Assembly Member Diane Martinez	7/12	L		yes
<b>Others</b>				
Southern California Edison	7/10	L	yes	
Southern California Gas Co.	7/11	L	yes	
South Bay Association of Chambers of Commerce	7/12	L	yes****	

\*Conditional support - provided some findings are deleted as not applicable/requires clarification on some provisions/suggests deletions of some legal authority requirements. The issues raised were already addressed or responded to; as to clarifications, these could be handled by the Executive Officer.

\*\*Have similar arguments (most are exact copies) - unscientific findings, unfunded mandates, delete receiving water requirements, liability exposure, delete requirements relating to administration of State-issued permits, approval of model programs by the regional board, reopener clause. All these issues were already addressed or responded to.

\*\*\*Supports provided permit is amended according to comments from Richards, Watson & Gershon. Most of the comments are refinements in the language, others were already either addressed or responded to.

\*\*\*\*Supports the permit provided unfunded mandate, cost, & achievable goals/objectives are resolved.

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**TABLE 2**  
 RECEIVED ON, BEFORE & AFTER 7/5 NOT INCLUDED IN  
 TABLE 1

LETTERS OF SUPPORT	NO. OF SIGNATORIES
<b>Government Officials</b>	<b>8</b>
Senator Tom Hayden, 23rd District	
Assembly Member Richard Katz, 39th District	
Assembly Member Wally Knox, 42nd District	
Assembly Member Antonio Villaraigosa, 45th District	
LA Board of Supervisors - Resolution	
LA Co. Supervisor Zev Yaroslavsky	
Council Member Ruth Galanter, City of Los Angeles	
Brad Sherman, Member, State Board of Equalization	
<b>Total Number of Concerned Citizens</b>	<b>2,290</b>
<b>Environmental Groups</b>	<b>8</b>
<b>Chamber of Commerce</b>	<b>3</b>
Santa Monica	
Venice	
Westside Council	
<b>Business &amp; Industry</b>	<b>154</b>
Architectural/Engineering Firms	11
Auto Dealerships	2
Developers/Real State/ Construction	5
Entertainment	59
Environmental Groups	8
Hotels	6
Law Offices	15
Medical Services	4
Restaurant/Cafe'	1
General Business & Retail Stores	43

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02520

7/14/96



420

RECEIVED AT THE HEARING ROOM, 7/15/96  
 = 420 signatures  
 Petition for a Clean Santa Monica Bay P/S. page  
 to the Regional Water Quality Control Board to BOARD  
 MEMBERS!

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches - and the economic benefits of the coastal economy for Southern California.

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<i>M Jewett</i> Your Signature Michelle Jewett 1328 E. 2nd #16 Business or Organization SANTA MONICA CA 90402 Phone	
<i>Jennifer Graham</i> Your Signature Jennifer Graham (805) 254-0856 Business or Organization Phone	
<i>Susan Shin</i> Your Signature Susan Shin 17444 oak creek ct. Business or Organization (818) 990-2289 Phone	
<i>Caryl Woodford</i> Your Signature CARYL WOODFORD 12629 Erwin ST Business or Organization VAN NUYS CA 91401 Phone	
<i>Patricia Sullivan</i> Your Signature PATRICIA SULLIVAN 4116 COLFA AVE Business or Organization SANTA MONICA CA 90405 Phone	
<i>Larry Whittington</i> Your Signature Larry Whittington 246 W Linden Ave #5 Business or Organization DARTMOUTH 91502 Phone	
<i>Jane Jones</i> Your Signature Jane Lasseter 15013 Devonshire St #125 Business or Organization (818) 831-0223 Phone	
<i>Anthony Thibodeau</i> Your Signature ANTHONY THIBODEAU 5700 CHICAGO AVE #500 Business or Organization SANTA MONICA Phone	
<i>Madeline Bennett</i> Your Signature Madeline Bennett 12022 Marshall St #10 Business or Organization CULVER CITY CA 90230 Phone	
<i>Barr L. Tiff</i> Your Signature Barr L. Tiff (818) 981-3762 Business or Organization Action New Phone	
<i>Richard Currier</i> Your Signature Richard Currier 7115 Cedar St Huntington Park Business or Organization HUNTINGTON PARK Phone	
<i>Angela E. Graf</i> Your Signature Angela E Graf 1724 Alvarado Hwy #4 Venice CA 90291 Business or Organization Phone	

02291

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches - and the economic benefits of the coastal economy for Southern California.

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<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>JAM BENNETT-KRAUSE</u> <u>KRAUSE Helioptic</u></p> <p>Print your name Address Phone</p>	<p><u>375-5477</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>DR. GERALD KRAUSE</u> <u>KRAUSE Helioptic</u></p> <p>Print your name Address Phone</p>	<p><u>P.O. Box 7400</u> <u>798-6420</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>KATHLEEN S. UNGER</u> <u>27 SEA COLONY DR. SANTA MONICA</u></p> <p>Print your name Address Phone</p>	<p><u>90415</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>VERIE ROHLEY</u> <u>22426 PCH #15 Malibu</u></p> <p>Print your name Address Phone</p>	<p><u>90265</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>Paula Tellepach</u> <u>Hollywood CA</u></p> <p>Print your name Address Phone</p>	<p><u>203-462-7413</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>Scott Macpherson</u> <u>460 Bishop Ave. Berkeley CA</u></p> <p>Print your name Address Phone</p>	<p><u>510-840-1776</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>Jacob Cohen</u> <u>504 Santa Clara Ave. San Francisco</u></p> <p>Print your name Address Phone</p>	<p><u>415-775-5171</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>Ginger Embry</u> <u>10541 Berson St. Norwalk</u></p> <p>Print your name Address Phone</p>	<p><u>90450</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>Mary E. Embry</u> <u>10541 Berson St. Norwalk</u></p> <p>Print your name Address Phone</p>	<p><u>90450</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>BARBARA FILET</u></p> <p>Print your name Address Phone</p>	<p><u>(310) 316-7150</u></p>
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>WENT STAMPELL</u> <u>6485 MARY ST. L.A.</u></p> <p>Print your name Address Phone</p>	
<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Name of Organization</p> <p><u>K MAIDER</u> <u>7300 Myrtle Ave Van Nuys</u></p> <p>Print your name Address Phone</p>	<p><u>818-708-2117</u></p>

CONSON

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches – and the economic benefits of the coastal economy for Southern California.

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32534

<i>Cassid M. Holden - Ybarras</i> Your Signature	Business or Organization
<i>Cassid M. Holden - Ybarras</i> Print your name	<i>14317 OSTERDADE LANE, MALIBU, CA 90265</i> Address Phone
<i>Felicia Bender</i> Your Signature	Business or Organization
<i>Felicia Bender</i> Print your name	<i>4221 Woodman Av. Sherman Oaks CA 91423</i> Address Phone
<i>STEVE GIL</i> Your Signature	Business or Organization
<i>STEVE GIL</i> Print your name	<i>1804 S. BENTLEY LA CA 90045</i> Address Phone
<i>Michelle G. Francis</i> Your Signature	Business or Organization
<i>Michelle G. Francis</i> Print your name	<i>551 Grand Blvd Venice CA 90291</i> Address Phone
<i>Tina L. White</i> Your Signature	Business or Organization
<i>Tina L. White</i> Print your name	<i>7750 BOLSA BLVD MIDWAY CITY CA 90645</i> Address Phone
<i>Yvonne G. Maye</i> Your Signature	Business or Organization
<i>Yvonne G. Maye</i> Print your name	<i>709 Larch Ave. Culver City CA 90230</i> Address Phone
<i>Robert Dan</i> Your Signature	Business or Organization
<i>Robert Dan</i> Print your name	<i>1001 RIVERSIDE DR TULLY LAKE CA 91602</i> Address Phone
<i>Lisa A. Upton</i> Your Signature	Business or Organization
<i>Lisa A. Upton</i> Print your name	<i>23237 ARLING AVE #113 VAN Nuys CA 91411</i> Address Phone
<i>Lisa Crossley</i> Your Signature	Business or Organization
<i>Lisa Crossley</i> Print your name	<i>7365 MANORVILLE LA 90045</i> Address Phone
<i>LA TIG</i> Your Signature	Business or Organization
<i>LA TIG</i> Print your name	<i>12700 MCKENNA LANE LA 91724</i> Address Phone
<i>Anthony Carrau</i> Your Signature	Business or Organization
<i>Anthony Carrau</i> Print your name	<i>3034 E 6TH ST LB 310439-290</i> Address Phone
<i>Michael White</i> Your Signature	Business or Organization
<i>Michael White</i> Print your name	<i>Burbank 3610</i> Address Phone

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new county-wide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches - and the economic benefits of the coastal economy for Southern California.

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	<p><i>[Signature]</i>  <small>Your Signature</small>                  Barbara Tenzer 2350 Postlewaist LA CA 90007  <small>Print your name Address Phone</small></p> <p><small>Business or Organization</small>                  Business or Organization</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Gretchen Knudsen 7502 Funtan Ave LA CA 90046  <small>Print your name Address Phone</small></p> <p><small>Business or Organization</small>                  Business or Organization</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Maria Vigil 21856 Tumblerwood Circle, Leek Forest  <small>Print your name Address Phone</small> 92630</p> <p><small>Business or Organization</small>                  Business or Organization</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Sonnet L. ABELS CSUB L.B. CA 90840  <small>Print your name Address Phone</small> 0902</p> <p><small>Business or Organization</small>                  Business or Organization</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Jo Ann Rivers 1036 S. CURSON AV  <small>Print your name Address Phone</small> 90011 6602</p> <p><small>Business or Organization</small>                  CITIZEN</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Lisa Shin 4732 E. La Villa Pl Marina 41572  <small>Print your name Address Phone</small></p> <p><small>Business or Organization</small>                  LAUSD Teacher</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Todd D. Schwartz 338 N. New Hampshire Ave., #14, L.A., Cal., 90004  <small>Print your name Address Phone</small> 662</p> <p><small>Business or Organization</small>                  Writer</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Richard Selzer 201 So. [unclear] B.H. Calif 90212  <small>Print your name Address Phone</small></p> <p><small>Business or Organization</small>                  Business or Organization</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Paul Tanager 3624 Washen Ave SD-918-1117  <small>Print your name Address Phone</small></p> <p><small>Business or Organization</small>                  City of Burbank</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Mark A. Cunniff P.O. Box 91864, LSCA 90802  <small>Print your name Address Phone</small></p> <p><small>Business or Organization</small>                  Business or Organization (310) 718-6275</p>	
	<p><i>[Signature]</i>  <small>Your Signature</small>                  Ron Patterson 5 HURON ST INGLEWOOD 92715  <small>Print your name Address Phone</small></p> <p><small>Business or Organization</small>                  Business or Organization</p>	

02294

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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<i>[Signature]</i> Your Signature	<b>CRYSTAL DEAN</b> Business or Organization <b>CRYSTAL DEAN 1075 3RD ST HERMOSA BEACH CA 91037-2513</b> Address Phone
<i>[Signature]</i> Your Signature	<b>Jocelyn Lin</b> Business or Organization <b>Jocelyn Lin 1523 Wembley Rd. (818) 535-7908</b> Address Phone
<i>[Signature]</i> Your Signature	<b>Lucia S. Haro</b> Business or Organization <b>6315 Bayton 910-451-1292</b> Address Phone
<i>[Signature]</i> Your Signature	<b>Mary Ann Richards</b> Business or Organization <b>Teacher</b> <b>Mary Ann Richard 2803 S Victoria</b> Address Phone
<i>[Signature]</i> Your Signature	<b>Peter Thorgerson</b> Business or Organization <b>Musician</b> <b>1108 Margaret St. #103 N.H. CA</b> Address Phone 97162
<i>[Signature]</i> Your Signature	<b>Paula Achter</b> Business or Organization <b>Paula Achter 1534 Euclid St #109M</b> Address Phone 90404 437
<i>[Signature]</i> Your Signature	<b>Susan H. Dietz</b> Business or Organization <b>Multicultural</b> <b>Susan H. Dietz 6156 Simpson Ave 818-766-3792</b> Address Phone
<i>[Signature]</i> Your Signature	<b>Scott LaRose</b> Business or Organization <b>(213) 455-2400</b> Address Phone
<i>[Signature]</i> Your Signature	<b>Melvin Bin</b> Business or Organization <b>5787 Storchon Dr LA 90065</b> Address Phone
<i>[Signature]</i> Your Signature	<b>ANTONIA N. MARCH</b> Business or Organization <b>903 W. 7th St 1</b> <b>SAN PEDRO 90731</b> Address Phone
<i>[Signature]</i> Your Signature	<b>Leslie Meyer</b> Business or Organization <b>VCSB</b> <b>1221 Annapolis Hall VCSB 512-165</b> Address Phone
<i>[Signature]</i> Your Signature	<b>Jenny Richardson</b> Business or Organization <b>JENNY RICHARDSON 2807 1/2 HERMOSA AVE.</b> Address Phone

02255

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>L. Solheim 3570 N. Berkeley Dr</i> Address</p> <p><i>916-911-1111</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>Angela Boras 5271 Portland</i> Address</p> <p><i>CA 925 6736</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>Gary Paul 214 S. Keanth Rd. Orange CA. 92661</i> Address</p> <p><i>949-851-1111</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>Bernadi Espino 13433 Canite St. CA 91201</i> Address</p> <p><i>916-221-1111</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>H. Wilens. 9899 Santa Monica Blvd. BH, CA. 90212</i> Address</p> <p><i>310-511-1111</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>Mark P. Morio 230 E. Evergreen Ave. Mojave 93703</i> Address</p> <p><i>760-837-1111</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>Sam Rozay 1050 Garfield Ave. (St) 514-4533</i> Address</p> <p><i>VERONA, CA. 90291</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>RACHELLE ROMBERG</i> Address</p> <p><i>713/453-0232</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>SARAH MALIN 5935 FIDLER CREWOD, CA 90712</i> Address</p> <p><i>310-511-1111</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>Haan-Fawn Chau 4926 Cassady Ave. Culver City, CA</i> Address</p> <p><i>310-511-1111</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>Mary [Signature] PO Box 1388 Van Nuys CA 91410</i> Address</p> <p><i>818-708-1111</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Business or Organization</p> <p><i>Michael Charney 2657 S. Van Buren Pl. L.A. 90007</i> Address</p> <p><i>L.A. County Dept. of Ed.</i> Phone</p>	

02259

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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<i>Wm Douglas</i>	Your Signature Wm Douglas Baker, 102 N Sweetzer #1107 LA CA <small>Print your name Address City State Zip</small>	
<i>Sam Deller</i>	Your Signature Sam Deller 314 A Venice Blvd 91221 <small>Print your name Address City State Zip</small>	
<i>Enrico S. McHugh</i>	Your Signature 297 Leilon E. McHugh 2215 Centinella St 91324 <small>Print your name Address City State Zip</small>	
<i>John P. ...</i>	Your Signature 1150 Avenue ... <small>Print your name Address City State Zip</small>	
<i>Chad</i>	Your Signature Chad 810 Bartlett St LA 90012 <small>Print your name Address City State Zip</small>	
<i>Marilyn Jaffe</i>	Your Signature Marilyn Jaffe 21325 Hidden Pines Dammit Blvd 91175 <small>Print your name Address City State Zip</small>	
<i>Angela ...</i>	Your Signature Angela ... 234 E ... 90012 <small>Print your name Address City State Zip</small>	
<i>Stephanie ...</i>	Your Signature Stephanie ... 1102 W. 210th St, Torrance, 90502 <small>Print your name Address City State Zip</small>	
<i>Ally ...</i>	Your Signature Ally ... 1102 W. 210th St. Torrance, CA 90502 <small>Print your name Address City State Zip</small>	8056
<i>Jennifer ...</i>	Your Signature Jennifer ... 445 Patterson Ave Glendale CA <small>Print your name Address City State Zip</small>	(818) 247-3811 91202
<i>Emily ...</i>	Your Signature Emily ... 5309 Glen T. R. Ave 91213 <small>Print your name Address City State Zip</small>	5
<i>Nadine Goodreau</i>	Your Signature Nadine Goodreau 1201/2 S Sweetzer Ave 91213 <small>Print your name Address City State Zip</small>	655-7536

02297

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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	<p><i>Christine Montecarlo</i> Your Signature</p> <p><i>Christine Montecarlo</i> 120 S SWILL DR #314 LACAG 90048 Print your name Address Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Tina</i> 1402 FORMOSA LA 90016 Print your name Address Phone</p>	
	<p><i>Bill [Signature]</i> Your Signature</p> <p><i>Bill</i> 575 N SPUR 108 Print your name Address Phone</p>	(Days)
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Signature]</i> Print your name Address Phone</p>	
	<p><i>Robert [Signature]</i> Your Signature</p> <p><i>Robert R. [Signature]</i> 415 Kendall Ave 259-9383 Print your name Address Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Keith [Signature]</i> 3012 KRONIKER B Print your name Address Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Ruben [Signature]</i> 12021 V. H. GUL #517 571-3141 Print your name Address Phone</p>	
	<p><i>Lisa [Signature]</i> Your Signature</p> <p><i>Lisa Day</i> 3003 Keystone #1 LA 90025 (213) 591-3441 Print your name Address Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>JULIE WASSERMAN</i> 1153 Beechwood Ct Compton CA 90239 Print your name Address Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Thomas Shea</i> 670 So. P.C.H. Unit A 310/512-6914 Print your name Address Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Rena [Signature]</i> 10025 LOUISE ST Northridge CA 91325 Print your name Address Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Norma F. Gonzalez</i> 4013 Sunset Dr, LA 90027 667-4824 Print your name Address Phone</p>	

882200



# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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<i>Christine Guindraj</i>	Elsinore/GoDREAJ	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
CHRISTINE GUINDRAJ - 516 N. FORMOSA LA 90736	213 431-7526	
<i>Jennifer Keefe</i>	LA	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
JENNIFER KEEFE 1105 S. BOLLINGTON #5 CA 90649	415-459-4949	
<i>Robert R. Limbach</i>	Writer	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
ROBERT R. LIMBACH 1714194-7790		
<i>Robert R. Limbach</i>	Carpenter	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
ROBERT R. LIMBACH 12310 MARINE ST. LA. 90066		
<i>Teri Muggins</i>	LA	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
TERI MUGGINS 17622 Fontaine Park	90395	
<i>Julie Mangione</i>	YMCA	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
JULIE MANGIONE 2012 O'MALLEY UPKIND	985746	
<i>Laura A. Murray</i>	PVLV	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
LAURIA A. MURRAY (310) 373-3341		
<i>Steve Hawkes</i>	Natural World	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
STEVE HAWKES 15001 Van Ness Ave M.O. CA 90266	614-3270	
<i>Ray Tarkington</i>		
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
RAY TARKINGTON 17801 DOTT AVE TORRANCE		
<i>Sarah Tipton</i>	Independent Artist	
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
SARAH TIPTON 3430 S Sepulveda		
<i>Carlos Costa</i>		
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
CARLOS COSTA 16001 Nordhoff ST 91301		

990620

R0031724

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches — and the economic benefits of the coastal economy for Southern California.

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	<p><i>Peter A. Russetta</i> Your Signature</p> <p><i>Peter A Russetta</i> Print your name</p>	<p>Business or Organization 310-826-2575 Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>[Name]</i> Print your name</p>	<p>Business or Organization 310 306 4526 Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>DIANE ONO 10200 LARWIN AVE CHATSWORTH, CA 91311 Print your name Address Phone</p>	<p>Business or Organization Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>A.J.S. RAYL PO BOX 2857 Malibu CA 90265 Print your name Address Phone</p>	<p>Business or Organization OMNI Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>DAVID BECKMAN 5523 [Address] [City] CA 91312 Print your name Address Phone</p>	<p>Business or Organization NRPD Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>ROBERT ESTRADA 4632 [Address] [City] CA 91312 Print your name Address Phone</p>	<p>Business or Organization 618 762 [Phone] Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>Nancy Caputo 657 1/2 Palms Blvd. Venice CA 90291 Print your name Address Phone</p>	<p>Business or Organization 310 573 5725 Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>JENNICE VOSSIC 4160 W. 182nd #218 Torrance CA 90505 Print your name Address Phone</p>	<p>Business or Organization Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>Kristin Courtois Print your name Address Phone</p>	<p>Business or Organization 310-377-9864 Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>PAUL ANNS 4351 OCEANVIEW APT 3H HUNTINGTON BEACH CA 92649 Print your name Address Phone</p>	<p>Business or Organization 714 846 6997 Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>Claudine Chan 2465 El Molino Ave #30 Pasadena 91101 Print your name Address Phone</p>	<p>Business or Organization 618 855 220 Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p>GREG BERGMAN 127 N. Kenwood St 91505 Print your name Address Phone</p>	<p>Business or Organization Env. Attorney 818 563-1396 Phone</p>	

CON-1-03

# Long Beach City Water

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches - and the economic benefits of the coastal economy for Southern California.

VOL

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	<p><i>[Signature]</i> Your Signature</p> <p><i>Wendy King</i> Print your name</p> <p><i>310 57 521-2837</i> Address</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Carol R. Boyd</i> Print your name</p> <p><i>310 57 521-2837</i> Address</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>DANA WARCH</i> Print your name</p> <p><i>1934 E 2<sup>ND</sup> ST #4</i> Address</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>ITNEY GARDNER</i> Print your name</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Shorlin Ennis</i> Print your name</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	
	<p><i>[Signature]</i> Your Signature</p> <p><i>Business or Organization</i> Business or Organization</p> <p><i>Phone</i> Phone</p>	

CONFIDENTIAL

R0031726

# Aerospace Co.

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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<p>Your Signature: <u>Cheryl M. Courson</u></p> <p>Print your name: <u>Cheryl M. Courson</u></p>	<p>Business or Organization: <u>Hotel 42nd St</u></p> <p>Address: <u>143 Hill St</u></p> <p>Phone: <u>310 379 4442</u></p>
<p>Your Signature: <u>Vicky Katsambekal</u></p> <p>Print your name: <u>Vicky Katsambekal</u></p>	<p>Business or Organization: <u>Aerospace Corp</u></p> <p>Address: <u>1517 W. 21st St. Torrance CA</u></p> <p>Phone: <u></u></p>
<p>Your Signature: <u>[Signature]</u></p> <p>Print your name: <u>Strinsky</u></p>	<p>Business or Organization: <u>Aerospace</u></p> <p>Address: <u>4102 Hunter Ave</u></p> <p>Phone: <u>310 839 2184</u></p>
<p>Your Signature: <u>[Signature]</u></p> <p>Print your name: <u>David D. Hudson</u></p>	<p>Business or Organization: <u>Software Solutions</u></p> <p>Address: <u>4150 W. 30th St. Hawthorne, CA</u></p> <p>Phone: <u>714/537-2404</u></p>
<p>Your Signature: <u>[Signature]</u></p> <p>Print your name: <u>REGINA LOSE</u></p>	<p>Business or Organization: <u>12222 Col. Blvd</u></p> <p>Address: <u>3418 1/2 ST. MANHATTAN BCH</u></p> <p>Phone: <u>310 315 1415</u></p>
<p>Your Signature: <u>Myrna Plost</u></p> <p>Print your name: <u>Myrna Plost</u></p>	<p>Business or Organization: <u>Aerospace</u></p> <p>Address: <u>2912 Occamridge</u></p> <p>Phone: <u>RPV90275</u></p>
<p>Your Signature: _____</p> <p>Print your name: _____</p>	<p>Business or Organization: _____</p> <p>Address: _____</p> <p>Phone: _____</p>
<p>Your Signature: _____</p> <p>Print your name: _____</p>	<p>Business or Organization: _____</p> <p>Address: _____</p> <p>Phone: _____</p>
<p>Your Signature: _____</p> <p>Print your name: _____</p>	<p>Business or Organization: _____</p> <p>Address: _____</p> <p>Phone: _____</p>
<p>Your Signature: _____</p> <p>Print your name: _____</p>	<p>Business or Organization: _____</p> <p>Address: _____</p> <p>Phone: _____</p>
<p>Your Signature: _____</p> <p>Print your name: _____</p>	<p>Business or Organization: _____</p> <p>Address: _____</p> <p>Phone: _____</p>
<p>Your Signature: _____</p> <p>Print your name: _____</p>	<p>Business or Organization: _____</p> <p>Address: _____</p> <p>Phone: _____</p>

CONFIRM

SONY EVENT

Petition for a Clean Santa Monica Bay  
to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches - and the economic benefits of the coastal economy for Southern California.

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<p><i>Robin Bert</i> Your Signature</p> <p><i>Robin Bert</i> Print your name</p> <p><i>1401 Ocean Court</i> Address</p> <p><i>587-9852</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>Terrence E. Duan</i> Your Signature</p> <p><i>Terrence E. Duan</i> Print your name</p> <p><i>1007 Mustang #321 S.A. CA 90408</i> Address</p> <p><i>980-6945</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>Kathleen Eisenstein</i> Your Signature</p> <p><i>KATHLEEN EISENSTEIN</i> Print your name</p> <p><i>113 ACTHOMPT CA 90069</i> Address</p> <p><i>980-6945</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>Brennan Duffene</i> Your Signature</p> <p><i>BRENNAN DUFFENE</i> Print your name</p> <p><i>1116 DINO DR #1116 LA 90044</i> Address</p> <p><i>266-6575</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>Judith A. Kuysh</i> Your Signature</p> <p><i>JUDITH A. KUYSH</i> Print your name</p> <p><i>4233 W. BURGET</i> Address</p> <p><i>908-2111</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>Beverly M. Wain</i> Your Signature</p> <p><i>BEVERLY M. WAIN</i> Print your name</p> <p><i>734 S. HANFORD</i> Address</p> <p><i>LA 90036 213-922-8266</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>Jodie Skora</i> Your Signature</p> <p><i>JODIE SKORA</i> Print your name</p> <p><i>1105 BROADWAY ST</i> Address</p> <p><i>9344</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>Shannon Whitaker</i> Your Signature</p> <p><i>Shannon Whitaker</i> Print your name</p> <p><i>124-B N. Brighton</i> Address</p> <p><i>Burbank 91504</i> Phone</p> <p><i>SPE</i> Business or Organization</p>	
<p><i>Cheryl Gane</i> Your Signature</p> <p><i>CHERYL GANE</i> Print your name</p> <p><i>1120 N. CLARK ST.</i> Address</p> <p><i>310-200-8179</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>Shawn B. Jethel</i> Your Signature</p> <p><i>Shawn B. Jethel</i> Print your name</p> <p><i>1550 #2 Lamin Chatsworth</i> Address</p> <p><i>LA 91311</i> Phone</p> <p><i>SE</i> Business or Organization</p>	
<p><i>David A. Green</i> Your Signature</p> <p><i>DAVID A. GREEN</i> Print your name</p> <p><i>13504 BURBANK</i> Address</p> <p><i>CA 91505 (310) 280-1883</i> Phone</p> <p><i>SONY</i> Business or Organization</p>	
<p><i>David C. Isaac</i> Your Signature</p> <p><i>DAVID C. ISAAC</i> Print your name</p> <p><i>17230 Knappst</i> Address</p> <p><i>818 3412320</i> Phone</p> <p><i>Ke-Sete</i> Business or Organization</p>	

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches – and the economic benefits of the coastal economy for Southern California.

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<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
NICHOLAS WODTFS 842 125 St #1 Address Phone	SONY (213) 280-6257 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
JUDY BONDY 47509 47th St Address Phone	SONY 280-4279 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
LARRY W. S. Y. S. 21030 GARDEN ST Address Phone	SONY (818) 805-8009 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
ERICATO GARCIA 1510 Ventura Address Phone	SONY 871-5257 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
Sharon Gottsfeld 2103 Williams Address Phone	SONY (310) 280-4279 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
STEVEN B. GUN 825 Ave A. Redondo Beach Address Phone	SONY (310) 540-1144 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
Virginia Kinzelman 445 Los Altos, Arcadia, Ca Address Phone	SONY (916) 746-5226 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
KARIE ABERT 12760 Albers St. Willy, Willy Address Phone	SONY (714) 760-7600 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
John McLean 6930 Lomas #21 Address Phone	SPT 815-311-8300 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
Louise LUSTICA 45511 Lawrence Blvd #1 Address Phone	SPT 310-341-4546 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
Scott Rice 1952 Kichine Address Phone	SONY (925) 333-3333 Phone	
<i>[Signature]</i> Your Signature	<i>[Signature]</i> Business or Organization	
Melvin Kipatt 3183 Lake Hollywood Dr. LA Address Phone	SONY P. CHINESE 310-280-5484 Phone	

CONTR-3

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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<i>Spacey T. Ales</i> Your Signature	<i>Sony</i> Business or Organization	
SPACEY T. ALES 518 E. Wanda Ave. TARBOR 109 9158	818-344-3303	
<i>Brad Sturtevant</i> Your Signature	<i>Sony</i> Business or Organization	
Brad Sturtevant	(310) 280-4503	
<i>Fitz Sailer</i> Your Signature	<i>Sony</i> Business or Organization	
Fitz Sailer 8522 4th	(310) 280-7878	
<i>Mitchell Wade</i> Your Signature	<i>Sony</i> Business or Organization	
MITCHELL WADE	310-281-4119	
<i>Eric A. Thomson</i> Your Signature	<i>Sony</i> Business or Organization	
ERIC A. THOMSON 812 N. COPT	LA CA 90229	
<i>Paul Karson</i> Your Signature	<i>Sony</i> Business or Organization	
PAUL KARSON 3927 Glenwood Pl	995-6407	
<i>C. Wuyhner</i> Your Signature	<i>Sony</i> Business or Organization	
CAROL WUYHNER 14845 Cantara St.	818-85-9110	
<i>Mary Ellen Gaccia</i> Your Signature	<i>Sony</i> Business or Organization	
MARY ELLEN GACCIA 8355 Cove Ave	(213) 661-9870 LA 91039	
<i>Dianne J. Waldman</i> Your Signature	<i>Sony</i> Business or Organization	
DIANNE J. WALDMAN 1226 S 3rd St	LA CA 90221	
<i>Nancy L. Rhodes</i> Your Signature	<i>Sony</i> Business or Organization	
NANCY L. RHODES 10928 1/2 LAVERGNE ST	LA 91607	
<i>James Petelle</i> Your Signature	<i>Sony</i> Business or Organization	
JAMES PETELLE 721 Hill St.	#107 SM 310 452-0010 90405	
<i>ICSA Dixon</i> Your Signature	<i>Sony</i> Business or Organization	
ICSA DIXON 240 S. 3rd St	#5 LA CA 91505	

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CON-5

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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<i>Jan T. Slagter</i> Your Signature	<i>JAMES BUSZICKS</i> Print your name	<i>5514 WISTFUL</i> Address	<i>PANAMA</i> Business or Organization (FID)	<i>782-7185</i> Phone
<i>Lisa Landres</i> Your Signature	<i>Lisa A. Landres</i> Print your name	<i>204 1/2 3rd St</i> Address	<i>Sony</i> Business or Organization	<i>377-808</i> Phone
<i>John G. Wick</i> Your Signature	<i>John G. Wick</i> Print your name	<i>2500 Venice Blvd</i> Address	<i>Sony</i> Business or Organization	<i>(310) 372-5050</i> Phone
<i>Sherril M. Holmes</i> Your Signature	<i>Sherril M. Holmes</i> Print your name		<i>Sony</i> Business or Organization	<i>(310) 280-7462</i> Phone
<i>Miguel Tiller</i> Your Signature	<i>100 S. CHASE AVENUE</i> Print your name	<i>Orange CA 92666</i> Address	<i>Sony</i> Business or Organization	<i>949-753</i> Phone
<i>John C. Janta</i> Your Signature	<i>John Janta</i> Print your name		<i>Sony</i> Business or Organization	<i>(714) 935-8741</i> Phone
<i>Grenada C. Chaplin</i> Your Signature	<i>GRENADA C. CHAPLIN</i> Print your name		<i>Sony</i> Business or Organization	<i>417-6344</i> Phone
<i>Arnie Zorian</i> Your Signature	<i>ARNIE ZORIAN</i> Print your name		<i>Sony</i> Business or Organization	<i>417-6012</i> Phone
<i>Keaton Ford</i> Your Signature	<i>KEATON FORD</i> Print your name	<i>1665 W. Arroyo Hills</i> Address	<i>Sony</i> Business or Organization	
<i>Mark T. Gies</i> Your Signature	<i>Mark T. Gies</i> Print your name	<i>6133 Carpenter Ave</i> Address	<i>Sony</i> Business or Organization	<i>916-4079</i> Phone
<i>Richard Abster</i> Your Signature	<i>Richard Abster</i> Print your name	<i>14014 Panayton</i> Address	<i>Sony</i> Business or Organization	<i>213 574-003</i> Phone
<i>Barbara Thornton</i> Your Signature	<i>Barbara Thornton</i> Print your name	<i>9215 Alden</i> Address	<i>Sony</i> Business or Organization	<i>310-280-6644</i> Phone

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CON-1-9



## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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<i>[Signature]</i>	SONY PICS Business or Organization
STEVE SMER 3022 HERMOSEA AVE #3	310-318-9888
<i>[Signature]</i>	SONY PICS Business or Organization
DAVID CAMPANILAS 7022 W. 67th ST LA	213-755-4414
<i>[Signature]</i>	SONY PICS - L Business or Organization
TED WINGARD 11314 SERRANO AVE	CORONA CITY CA
<i>[Signature]</i>	SONY - GSN Business or Organization
ANITA MASSET 5259 CARTWRIGHT AVE	911/79-2894
<i>[Signature]</i>	SONY PICTURES ENT. Business or Organization
DIANA BEAM MUSA 4900 OVERLAND	333 CA 310-318-1641
<i>[Signature]</i>	SONY PICTURES Business or Organization
TERRI MILES 7501 JENSEN ST	925-281-0043
<i>[Signature]</i>	SONY Business or Organization
PAT MILLER 2147 EWING #B	LA 400-339
<i>[Signature]</i>	SONY PICTURES Business or Organization
DANIELA VIGOR PO BOX 1482	COLTON CA 90232
<i>[Signature]</i>	SPE Business or Organization
MARIE H. COX 4749 PARK AVENUE	CATALANO
<i>[Signature]</i>	SONY Business or Organization
HENRI FRUCTOSO 23711 ALTA MADERA	VALENCIA CA 91384-4632
<i>[Signature]</i>	SE Business or Organization
STEVE THOMAS 923 HERWICK ST	LA 310-318-1641
<i>[Signature]</i>	SPE Business or Organization
FAY ENDS 4119 DUGUENNE AVE	COLTON CITY 90901

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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	<p><i>Josie Hirsch</i> <i>Sony</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>WALTER HIRSCH</i> <i>7561 Woodard Rd</i> <i>213 658 6154</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Laura Hill</i> <i>Sony</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Laura Hill</i> <i>1454 Summerline Lane</i> <i>310 83 0214</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Brad Collins</i> <i>Sony</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Brad Collins</i> <i>P.O. Box 4471</i> <i>93093</i> <i>(310) 280-2063</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Shirley Nalando</i> <i>Sony</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Shirley Nalando</i> <i>2129 Fenwick Ave</i> <i>310 280 4427</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Jessica Cox</i> <i>Sony</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Jessica Cox</i> <i>1800 N. Laurel Ave.</i> <i>(213) 650 9593</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Michael Hanin</i> <i>Sony Entertainment</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Michael Hanin</i> <i>15400 Ripton</i> <i>90003</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Robert Hill</i> <i>Sony Sound</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>ROBERT HILL</i> <i>7347 ASMAN</i> <i>91507</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Marilyn Flick</i> <i>SVS</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Marilyn Flick</i> <i>37643 Cherryde</i> <i>Falmdale 93550</i> <i>(505) 948-9425</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Randy Harris</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Randy Harris</i> <i>1080 Viking Ave</i> <i>310 250 6861</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	
	<p><i>Caroline Decker</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Caroline Decker</i> <i>310-379-4501</i> *</p>	
	<p><i>Buffie Farnell</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>Buffie Farnell</i> <i>310 280 6926</i></p>	
	<p><i>Tom Voth</i>  <small>Your Signature</small> <small>Business or Organization</small></p> <p><i>TOMAS VOTH</i> <i>3475 Bonland Pl</i> <i>La 90027</i>  <small>Print your name</small> <small>Address</small> <small>Phone</small></p>	

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LMU.

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches -- and the economic benefits of the coastal economy for Southern California.

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9-1-93

<i>Terrill Lee</i> Your Signature <i>Terrill Lee</i> Print your name	<i>YIFLA</i> Business or Organization <i>(213) 733-2144</i> Phone
<i>Tina Benson</i> Your Signature <i>Tina Benson 682 S. Soto</i> Print your name	<i>YIFLA</i> Business or Organization <i>(213) 739-1702</i> Phone
<i>Julia Terry</i> Your Signature <i>Julia Terry 4178 Birmingham Rd</i> Print your name	<i>YIFLA</i> Business or Organization <i>(213) 739-0044</i> Phone
<i>Darlene Wilson</i> Your Signature <i>DARLENE WILSON 7157 ALLIEN</i> Print your name	<i>YIFLA</i> Business or Organization <i>6108</i> Phone
<i>Charlana Mazique</i> Your Signature <i>Charlana Mazique 1631 Middlebrook</i> Print your name	<i>YIFLA</i> Business or Organization <i>(313) 291-126</i> Phone
<i>Larry NYC</i> Your Signature <i>LARRY NYC P.O. Box 90405 LA-CA 90045</i> Print your name	<i>(310) 330-8827</i> Business or Organization Phone
<i>Erik Chessovic</i> Your Signature <i>Erik Chessovic 2003 Mildred Terrace 90203</i> Print your name	<i>542-7786</i> Business or Organization Phone
<i>Jenny Bai</i> Your Signature <i>Jenny Bai 177 W. 234th PL Carson</i> Print your name	<i>(810) 338-6527</i> Business or Organization Phone
<i>Taliesin Meredith</i> Your Signature <i>Taliesin Meredith 215 N Commonwealth Ave</i> Print your name	<i>(313) 632-2195</i> Business or Organization Phone
<i>RATE</i> Your Signature <i>RATE 25 S. CANTON ST</i> Print your name	<i>(213) 733-1131</i> Business or Organization Phone
<i>Michael A. Fehst</i> Your Signature <i>Michael A Fehst 142 Hilltop St</i> Print your name	<i>Green Party</i> Business or Organization Phone
<i>Amanda Sisson</i> Your Signature <i>Amanda Sisson 1146 Venice Blvd #408</i> Print your name	<i>CALPIRG</i> Business or Organization <i>(810) 330-6099</i> Phone

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches - and the economic benefits of the coastal economy for Southern California.

VOL

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<i>[Signature]</i>	<i>[Signature]</i>	Business or Organization	11-31-47 1966
<i>[Signature]</i>	<i>[Signature]</i>	Student	
<i>[Signature]</i>	2636 Beland Blvd.	Cal. Beh	(310) 542-2473
<i>[Signature]</i>		LMU	
<i>[Signature]</i>	CR #1633	(352) 3985	
<i>[Signature]</i>		LMU	
<i>[Signature]</i>	Hilton 241	338-7573	
<i>[Signature]</i>		Business or Organization	
<i>[Signature]</i>	805 La Foyada	Whitier	338-5371
<i>[Signature]</i>		Business or Organization	
<i>[Signature]</i>	3551 Knobhill Drive	SHOPS	(310) 799-1167
<i>[Signature]</i>		Business or Organization	
<i>[Signature]</i>	23022 Galia Ave		310-375-4782
<i>[Signature]</i>		Business or Organization	
<i>[Signature]</i>		Save Ballona Wetlands	
<i>[Signature]</i>	638 W 75th St	LA 90045	645 22 41
<i>[Signature]</i>		Business or Organization	
<i>[Signature]</i>	1342 Lakewood Dr		30-355-4329
<i>[Signature]</i>		Business or Organization	
<i>[Signature]</i>		LMU/Student	
<i>[Signature]</i>	700 Leland Blvd.		(310) 339 3001
<i>[Signature]</i>		Business or Organization	
<i>[Signature]</i>		SAC - Santa Monica	
<i>[Signature]</i>			30 36 277
<i>[Signature]</i>		Business or Organization	
<i>[Signature]</i>		Student	
<i>[Signature]</i>	1817 MARINE	SAN MONICA	

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R0031735

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches - and the economic benefits of the coastal economy for Southern California.

<i>Gill Nielsen</i> Your Signature	LMU STUDENT Business or Organization
<i>JEFF NICHOLSON</i> Print your name	376-8815 Phone
<i>Marij Lal</i> Your Signature	LMU STUDENT Business or Organization
<i>Marij Lal</i> Print your name	 Phone
<i>Sharon Marcinek</i> Your Signature	LMU Business or Organization
<i>Sharon Marcinek</i> Print your name	338-6517 Phone
<i>Joy St. Krieg</i> Your Signature	LMU Business or Organization
<i>JOY KRIEG</i> Print your name	CAMPUS BOX 552 (415) 338-5049 7900 Laguna Blvd Phone
<i>Gloria Williams</i> Your Signature	Business or Organization
<i>Gloria Williams</i> Print your name	4034 Culver #217 90295 578-1874 Phone
<i>Donna Spays</i> Your Signature	Business or Organization
<i>Donna Spays</i> Print your name	2385 Boone Av 3018012 Van Nuys 90291 Phone
<i>Roberta H. Burns</i> Your Signature	Business or Organization
<i>Roberta H. Burns</i> Print your name	7324 Vista del Mar PDR 904-1301 Phone
<i>Margaret T. Ford</i> Your Signature	LMU Business or Organization
<i>Margaret T. Ford</i> Print your name	1855 N Arroyo Pasa 913-9222 Phone
<i>Barbara Benjamin</i> Your Signature	Business or Organization
<i>Barbara Benjamin</i> Print your name	(310) 354761 Phone
<i>Danielle Hull</i> Your Signature	Business or Organization
<i>Danielle Hull</i> Print your name	4332 Carlewood St (310) 608-5965 Phone
<i>DAN MARTIN</i> Your Signature	BayLIFE Business or Organization
<i>Dan Martin</i> Print your name	Box 697 V C CA (818) 993-4800 Phone
<i>Brian Bennett</i> Your Signature	LMU Business or Organization
<i>Brian Bennett</i> Print your name	2180 S Beverly Glenn 338-4281 Phone

VOL

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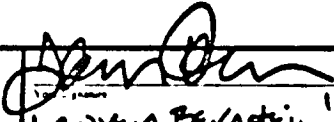

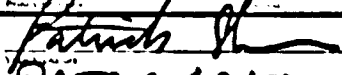
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## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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 <small>Your Signature</small>	<small>Print your name</small> <b>LAUREN BERNSTEIN</b>	<small>Business or Organization</small> <b>16006 Northfield St. P. Palisades 459-8807</b>
 <small>Your Signature</small>	<small>Print your name</small> <b>Jill M. Frazer</b>	<small>Business or Organization</small> <b>1726 Paris Way, Placentia 92670</b>
 <small>Your Signature</small>	<small>Print your name</small> <b>PATRICK SHEA</b>	<small>Business or Organization</small> <b>Student 372-1532</b>
<small>Your Signature</small>	<small>Print your name</small>	<small>Business or Organization</small>
<small>Your Signature</small>	<small>Print your name</small>	<small>Business or Organization</small>
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<small>Your Signature</small>	<small>Print your name</small>	<small>Business or Organization</small>
<small>Your Signature</small>	<small>Print your name</small>	<small>Business or Organization</small>

2002

Eco. Expo.

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of coastline, and the economic benefits of the coastal economy.

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Signatures

	<small>Your Signature</small>	<small>Business or Organization</small>
<small>Print your name</small> Nancy Caputo 6571	<small>Address</small>	<small>Phone</small>
	<small>Your Signature</small>	<small>Business or Organization</small>
<small>Print your name</small> Cory Sisk 3220	<small>Address</small>	<small>Phone</small>
	<small>Your Signature</small>	<small>Business or Organization</small>
<small>Print your name</small> Victoria Bell 4946 Pineroller Eureka Cal 9136	<small>Address</small>	<small>Phone</small>
	<small>Your Signature</small>	<small>Business or Organization</small>
<small>Print your name</small> Jeff Trexel 94061 An H Y Long Beach 90804	<small>Address</small>	<small>Phone</small>
	<small>Your Signature</small>	<small>Business or Organization</small>
<small>Print your name</small> VALTRUD A. MILANI, 517 Flower Ave. 396-2833	<small>Address</small>	<small>Phone</small>
	<small>Your Signature</small>	<small>Business or Organization</small>
<small>Print your name</small> Loren A Stone 5416 N Los Angeles St 8667 818 78 543	<small>Address</small>	<small>Phone</small>
	<small>Your Signature</small>	<small>Business or Organization</small>
<small>Print your name</small> Claire Zirc 2010 Washington Av. 519 40403 455-6125	<small>Address</small>	<small>Phone</small>
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>
<small>Your Signature</small>	<small>Business or Organization</small>	
<small>Print your name</small>	<small>Address</small>	<small>Phone</small>

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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	<p><i>Robert C. Saltzman</i> Institute of Ecodynamics  <small>Name of Signatory</small>            Robert C. Saltzman (970) 626-3820  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Theresa Brock</i> WTP Inc.  <small>Name of Signatory</small>            Theresa Brock 151701 S. Potosi St #120 Northridge  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Kristen Sturke</i> DKS - Seales  <small>Name of Signatory</small>            Kristen Sturke (914) 529-9312  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>MIMI WELSH</i> ITW INC.  <small>Name of Signatory</small>            MIMI WELSH 10000 Baker Hill Ca. 91302-3008  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Sharon Wagner Wells</i>  <small>Name of Signatory</small>            Sharon Wagner Wells 310 820-3917  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>MELANIE PERCY</i>  <small>Name of Signatory</small>            MELANIE PERCY 2000 21st  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Joseph Lomas</i>  <small>Name of Signatory</small>            Joseph Lomas (310) 315-7826  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Charles Harris</i>  <small>Name of Signatory</small>            Charles Harris 634 Westchester #5 351-8491  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Alene Menzies</i>  <small>Name of Signatory</small>            Alene Menzies 615 S. Hill St. Torrance CA  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Janet Koenig</i> CSUN Student  <small>Name of Signatory</small>            Janet Koenig 3110 N. Lois Virginia #607 818-820-1333  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Wendy Volante</i>  <small>Name of Signatory</small>            WENDY VOLANTE 22332 PAPA GAY DR SKRUBS, CA 91350  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	
	<p><i>Alexandra N. Grosse</i> Heal the Bay  <small>Name of Signatory</small>            Alexandra N. Grosse 1332 Berkeley St #2 S.M. 90404 (310) 7425  <small>Address</small>  <small>City</small>  <small>State</small>  <small>Zip</small>  <small>Phone</small></p>	

COUNTY



## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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<p><i>Jennifer Charnofsky</i>  <small>Your Signature</small>  <i>Jennifer Charnofsky</i> 2257 Van Buren Pl  <small>Print your name</small></p>	<p>LA 90009  <small>Business or Organization</small></p>	
<p><i>Claytonville</i>  <small>Your Signature</small>  <i>Claytonville</i> 12221 Victoria Ave  <small>Print your name</small></p>	<p>Imperial County, Calif  <small>Business or Organization</small>          310-576-6163  <small>Phone</small></p>	
<p><i>Bob Butler</i>  <small>Your Signature</small>  <i>Bob Butler</i> 1750 So. Granville Ave L.A. 90025  <small>Print your name</small></p>	<p><small>Business or Organization</small></p>	
<p><i>Rebecca Luna</i>  <small>Your Signature</small>  <i>Rebecca Luna</i> 22412 Upland Ave. San Diego  <small>Print your name</small></p>	<p>310-531-6660          LA 90151  <small>Business or Organization</small>  <small>Phone</small></p>	
<p><i>Frank Lucas</i>  <small>Your Signature</small>  <i>Frank Lucas</i> 944 1/2 Upland  <small>Print your name</small></p>	<p>310-531-5660  <small>Business or Organization</small>  <small>Phone</small></p>	
<p><i>Benedict Burns</i>  <small>Your Signature</small>  <i>Benedict Burns</i> 7095 Hillwood Pl. #424  <small>Print your name</small></p>	<p>CCN          1-800-331-1800          LA 364-3418  <small>Business or Organization</small>  <small>Phone</small></p>	
<p><i>Lisa Puqeda</i>  <small>Your Signature</small>  <i>Lisa Puqeda</i> 21650 Dunrobin YL  <small>Print your name</small></p>	<p><small>Business or Organization</small></p>	
<p><i>Miriam Salvanaera</i>  <small>Your Signature</small>  <i>MIRIAM SALVANERA</i> 9093 TICAN AVE SAN DIEGO CA  <small>Print your name</small></p>	<p>92124  <small>Business or Organization</small>  <small>Phone</small></p>	
<p><i>Janet Whitte</i>  <small>Your Signature</small>  <i>Janet Whitte</i> 1735 A. West Ave L.A. CA 90025  <small>Print your name</small></p>	<p>310-576-8800  <small>Business or Organization</small>  <small>Phone</small></p>	
<p><i>Marca S. Probst</i>  <small>Your Signature</small>  <i>Marca S. Probst</i> 1024 Madison Ave.  <small>Print your name</small></p>	<p>516-4449  <small>Business or Organization</small>  <small>Phone</small></p>	
<p><i>Donna S. Serrano</i>  <small>Your Signature</small>  <i>Donna S. Serrano</i> 1825 N. BETHUN DR SE  <small>Print your name</small></p>	<p>410          27-4155  <small>Business or Organization</small>  <small>Phone</small></p>	
<p><i>Elizabeth Refilora</i>  <small>Your Signature</small>  <i>Elizabeth Refilora</i> 742 W 27th St. Apt 34  <small>Print your name</small></p>	<p>213-747-4561  <small>Business or Organization</small>  <small>Phone</small></p>	

02285

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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	<p><i>Antonia M. March</i> Your Signature</p> <p><b>ANTONIA M. MARCH</b> Print your name</p> <p style="text-align: right;">(GREENS) Business or Organization</p>	
	<p><i>Dilette</i> Your Signature</p> <p><b>Dilette Chy</b> Print your name</p> <p style="text-align: right;">175 1/2 Upper Brand AD Muller St Gourmet Alchamy 216452 70205 2-7228</p> <p style="text-align: right;">Business or Organization</p>	
	<p><i>Alexa Manzano</i> Your Signature</p> <p><b>ALEXA MANZANO</b> Print your name</p> <p style="text-align: right;">(510) 425-4987 Business or Organization</p> <p>2704 Laguna Ave Long Beach, CA</p>	
	<p><i>Le Hinguh</i> Your Signature</p> <p><b>Le Hinguh</b> Print your name</p> <p style="text-align: right;">(912) 332-6918 Business or Organization</p> <p>14521 E. Edna pl. Covina</p>	71722-3113
	<p><i>Marie Waje</i> Your Signature</p> <p><b>MARIE WAJE</b> Print your name</p> <p style="text-align: right;">Business or Organization</p> <p>5119 ACACIA ST 815-285-8662</p>	
	<p><i>Frian Albert</i> Your Signature</p> <p><b>FRIAN ALBERT</b> Print your name</p> <p style="text-align: right;">Business or Organization</p> <p>8860-Whitcomb Resort 91324</p>	
	<p><i>Therese</i> Your Signature</p> <p><b>Therese</b> Print your name</p> <p style="text-align: right;">Business or Organization</p> <p>10900 WILSHIRE BLVD #400 LA</p>	9008
	<p><i>Roger Carlsson</i> Your Signature</p> <p><b>Roger Carlsson</b> Print your name</p> <p style="text-align: right;">Business or Organization</p> <p>First Millennium 818 796-1594</p>	Friendship
	<p><i>Erika Oelmann</i> Your Signature</p> <p><b>ERIKA OELMANN</b> Print your name</p> <p style="text-align: right;">Business or Organization</p> <p>2165 E. 21st St. CA. 90806</p>	
	<p><i>William J. Trajner</i> Your Signature</p> <p><b>WILLIAM J. TRAJNER</b> Print your name</p> <p style="text-align: right;">Business or Organization</p> <p>6 Sand Pointe, Laguna Niguel</p>	2677
	<p><i>Corey O'Malley</i> Your Signature</p> <p><b>COREY O'MALLEY</b> Print your name</p> <p style="text-align: right;">Business or Organization</p> <p>2501 1/2 Helmsa, Montrose, CA</p>	91020

02089

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

I support strong storm water regulations that will keep our beaches safe and healthy for humans and marine life. The passage of the new countywide storm water permit is the single most important step to reducing the impacts of uncontrolled runoff pollution entering our Bay. What's at stake is nothing less than the health of thousands of beachgoers, the quality of nearshore coastal waters, the beauty of miles of County beaches -- and the economic benefits of the coastal economy for Southern California.

VOL

7

	<p><i>Michael Carver</i> Your Signature</p> <p><i>MICHAEL CARVER 11334 HAWKWOOD DRIVE DUNSMITH CA</i> Print your name Address Phone</p> <p>Business or Organization 714 321</p>	
	<p><i>Greg Wilkley</i> Your Signature</p> <p><i>Greg Wilkley 124 S. Illinois Anaheim CA</i> Print your name Address Phone</p> <p>Business or Organization 714 778-5204</p>	
	<p><i>Shirley Lewis</i> Your Signature</p> <p><i>Shirley Lewis 6160 E. Central Marana</i> Print your name Address Phone</p> <p>Business or Organization 304 823-2650</p>	
	<p><i>Franklin</i> Your Signature</p> <p><i>Franklin 1523 Wembley Rd</i> Print your name Address Phone</p> <p>Business or Organization 415 555-6028</p>	
	<p><i>Bryan Lin</i> Your Signature</p> <p><i>Bryan Lin 1523 Wembley Rd</i> Print your name Address Phone</p> <p>Business or Organization 415 555-6028</p>	
	<p><i>Alan Reich</i> Your Signature</p> <p><i>Alan Reich 7020 Starstacy Ave</i> Print your name Address Phone</p> <p>Business or Organization 901-1906</p>	
	<p><i>Timothy Stillman</i> Your Signature</p> <p><i>TIMOTHY STILLMAN 158 CHATELAIN</i> Print your name Address Phone</p> <p>Business or Organization 415 445-2521</p>	
	<p><i>Donna Stillman</i> Your Signature</p> <p><i>Donna Stillman 858 Calle Laurel</i> Print your name Address Phone</p> <p>Business or Organization 415 445-2521</p>	
	<p><i>Electra Manwiller</i> Your Signature</p> <p><i>Electra Manwiller</i> Print your name Address Phone</p> <p>Business or Organization 713-913-1142</p>	
	<p><i>Meredita Hook</i> Your Signature</p> <p><i>MEREDITA HOOK 4032 VIA POSIEN, PLEASANTON</i> Print your name Address Phone</p> <p>Business or Organization 925 461-1114</p>	
	<p><i>John</i> Your Signature</p> <p><i>John 503</i> Print your name Address Phone</p> <p>Business or Organization 990-088</p>	

02087

R0031742

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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	<p><i>M. Sullivan</i> Your Signature</p> <p><b>M. Sullivan</b> 16061 Keneside Dr. 16061 Keneside Dr. Toluen Lake CA 91612 CA 91612</p> <p>Print your name Address Phone</p>	
	<p><i>R. Drum</i> Your Signature</p> <p><b>R. Drum</b> 16061 Keneside Dr. 16061 Keneside Dr. Toluen Lake CA 91612</p> <p>Print your name Address Phone</p>	
	<p><i>Sue Hutchins</i> Your Signature</p> <p><b>Sue Hutchins</b> 812 Indiana Ave. Venice 812 Indiana Ave. Venice CA 90291</p> <p>Print your name Address Phone</p>	
	<p><i>V. A. ...</i> Your Signature</p> <p><b>V. A. ...</b> 443 Lincoln Ave. Culver City 443 Lincoln Ave. Culver City CA 90232</p> <p>Print your name Address Phone</p>	
	<p><i>Steve Ruvahan</i> Your Signature</p> <p><b>STEVE RUVAHAN</b> 90059 90059</p> <p>Print your name Address Phone</p>	
	<p><i>Steve Corel</i> Your Signature</p> <p><b>STEVE COREL</b> 1315 N. Melrose 1315 N. Melrose LA 90045 CA 90045 (213) 463-0120</p> <p>Print your name Address Phone</p>	
	<p><i>Patricia Abels</i> Your Signature</p> <p><b>PATRICIA ABELS</b> 733 OXFORD AVE 733 OXFORD AVE VENICE CA 90192</p> <p>Print your name Address Phone</p>	
	<p><i>Dianna Figueroa</i> Your Signature</p> <p><b>Dianna Figueroa</b> 1507 Stanford St 1507 Stanford St San CA 90244</p> <p>Print your name Address Phone</p>	
	<p><i>Glenn Bailey</i> Your Signature</p> <p><b>Glenn Bailey</b> 5926 Hesperia Ave 5926 Hesperia Ave CA 91314</p> <p>Print your name Address Phone</p>	
	<p><i>Anne Marie Judson</i> Your Signature</p> <p><b>Anne Marie Judson</b> 965 Nightingale 965 Nightingale CA 91307</p> <p>Print your name Address Phone</p>	
	<p><i>Namiko Hiro</i> Your Signature</p> <p><b>Namiko Hiro</b> 4916 Anador Dr., 4916 Anador Dr., Oside CA 91204</p> <p>Print your name Address Phone</p>	
	<p><i>DAVE ...</i> Your Signature</p> <p><b>DAVE ...</b> 939 SILVER TR RD, 939 SILVER TR RD, DIRTWOOD BLDG CA 91765</p> <p>Print your name Address Phone</p>	

02088

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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VOL  
7

<i>Dianne Bennett</i> Your Signature	PRESS Name of Organization	
DIANNE BENNETT 7512 HAMPTON	LA 90046	
<i>Rich Thigpen</i> Your Signature		
Rich Thigpen 6000 Canterbury	Colver City 91045-1219	
<i>[Signature]</i> Your Signature	COLOR JAZZ Name of Organization	
BOB BOJANI PO BOX 570624	INZANA 91512	
<i>Mayra Galutea</i> Your Signature		
MAYRA GALUTEA 8813 N. BUFFALE DR	SUN VALLEY 91352	
<i>Peter E. Bennett</i> Your Signature	hunger Name of Organization	
PETER E. BENNETT 503 N. ELM. D.	Ben. Hill 90210	
<i>Dan Garcia</i> Your Signature		
Dan Garcia 14312 Osdent Dr	LA 91046	
<i>Barbara Hargrett</i> Your Signature		
Barbara Hargrett 1434 C. Ferrell St.	San Pedro 90732	
<i>Shirley Jones</i> Your Signature		
Shirley Jones 18540 Prairie #216	Northridge 91377-7895	
<i>Michelle Moreno</i> Your Signature		
Michelle Moreno 14216 Bona Drive	7443001	
<i>[Signature]</i> Your Signature	DA-VICI MUSIC 4601 GLORIA AVENUE ENCINO, CA 91436	
DAVID CECOLI	818 905 1748	
<i>Roxanne L. Beers</i> Your Signature		
ROXANNE L. BEERS 2430 LOS AMIGOS ST	LA CRESCENTA CA 91214	
<i>John Snelling</i> Your Signature	TOMARTCARDS Name of Organization	
JOHN SNELLING 7325 VIA LORADO	RAV 90275	210 544 7782

02289

## Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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VOL

7

029200

	<b>Your Signature</b>	<b>Business or Organization</b>
STEVEN HALEY 1324 E. 2nd #16 Santa Monica, CA 90404	1324 E. 2nd #16 Santa Monica, CA 90404	Phone: 310-424-1326
	<b>Your Signature</b>	<b>Business or Organization</b>
DAWN FULTON 2414 W. Camino #A San Clemente, CA 92673	2414 W. Camino #A San Clemente, CA 92673	Phone: (949) 453-1111
	<b>Your Signature</b>	<b>Business or Organization</b>
Wanda Foster 20242 Alhambra Blvd #11111 Alhambra, CA 91803	20242 Alhambra Blvd #11111 Alhambra, CA 91803	Phone: (626) 281-1111
	<b>Your Signature</b>	<b>Business or Organization</b>
Georgina Wagner-Porter 24310 Little Valley Rd #202596	24310 Little Valley Rd #202596	Phone: (818) 251-5960
	<b>Your Signature</b>	<b>Business or Organization</b>
MARSHALL ESTRIN 7205 FOUNTAIN AVE, GARDEN CITY, CA 94014	7205 FOUNTAIN AVE GARDEN CITY, CA 94014	Phone: (415) 351-2410
	<b>Your Signature</b>	<b>Business or Organization</b>
Thomas Edward Thomas 10210 427th St Torrance, CA 90503	10210 427th St Torrance, CA 90503	Phone: (310) 328-1120
	<b>Your Signature</b>	<b>Business or Organization</b>
ALAN SAKAMOTO 7053 Ambrose Dr, Cypress, CA 90630	7053 Ambrose Dr Cypress, CA 90630	Phone: 714-527-4690
	<b>Your Signature</b>	<b>Business or Organization</b>
BILL CHIN 836 N. BROADWAY #1111	836 N. BROADWAY #1111	Phone: 213-626-8111
	<b>Your Signature</b>	<b>Business or Organization</b>
Jessica Nichoff 10814 Pinkford Way, Culver City, CA 90230	10814 Pinkford Way Culver City, CA 90230	Phone: 310-202-8296
	<b>Your Signature</b>	<b>Business or Organization</b>
Kennida Terezón 7930 Newcastle Ave, Los Angeles, CA 90045	7930 Newcastle Ave Los Angeles, CA 90045	Phone: 313-5831
	<b>Your Signature</b>	<b>Business or Organization</b>
KAREN E LEMON 923 HARTZELL ST, Pac. Pal. CA 90272	923 HARTZELL ST Pac. Pal. CA 90272	Phone: 310-272-9230
	<b>Your Signature</b>	<b>Business or Organization</b>
CLAUDIA KIELICH 313 S. Venice Blvd, Venice, CA 90291	313 S. Venice Blvd Venice, CA 90291	Phone: 310-272-9230

R0031745

90294



# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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VOL 7

	Your Signature: <u>Nickie Lau</u> Print your name: <b>NICKIE LAU</b>	Business or Organization: <u>Santa Monica High</u> Address: <u>560 ENCLID ST. SAN, CA 90402</u> Phone: <u>458-0078</u>
	Your Signature: <u>Carolina Reyes</u> Print your name: <b>CAROLINA REYES</b>	Business or Organization: <u>Santa Monica High</u> Address: <u>1523 19th St #16 SN, CA 90404</u> Phone: <u>415-529-5701</u>
	Your Signature: <u>Berthania I. Caswell</u> Print your name: <b>BERTHANIA I. CASWELL</b>	Business or Organization: <u></u> Address: <u>2621 Abbot Kinney Pl. Venice 90221</u> Phone: <u>492-4992</u>
	Your Signature: <u>Oscar Amaro</u> Print your name: <b>OSCAR AMARO</b>	Business or Organization: <u>CITY OF LOS ANGELES</u> Address: <u>650 S BRING ST, 578 700 LA, CA 90014</u> Phone: <u>280-915200</u>
	Your Signature: <u>Theresa...</u> Print your name: <b>TERESA...</b>	Business or Organization: <u>...</u> Address: <u>...</u> Phone: <u>...</u>
	Your Signature: <u>Tiering...</u> Print your name: <b>TIERING...</b>	Business or Organization: <u>FRIENDLY FARMS COOP</u> Address: <u>11927 Calumet Blvd. LA 90046</u> Phone: <u>900-6066</u>
	Your Signature: <u>Charles William</u> Print your name: <b>CHARLES WILLIAM</b>	Business or Organization: <u>Cal...</u> Address: <u>910 7th St</u> Phone: <u>7441</u>
	Your Signature: <u>Prince Maria</u> Print your name: <b>PRINCE MARIA</b>	Business or Organization: <u>...</u> Address: <u>...</u> Phone: <u>395-4170</u>
	Your Signature: <u>Don May</u> Print your name: <b>DON MAY</b>	Business or Organization: <u>CALIF LAKES (PCL)</u> Address: <u>4727 Hill St, LAKEWOOD</u> Phone: <u>630-1491</u>
	Your Signature: <u>Albert Shilton</u> Print your name: <b>ALBERT SHILTON</b>	Business or Organization: <u>PAL PAL</u> Address: <u>17733 POTOSI MARINA</u> Phone: <u>310-277-3902</u>
	Your Signature: <u>...</u> Print your name: <b>...</b>	Business or Organization: <u>...</u> Address: <u>...</u> Phone: <u>...</u>
	Your Signature: <u>...</u> Print your name: <b>...</b>	Business or Organization: <u>...</u> Address: <u>...</u> Phone: <u>...</u>

2092



# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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VOL

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CONFORM

<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>118 WADSWORTH AVE #3</u></p> <p>Print your name: <u>A. GRANT RAMOS</u> Address: <u>SANTA MONICA CA 90405</u> Phone: <u>(310) 399-2982</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>CHECKER</u></p> <p>Print your name: <u>[Name]</u> Address: <u>[Address]</u> Phone: <u>[Phone]</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>USPS</u></p> <p>Print your name: <u>ROYCE CHAVEZ</u> Address: <u>1129 MARLBOROUGH ST Gardendale CA</u> Phone: <u>[Phone]</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>[Organization]</u></p> <p>Print your name: <u>[Name]</u> Address: <u>[Address]</u> Phone: <u>[Phone]</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>Heart Line Designs</u></p> <p>Print your name: <u>Marshall Lewis</u> Address: <u>114 Paces Blvd, LA</u> Phone: <u>714 216 1115</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>[Organization]</u></p> <p>Print your name: <u>AMY HALPERIN</u> Address: <u>4230 HANCOCK AVE</u> Phone: <u>[Phone]</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>SIGMA PI SYSTEM</u></p> <p>Print your name: <u>[Name]</u> Address: <u>[Address]</u> Phone: <u>[Phone]</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>[Organization]</u></p> <p>Print your name: <u>[Name]</u> Address: <u>[Address]</u> Phone: <u>[Phone]</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>Studio</u></p> <p>Print your name: <u>[Name]</u> Address: <u>[Address]</u> Phone: <u>[Phone]</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>[Organization]</u></p> <p>Print your name: <u>[Name]</u> Address: <u>[Address]</u> Phone: <u>[Phone]</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>[Organization]</u></p> <p>Print your name: <u>DAVID ATANS</u> Address: <u>9827 V. of SONOMA CYPRESS, CA</u> Phone: <u>906 30</u></p>	
<p>Your Signature: <u>[Signature]</u></p> <p>Business or Organization: <u>[Organization]</u></p> <p>Print your name: <u>MARIA BUTSETT</u> Address: <u>24707 N Acadia</u> Phone: <u>805-255-3244</u></p> <p style="text-align: center;">Newhall CA 91321</p>	

# Petition for a Clean Santa Monica Bay to the Regional Water Quality Control Board

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49267

<i>Dawn M. June</i> DAWN M. JUNE	Electric Fnk Maganist P.O. 5417 N. Mendenhall Ave. CA.
<i>Laina Rasmussen</i> LAINA RASMUSSEN	LACC 421 GAGE LA CA 90432
<i>Frank Solis</i> FRANK SOLIS	U.S. Fish & Wildlife Serv. 2156 Emerald St. Torrance Ca. 90503
<i>Ginger Hunt</i> GINGER HUNT	STUDENT 1421 16 <sup>TH</sup> ST. CA. 310-453-5309
<i>Patrick McNelly</i> PATRICK MCNELLY	P.C. Sanitation 1306 W. Hill Ave. Fallston CA 96533 714-447-9092
<i>Linda O'Connell</i> LINDA O'CONNOR	UCLA 308 Westwood Plaza # 215 LA 310-206-9101
<i>Nick Punt</i> NICK PUNT	STUDENT 42122nd St. CA 310-451-7150
<i>Melissa Martinez</i> MELISSA MARTINEZ	STUDENT 2104 S. CA 310-576-2041
<i>Helen Zwick</i> HELEN ZWICK	Lawyer 11765 Chilworth Blvd
<i>Ron Farnator</i> RON FURNATOR	909-230-6700 27500 ASHWOOD LN LAKE ARROWHEAD
<i>Denise Eppert</i> DENISE EPPERT	Squiggly Ranch 8726 S. Squiggly
<i>Gayle Hentker</i> GAYLE HENTKER	South Bay Fort

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	<p><i>[Signature]</i> CLAREMONT ACECAVIA COOP            Business or Organization  <b>GARY FERALISO</b> STORY HOUSE CLAREMONT 90560  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i> USIP            Business or Organization  <b>Tim</b> 3814 ...  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i> ...            Business or Organization  <b>...</b> ...  <small>Print Your Name Address Phone</small></p>	
	<p><b>Mark Gold</b> HCS            Business or Organization  <b>Mark Gold</b> 828 Pine St. (310) 392-7947  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i> D.J. PRODUCTIONS            Business or Organization  <b>GARLAND JACKSON</b> 5040 S LABRECAAN #88213771-750  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i> City of Santa Monica            Business or Organization  <b>RALPH MERCED</b> 8500 Michigan Ave SM 4508514  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i> DWP            Business or Organization  <b>Michael Noves</b> 5202 DANA DE LA  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i> SCRIPS COLLEGE            Business or Organization  <b>ALICE C. F. T. W.</b> (909) 952-206  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i> NUS Sacramento            Business or Organization  <b>THOMAS R. MATHEWS</b> 2701 R St. La Habra 91734  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i>            Business or Organization  <b>LAURI FLACK</b> 652 Cedar Place Ventura 93001  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i> CAC ENVIRONMENTAL            Business or Organization  <b>PETER KATSUMATA</b> PO BOX 5137 CERRITOS CA 90207 (514)  <small>Print Your Name Address Phone</small></p>	
	<p><i>[Signature]</i>            Business or Organization  <b>TIM TRUBS</b> 2414 S. 1617 39/2327677  <small>Print Your Name Address Phone</small></p>	

5295



LOS ANGELES COUNTY MUNICIPAL STORM WATER PERMIT PSA

LENGTH: 5:04 MINS.

6/7/96 D60017

SANTA MONICA BAY RESTORATION PROJECT

CU

LOS ANGELES COUNTY MUNICIPAL  
STORM WATER PERMIT PSA

LENGTH: 5:04 MINS.

6/7/96 D60017

SANTA MONICA BAY RESTORATION  
PROJECT

CU

ATTACHMENT A  
LIST OF PERMITTEES  
BY  
WATERSHED MANAGEMENT AREAS

Santa Monica Bay

Malibu Creek and Other Rural

Agoura Hills  
\*Calabasas  
**Los Angeles County**  
Malibu  
Westlake Village

Ballona Creek and Other Urban

Beverly Hills  
Culver City  
El Segundo  
Hermosa Beach  
**Los Angeles County**  
**Los Angeles County**  
Manhattan Beach  
Palos Verdes Estates  
Rancho Palos Verdes  
Redondo Beach  
Rolling Hills  
Rolling Hills Estates  
\*Santa Monica  
West Hollywood

Dominguez Channel/

Los Angeles Harbor Drainage

Carson  
Gardena  
Hawthorne  
Inglewood  
Lawndale  
Lomita  
**Los Angeles County**  
**Los Angeles County**  
\*Torrance

Los Angeles River

Alhambra  
Arcadia  
Bell  
Bell Gardens  
Burbank  
Commerce  
Compton  
Cudahy  
El Monte  
Glendale  
Hidden Hills  
Huntington Park  
La Canada Flintridge  
**\*Long Beach**  
**Los Angeles County**  
**Los Angeles County**  
Lynwood  
Maywood  
Monrovia  
Montebello  
Monterey Park  
Paramount  
Pasadena  
Rosemead  
San Fernando  
San Gabriel  
San Marino  
Sierra Madre  
Signal Hill  
South El Monte  
South Gate  
South Pasadena  
Temple City  
Vernon

San Gabriel River

Artesia  
Azusa  
Baldwin Park  
Bellflower  
Bradbury  
Cerritos  
Claremont  
Covina  
Diamond Bar  
Downey  
Duarte  
Glendora  
Hawaiian Gardens  
Industry  
Irwindale  
La Habra Heights  
La Mirada  
La Puente  
La Verne  
Lakewood  
**\*Long Beach**  
**Los Angeles County**  
Norwalk  
Pomona  
Pico Rivera  
San Dimas  
Santa Fe Springs  
Walnut  
West Covina  
Whittier

Santa Clara River

**Los Angeles County**  
**\*Santa Clarita**

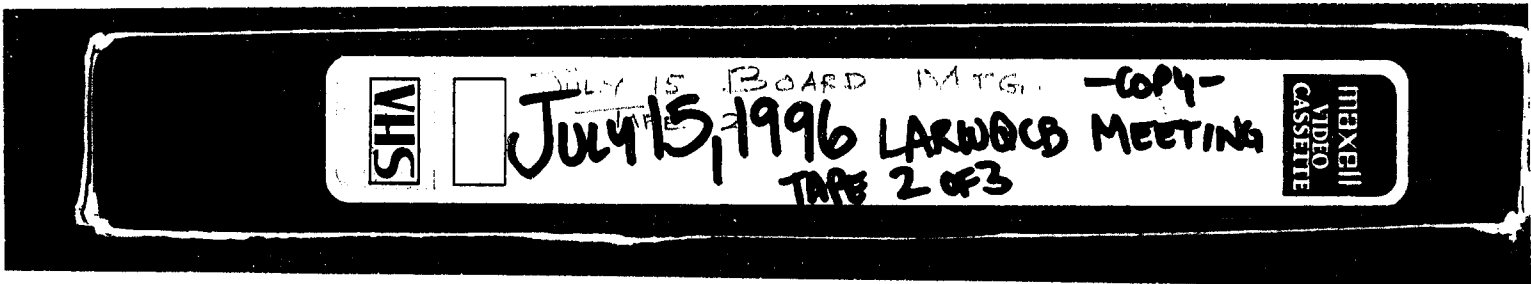
*Italicized agencies are present in more than one Watershed Management Area. \*Indicates City with the largest watershed population other than the County of Los Angeles and the City of Los Angeles.*

MEXEL  
VIDEO  
CASSETTE

JULY 15, 1996 LARWOOD <sup>-copy-</sup> Meeting

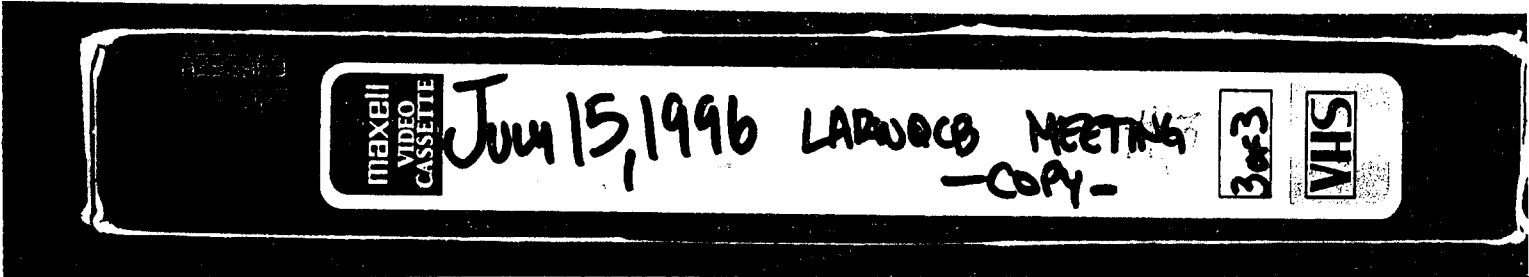
1 of 3

VHS



R0031755





R0031756





Natural Resources  
Defense Council

6310 San Vicente Blvd., Suite 250  
Los Angeles, CA 90048  
213 934-6900  
Fax 213 934-1210

VIA FACSIMILE AND U.S. MAIL

July 9, 1996

V  
O  
L  
9

Honorable Mayor Beverly O'Neill  
City of Long Beach  
333 West Ocean Blvd.  
Long Beach, CA 90802

Re: Public Records Act Request

Dear Mayor O'Neill,

By this letter we request information regarding the City of Long Beach's implementation of storm water pollution management programs and practices. We respectfully make this request pursuant to the California Public Records Act, Government Code Section 6250.

Specifically, please provide to us the following documents or information:

1. The transcript for the July 2, 1996 Long Beach City Council meeting regarding agenda item #33.
2. Documentation that agenda item number #33 on the July 2, 1996 Long Beach City Council meeting was properly noticed as required under the Brown Act.
3. The video tape of public testimony given at the July 2, 1996 Long Beach Council meeting regarding agenda item number #33.
4. All documents provided to members of the Long Beach City Council on or before the July 2, 1996 City Council meeting relating to existing and/or projected program requirements and associated costs for storm water pollution prevention and management by the City of Long Beach.
5. All documents supporting the public position of the City of Long Beach that the tentative municipal storm water permit proposed for adoption on July 15, 1996 would prohibit residential car washing.
6. A detailed account identifying the specific activities by City department which will require the expenditure of additional funds and staff resources in order to comply with the tentative draft municipal storm water permit proposed for adoption on July 15, 1996, beyond those funds and resources currently being expended on storm water related activities under the 1990 permit.

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40 West 20th Street  
New York, New York 10011  
212 727-2700  
Fax 212 727-1773

1350 New York Ave., N.W.  
Washington, DC 20005  
202 783-7800  
Fax 202 783-5917

71 Stevenson Street  
San Francisco, CA 94105  
415 777-0220  
Fax 415 495-5996

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7. All documents detailing the costs the City of Long Beach has attributed to its programs for the management and control of storm water pollution runoff in the City for the last three fiscal years, including but not limited to all itemized program budgets.
8. All documents detailing the staff resources the City of Long Beach has expended on development and implementation of its programs and best management practices for the management and control of storm water pollution runoff in the City for the last three fiscal years, including itemizations of the staff activities on which the resources were expended.
9. Copies of all materials reflecting programs and practices implemented by the City of Long Beach since January 1, 1990 to control or prevent storm water pollution runoff flowing from within the City into the storm drain system including, but not limited to:
  - City storm water management plans or written programs;
  - Public education materials distributed by the City;
  - Employee training materials and records of training of City employees on storm water pollution management and prevention;
  - Memoranda to City employees regarding required or recommended best management practices to control storm water pollution;
  - Staff manuals or portions of manuals regarding required or recommended best management practices to control storm water pollution;
  - Ordinances, municipal codes, resolutions and any other city laws supporting the City's storm water pollution management and prevention program;
  - All documents provided to contractors, developers, businesses, and residents regarding requirements of the City's storm water program;
  - Records of flows from the sewer system to the storm drain system within the City and any documents reflecting the City's programs and practices to prevent or remediate such flows;
  - Records of surveys of illegal connections between the sewer and storm drain systems within the City;
  - Records of all illegal discharges to the storm drain system within the City and documents reflecting the City's programs and practices to prevent illegal discharges;
  - Documents reflecting the City's program to clean drain inlets, catch basins and pump houses within the City and any records of the cleanings;

- Documents reflecting the City's street sweeping program, including but not limited to documents reflecting the frequency of sweeping, types of streets swept, and type of sweepers used;
- Documents reflecting best management practices implemented at all City maintenance and other corporation yards; and
- Documents reflecting the City's program to control the runoff of sediments and other pollutants from construction sites into the storm drain system within the City.

If any portion of this request is denied, pursuant to the Public Records Act we request a detailed statement of the reasons any item of information is being withheld and an index or similar statement of the nature of the information item withheld. Similarly, if no information is provided that is responsive to a particular request, we will assume that no such information exists, unless indicated otherwise.

Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public assurance that the City of Long Beach is fulfilling its obligations to provide adequately for the protection of water quality in the region. The requester is a nonprofit organization and has no commercial interest in this matter. Thus, we respectfully request that any fee for reproduction of the requested documents be waived pursuant to the Public Records Act. If the City of Long Beach disagrees with this assessment that copying fees should be waived, please notify me to discuss alternatives.

We look forward to your response as soon as possible, but at a minimum within the ten (10) day period mandated by the Public Records Act.

If you have any questions regarding this request, please let me know. Thank you for your cooperation in this matter.

Sincerely,



Maribel Marin  
Senior Research Associate

cc: Raymond T. Holland, Director of Public Works  
Lisa Peskay Malmsten, Deputy City Attorney  
Long Beach City Council Members

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