



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

July 12, 2006

Mr. Mark Pestrella
Assistant Deputy Director
Watershed Management Division
County of Los Angeles Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331

and

Los Angeles County Municipal Storm Water Permittees

REVIEW OF THE REPORT OF WASTE DISCHARGE FOR THE REISSUANCE OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL STORM WATER DISCHARGE PERMIT FOR THE COUNTY OF LOS ANGELES AND PERMITTEES (NPDES No. CAS004001, ORDER No. 01-182)

Dear Mr. Pestrella:

We have received the Report of Waste Discharge (ROWD) submitted on June 12, 2006 for reissuance of the County of Los Angeles Municipal Storm Water Discharge Permit (LA MS4 Permit). The County of Los Angeles and Permittees are currently covered under Regional Board Order No. 01-182, which expires on December 12, 2006. Two Permittees currently covered under Order 01-182 have submitted separate ROWD's (City of Downey and City of Signal Hill) for their own MS4 Permit. A fourth ROWD was received for a portion of the San Gabriel River Watershed which only includes the Cities of Azusa, Claremont, Glendora, Irwindale, and Whittier. For purposes of the LA MS4 Permit renewal, the cities of Azusa, Claremont, Downey, Glendora, Irwindale, Signal Hill, and Whittier are excluded, and among other things will be responsible for their own storm water management programs and monitoring programs, if they pursue separate MS4 Permits.

Our review of the ROWD indicates that while the Permittees are proposing some positive changes, other areas of the ROWD do not satisfy federal storm water regulations contained in the United States Environmental Protection Agency (USEPA) Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems; Final Rule August 9, 1996 (61 Fed Reg. 41697). Some of the inadequacies include:

1. The elimination of Local SWPPPs for all construction sites 1 acre and greater; and
2. The proposal for inclusion of TMDL requirements only in memoranda of understanding (MOUs) in lieu of TMDL Waste Load Allocations (WLAs) included in NPDES Permits as required by federal regulations.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mr. Mark Pestrella
County of Los Angeles
Department of Public Works

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July 12, 2006

And Permittees

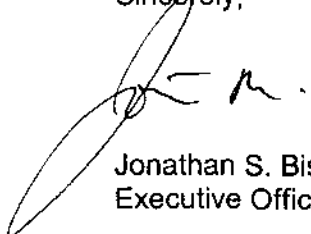
Federal Regulations (40 C.F.R. § 122.44(d)(1)(vii)(B)) require that NPDES Permits incorporate all applicable TMDL WLAs when reissued and are made enforceable. There is no existing authority to use MOUs for compliance within the NPDES regulatory scheme. Further, any dry weather WLAs are unaffected by storm water policy.

The ROWD did not satisfy the requirements in the United States Environmental Protection Agency (USEPA) Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems; Final Rule August 9, 1996 (*61 Fed Reg. 41697*). For these and other deficiencies in the ROWD, we deem it incomplete.

We do however, look forward to working out these details with your staff during the MS4 permit reapplication process. Our review will not be deemed to prejudice the Board from raising additional subject matter not identified herein, during the permit reissuance process. We intend to conduct a series of work-group meetings to receive input over the coming months with Permittee representatives and interested persons, to assist us in developing permit requirements. Pursuant to 40 CFR 122.6, Order 01-182 shall remain in effect and enforceable until a replacement LA MS4 Permit is adopted by the Board.

If you have any questions, please do not hesitate to contact me at (213) 576-6605 or Dr. Xavier Swamikannu at (213) 620-2094 or Carlos Urrunaga at (213) 620-2083.

Sincerely,



Jonathan S. Bishop
Executive Officer

Enclosure

cc: Mr. Michael Levy Esq, Office of the Chief Counsel, State Water Resources Control Board
Mr. Bruce Fujimoto, Division of Water Quality, State Water Resources Control Board
Mr. Eugene Bromley, CWA Standards and Permits, USEPA Region IX
Mr. Dan Lafferty, Watershed Mgmt. Division, Los Angeles County Dept. of Public Works

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