

Department of Water and Power



the City of Los Angeles

SPECIAL HEARING

2/3/05

cc: BD, DI, DWQ

e-cys: BD, CC, HMS, TH, CMW

Facsimile Cover Sheet

Water Quality and Operations Business Unit  
WATER QUALITY COMPLIANCE  
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To: Ms. Debbie Irvin, Clerk to the Board  
Company: State Water Resources Control Board  
Phone: 916-341-5600  
Fax: 916-341-5620

From: Katherine Rubin - Los Angeles Dept. of Water & Power  
Phone: 213-367-0436

Date: 2/18/05

Pages including this cover page: 4

Comments:

Debbie - please find faxed an addendum to LADWP's  
comments dated 2/3/05 for the draft Reissuance of the NPDES  
General Permit for Discharges of Storm Water Associated with  
Industrial Activities. A hard copy will follow.

If you have any questions, please feel free to contact me  
at 213-367-0436.

Sincerely, Katherine Rubin  
Los Angeles Dept. of Water and Power

Water and Power Conservation ... a way of life

111 North Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles 90051-5700  
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## Department of Water and Power



the City of Los Angeles

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February 18, 2005

Confirmation by fax sent on February 18, 2005

Ms. Debbie Irvin  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street 24<sup>th</sup> Floor 95814  
P.O. Box 100  
Sacramento, California 95812-0100

Dear Ms. Irvin

Subject: Addendum to Comments on the draft for the Reissuance of the  
National Pollutant Discharge Elimination System General Permit for  
Discharges of Storm Water Associated with Industrial Activities

LADWP is submitting this addendum to our previous comment letter submitted on February 3, 2005 due to the fact that the due date for comments was extended to February 18, 2005.

LADWP understands that the State Water Resources Control Board (SWRCB) intent is to move towards establishing numerical effluent limits for the next term of the State wide General Permit for Storm Water Associated with Industrial Activities (Permit). First, LADWP does not believe that numerical effluent limits are appropriate for storm water and the federal storm water regulation under the Clean Water Act (CWA) does not require them for storm water discharges. Secondly, LADWP is concerned that developing appropriate numerical effluent limits for storm water is difficult to achieve due to the variability of the storm water pollutant loading, the variability with the intensities of storm events, and the cost associated with the monitoring needed to achieve statistically valid results. LADWP suggests that the SWRCB maintain the current iterative approach for regulating the discharge of storm water, and that quantitative measures such as using the EPA benchmarks only be used as a tool to measure the effectiveness of Best Management Practices (BMPs) and as a flag to the operator that the Storm Water Pollution Prevention Plan (SWPPP) needs to be amended. Lastly, if the SWRCB is compelled to establish numerical effluent limits, LADWP urges the SWRCB to use good scientific rigor and the proper administrative process. LADWP appreciates the opportunity to again address the SWRCB and has the following specific comments:

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Ms. Debbie Irvin  
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**1 Fact Sheet – General Permit Conditions – Effluent Limitations, last paragraph, page VIII and Order – V. Provisions – Paragraph 7h, page 7.**

In these two sections the Permit states that if the discharger reports analytical results above the benchmarks, the Regional Water Quality Control Board (RWQCB) may determine that the BMPs are inadequate and, either require additional/improved BMPs and/or take enforcement action. Thus, irrespective of whether the discharger is fully complying with the permit, and any requests or requirements from the RWQCB, it nevertheless can be subject to enforcement. LADWP disagrees with this approach and recommends that the SWRCB delete these phrases from the permit.

As long as the Permittee is fully complying with the Permit and any request made by the RWQCB, the Permittee should be deemed in compliance with the Permit and no enforcement action is warranted.

LADWP recommends that the sentence be removed from the fact sheet on page VIII and to delete paragraph 7h.

**2. Order – VII. SWPPP Requirements – Minimum BMPs, Paragraph i. (1), page 12.**

This paragraph requires the Permittee to inspect all outdoor areas associated with outdoor industrial activity, etc. on a weekly basis. LADWP believes that this is excessive. Since the Permit already requires dry weather observations, wet weather observations, and pre-storm observations (LADWP would also support the SWRCB's inclusion of post-storm observations), weekly observations would be without commensurate environmental gain. In addition, there are regional differences in the rainfall throughout the State. In arid Southern California there is not traditionally much rain, and therefore, the existing inspection requirements, combined with pre and post-storm inspections, should address all the necessary circumstances. To additionally conduct weekly inspections is excessive.

LADWP suggests that the "weekly" requirement be removed from this BMP requirement.

**3. Finding #10, page 2.**

The paragraph refers to "benchmark criteria" for the indicator parameters. Since the benchmarks are not promulgated water quality criteria they should not be referred to as "criteria". LADWP suggests using the term values instead of "criteria."

BY: LADWP;

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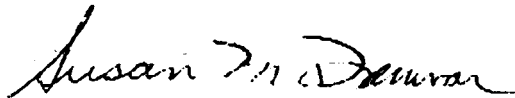
LADWP recommends that the word "criteria" be deleted and to substitute the word "value" so that the sentence reads: "...contains benchmark values...".

In the same paragraph, it states "...if exceeded...". Again, since the benchmarks are not effluent limits, results above the "benchmarks" should not be considered exceedences. LADWP suggests that the word "exceeded" be deleted from the sentence and substituted with the wording "greater than" so that the sentence reads: "This permit contains benchmarks for the indicator parameters and facility specific pollutants, which, if greater than, will require discharges to identify and implement additional controls."

LADWP appreciates the opportunity to comment and looks forward to working with the SWRCB in the renewal of this Permit.

If you have any further questions regarding these comments, please feel free to contact Ms. Katherine Rubin of my staff at 213-367-0436.

Sincerely,



Susan M. Damron  
Manager of Wastewater Quality Compliance

KR: bdc