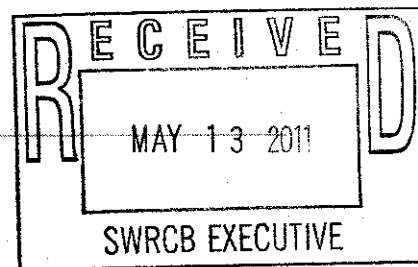


commentletters - Comment Letter-SSS WDRs Review & Update due 5.13.2011 Noon

From: Joyce Dillard <dillardjoyce@yahoo.com>
To: <commentletters@waterboards.ca.gov>
Date: 5/13/2011 11:06 AM
Subject: Comment Letter-SSS WDRs Review & Update due 5.13.2011 Noon



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NPDES permitting for SSO would comply Federal Clean Water Act criteria and any violations. Definitive sub-permittee compliance and reporting issues is unclear. This would place a federal oversight on contamination issues.

It is not clear if the main applicant to the NPDES would be responsible for public sewer systems not in their jurisdiction. The LRO Legally Responsible Official and the monitoring requirements are unclear.

Point in fact, is Los Angeles County, the Los Angeles County Flood Control District and the City of Los Angeles and the Los Angeles Department of Water and Power. Language would need to be included that requires the sub-permittee to apply for NPDES sub-permit with conditions of mitigation if that is the intent. In the case of Los Angeles County, does this make the County responsible for city and county jurisdictions for Sewer System Management Plans. We know of no such plan in the City of Los Angeles.

Does the County of Los Angeles become legally responsible for the City of Los Angeles, though they do not own the pipes or treatment facilities. Or maybe we are wrong and the County does own the pipes, but not the treatment facilities.

This also takes into account jurisdiction under the Ninth Circuit Court of Appeals Opinion No. 10-56017 which gave responsibility for NPDES main permittee for

stormwater, the County of Los Angeles, for contamination issues.

Spill causes, according to your reports, are:

1. Root Intrusion
2. Grease Deposition FOG
3. Debris
4. Miscellaneous-
 - Vandalism
 - Rainfall exceeded design
 - Pump station failure
 - Operator error
 - Flow exceeded capacity
 - Other
5. Pipe Structural Problem/Failure

Dual permitting needs to be clear as to the Legally Responsible Party.

For consideration is the ownership of wastewater assets for recycled water. The Bureau of Sanitation has jurisdiction for wastewater and the LADWP treats the water. We question who has legal jurisdiction.

Water is sold to West Basin Municipal Water District for additional treatment and resold to LADWP.

The Charter of the City of Los Angeles states:

"The Department of Water and Power is further authorized to sell water related

products and services pertaining to water delivery, water quality, water storage, metering, water audits, and the design, procurement, installation, operation, and maintenance of water related equipment and systems to any person or entity within its retail service areas."

If the County Flood Control District has legal jurisdiction of this water, then LADWP could not supply any treated water to customers, after recycling, unless there is a legal transaction with the County and/or the City of Los Angeles Bureau of Sanitation.

The City of Los Angeles does not require any (camera) inspection of the pipes from private property owner to connection per our understanding. The County of Los Angeles would then be responsible for sewage from unchecked pipes that infiltrate stormwater runoff that causes TMDL contamination.

The language, as presented, might be challenged in court for years to come.

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