

2/3/05

cc: BD, DI, DWQ

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



# COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

102. county sanitation districts of Los Angeles

JAMES F. STAHL

Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
www.lacsd.org

February 18, 2005

File No. 31-370-40.4A

Ms. Debbie Irvin, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 92812-0100

Dear Ms. Irvin:

### **County Sanitation Districts of Los Angeles County's Comments Relating to Wastewater Treatment Facilities on the Draft NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities**

The County Sanitation Districts of Los Angeles County (Districts) thank the State Water Resources Control Board (SWRCB) for the opportunity to submit comments on the December 15, 2004 Draft Industrial Activities Storm Water General Permit (Draft Permit). The Districts are a confederation of special districts which operate and maintain regional wastewater and solid waste management systems for approximately 5 million people who reside in 78 cities and unincorporated areas in Los Angeles County. The Districts own and operate 11 wastewater treatment plants and five landfills. All of these facilities are currently subject to and in compliance with the Industrial Activities Storm Water General Permit (General Permit). In addition to these facilities, the Districts also are responsible for maintaining approximately 1,300 miles of sewer lines, which convey flows from industries and municipalities within our service areas to our wastewater treatment plants. The Districts have already submitted comments to the SWRCB (in a letter dated February 14, 2005) regarding the impacts of the General Permit's proposed changes on Districts landfill facilities. The purpose of this letter is to provide additional comments to the SWRCB based on the proposed changes to the General Permit that affect Districts wastewater treatment facilities.

The Districts fully support the use of a general permit for discharges of storm water associated with industrial activities. The use of a general permit is consistent with the State Water Resources Control Board's approach for regulating categories of discharges that have limited potential to adversely affect water quality. It also reduces the need for individual permits that are time consuming to issue and that would incorporate essentially the same requirements. Based on our experience with the current Industrial Activities Storm Water General Permit, the Districts believe changes to the existing General Permit are unnecessary since the requirements as currently contained in the General Permit effectively regulate storm water discharges from the Districts' facilities. The Districts have prepared and implemented Storm Water Pollution Prevention Plans (SWPPPs) at all our wastewater treatment facilities subject to the General Permit; employees are regularly trained and reminded about good housekeeping practices; and monitoring and reporting to the Regional Water Quality Control Board, Los Angeles Region are being performed at the frequencies required. As discussed below, the Districts have several concerns regarding provisions contained in Section VII (SWPPP Requirements), Section VIII (Monitoring Program and Reporting Requirements), and Section IX (Group Monitoring) of the 2004 Draft Permit, as they may impact Districts wastewater treatment facilities.

Ms. Debbie Irvin, Clerk to the Board

-2-

February 18, 2005

The existing General Permit allows dischargers to collect samples from a reduced number of "substantially identical" drainage areas. The 2004 Draft Permit no longer contains this clause. At the Districts' Joint Water Pollution Control Plant in Carson, there are eight storm water drainage areas. However, the Districts have been able to reduce the number of sampling locations to four as many of the drainage areas are substantially identical, with similar type of structures. The elimination of this sample reduction allowance will substantially increase the number of samples required to be collected. Because of the similar drainage area conditions, the Districts do not believe the added sampling requirement will result in data that will enhance existing data sets.

The current permit (Section B.4.a) requires facility operators to conduct visual observations of storm water discharges from one storm event per month during the wet season. Section VIII.3 of the Draft Permit proposes to restrict the monthly visual observation to only the first qualifying storm event in each month instead of any qualifying storm event of the month. The Districts finds this revision overly restrictive in that it sets up an inflexible framework to implement the provisions. Under the existing permit, if facility operators are unable to conduct observations of the first qualifying storm event, they are not penalized, and observations can be made for another qualifying storm during the same month, allowing much needed flexibility of operations for a facility. The Districts request that the permit continue to allow observations of any qualifying storm that occurs during the month.

Section VIII.3.e adds a requirement for recording any storm events that occur during daylight scheduled facility operating hours that do not produce a discharge. This requirement is somewhat problematic and may be difficult to implement. It is not clear what is achieved through this requirement or what compliance information should be recorded. Recording this information will have no impact upon water quality because there will be no discharge to observe. The Districts believe that this requirement adds an unnecessary burden to the discharger that is not commensurate to any benefit derived from the requirement. For example, to comply with this requirement, these facilities may have to either add personnel or install an automated weather station, and the benefit of this information seems very limited. If the purpose of this requirement is to obtain rain data, there are many readily available sources on the internet that provide daily rain data by zip code (e.g., [weather.com](http://weather.com)).

Sections VIII.3.b and VIII.3.d add two new requirements for visual observations of storm water storage, containment, and drainage areas at two different frequencies. While the Districts support the idea of these observations, the Districts propose that these requirements be combined to reduce confusion. The Districts recommend that observations of the storm water storage, containment, and drainage areas be conducted simultaneously at a fixed frequency (e.g., monthly rather than monthly and prior to anticipated storm events). This recommended change will achieve the same goal that the SWRCB intended and is more feasible to implement.

The Districts request that, if any of the proposed requirements for additional inspections and/or observations are adopted, the SWRCB develop or modify the forms in the standard Annual Report to reflect the new requirements. Developing standard inspection and/or observation forms would greatly improve consistency in permittee reporting.

The 2004 Draft Permit includes benchmark values for 22 parameters which include pH, suspended solids, specific conductance, other conventional pollutants, and various metals. This is the first time benchmarks are included in the Industrial General Permit, and even though the SWRCB noted that they are mindful that USEPA has recommended throughout its guidance documents the use of BMPs in lieu of effluent limitations, the SWRCB stated that it is their intent to determine whether numeric effluent limitations can be scientifically supported in the next general permit based on analytical results collected over the next five years. The Districts strongly object to the SWRCB's direction. The Districts do not believe that the SWRCB's use of benchmarks as de-facto effluent limits was intended by USEPA. The USEPA has repeatedly stated its intention to base the Industrial Storm Water Permit Program on BMPs. As a result, the USEPA's multi-sector industrial permit allows dischargers to discontinue sampling if the discharges are below the benchmarks and instructs dischargers to "consider" inclusion of improved BMPs if the discharges are "considerably above" the benchmark levels. Not only does the 2004 Draft Permit not provide for reduction in sampling based on benchmark levels, Section VIII.4.f of the 2004 Draft Permit states that "when analytical results exceed the

Ms. Debbie Irvin, Clerk to the Board

-3-

February 18, 2005

benchmark values in Table VIII.2, dischargers shall: 1) re-evaluate the effectiveness of the SWPPP and the BMPs and determine what additional corrective actions may be necessary, and 2) collect and analyze samples from at least the next two consecutive qualifying storm events. Dischargers shall continue sample collection and analysis until two consecutive samples result in no further exceedances of the benchmarks." In essence, the SWRCB is using these benchmarks as effluent limits and penalizing dischargers when exceedances occur. The Districts recommend that the benchmarks be removed from the Draft Permit and the storm water program be based on BMPs as the USEPA intended it to be.

The Districts' GMP consists of seven participants which are Districts' owned wastewater treatment plants that are similar in terms of operational processes and chemicals stored and used on site. The 2004 Draft Permit sets the minimum number of participants for GMP at ten. If this proposal is adopted, the Districts may be forced to abandon its GMP and monitor each plant individually. It seems that any size of GMP would be a benefit to the SWRCB and to the participants in terms of reduced monitoring requirements (while retaining effectiveness due to similarity of facilities) and reduced reporting and review. The Districts respectfully request that this minimum participant requirement be removed. However, if the SWRCB retains this requirement, then the Districts request that provisions be added to the General Permit allowing a single entity owning/operating multiple similar facilities within a region (such as the Districts) to be covered under the GMP, if the number of facilities is more than one and less than 10, based upon approval of the local Regional Board.

The Districts believe that an opportunity currently exists for the SWRCB to improve the Industrial Storm Water Monitoring Program in a meaningful way to help ensure the protection of the receiving waters while at the same time not overburdening the permittee with "no value added" monitoring and reporting requirements. As permittee resources continue to be taxed with ever increasing monitoring and reporting requirements, the Districts strongly believe that the SWRCB should carefully consider the overall benefit of the proposed requirements contained in the Draft Permit.

If you have any questions concerning this letter, please contact Frances Garrett at (562) 699-7411, extension 2807 or the undersigned at extension 2801.

Yours very truly

James F. Stahl



Victoria O. Conway  
Section Head  
Monitoring Section

VOC:FG:drs