

Department of Water and Power



the City of Los Angeles

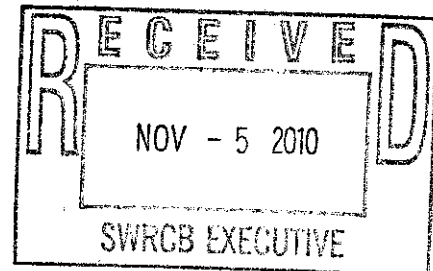
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November 5, 2010

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street,
Sacramento, CA 95814



Dear Ms. Townsend:

Subject: Comment Letter-Modifications to Order NO. 2009-0002-DWQ [National Pollution Discharge Elimination System (NPDES) NO. CAS000002] General Permit for Discharges of Storm Water Associated With Construction and Land Disturbance Activities (Construction General Permit)

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the proposed General Permit for Discharges of Storm Water Associated with Construction and Land Disturbance Activities [NPDES NO. CAS000002], Order No. 2009-002-DWQ regarding the definitions of the Construction General Permit (CGP) Approved Signatory and Legally Responsible Person (LRP). LADWP recognizes and appreciates the efforts of the State Water Resources Control Board (State Board) staff to amend and clarify these definitions. LADWP currently has several construction projects under this CGP throughout the Los Angeles Region and Owens Valley, and would like to see consistent and congruent language that is clearly defined for both the Approved Signatory and LRP.

LADWP believes the suggested amendment language for Approved Signatory needs to be broadened to include environmental compliance oversight and that the LRP language is too general and has the potential to allow for no compliance oversight for the property owner and/or project. Therefore, LADWP submits the following comments.

Water and Power Conservation ... a way of life

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**Comment 1. Appendix 5 – Glossary pages 1- 2
Approved Signatory, item #3**

3. For a municipality, State, Federal, or other public agency: a principle executive officer, ranking elected official, city manager, council president, or other public employee with managerial responsibility over construction or land disturbance project (including, but not limited to, project manager, project superintendent, or resident engineer)

LADWP supports the approved signatory definition for municipality, State, Federal or other public agency for a principle executive officer, ranking elected official, city manager, or council president. However, to include as a designated approved signatory for, other public employee with managerial responsibility over construction or land disturbance project (including, but not limited to, project manager, project superintendent, or resident engineer) grants an employee legal authority to sign, certify, and electronically submit Permit Registration Documents and Notices of Termination without environmental compliance oversight of the LRP through the Smarts system. For Ex. A project manager may deem a construction project complete and submit a NOT before all environmental review / checks are completed. The construction aspect of the project may be complete, but there may be other areas of concern before the NOT is submitted.

Recommendation

LADWP recommends the definition of Approved Signatory to be broadened to ensure environmental review and compliance. It is suggested that the Approved Signatory definition read as follows: "For a municipality, State, Federal, or other public agency: a principle executive officer, ranking elected official, city manager, council president, or other public employee with managerial responsibility to assure environmental compliance with environmental laws and regulations and the manager can ensure that the necessary systems are established or actions taken to gather and complete accurate information for permit application requirements".

Comment 2, Appendix 5 – Glossary page 5, Legally Responsible Person

A person, company, agency, or other entity that possesses a real property interest (including, but not limited to, fee simple ownership, easement, leasehold, or rights of way) in the land upon which the construction or land disturbance activities will occur for the regulated site. If the land is controlled by an estate or similar entity, the person who has day-to-day control over the land (including, but not limited to, a bankruptcy trustee,

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receiver, or conservator) is considered to possess a real property interest. The Legally Responsible Person will typically be the project proponent. A contractor who does not possess a real property interest is not qualified to be a Legally Responsible Person.

LADWP supports the limited definition of a LRP to be A person, company, agency, or other entity that possesses a real property interest (including, but not limited to, fee simple ownership, easement, leasehold, or rights of way) in the land upon which the construction or land disturbance activities will occur for the regulated site. LADWP believes the LRP needs to be the owner of the property or the person with real interest. Communication must be maintained with the land owner before any construction takes place. The LRP is ultimately responsible for any non-compliance issues on his/her property. Leasehold may change or vacate without completion, termination of project, leaving the LRP potentially unaware yet responsible for permit compliance.

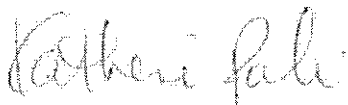
Recommendation

LADWP recommends the definition of LRP to read "A person, company, agency, or other entity that possesses a real property interest (including, fee simple ownership, easement, or rights of way) in the land upon which the construction or land disturbance activities will occur for the regulated site".

Thank you again for the opportunity to provide these comments. LADWP looks forward to working with State Board staff in finalizing these modifications to the CGP.

If additional information is required, please feel free to contact Ms. Charlynn Rachell of the Wastewater Quality and Compliance Group at (213) 367-2976.

Sincerely,



Katherine Rubin
Manager of Wastewater Quality and Compliance Group

CR:db
c: Ms. Charlynn Rachell