



GAIL FARBER, Director

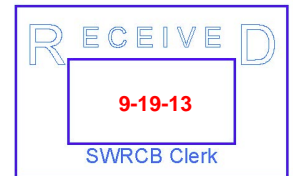
COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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Public Hearing
Draft Industrial General Permit
Deadline: 9/19/13 by 12 noon



September 19, 2013

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **WM-9**

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

COMMENT LETTER – INDUSTRIAL GENERAL PERMIT

The Los Angeles County Flood Control District and the County of Los Angeles appreciate the opportunity to provide comments on the Draft Statewide General National Pollutant Discharge Elimination System Permit for the Discharge of Storm Water Associated with Industrial Activities. Enclosed are our comments for your review and consideration.

If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

GARY HILDEBRAND
Assistant Deputy Director
Watershed Management Division

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Enc.

cc: Chief Executive Office (Dorothea Park)
County Counsel (Judith Fries)

**COMMENTS ON THE DRAFT INDUSTRIAL STORMWATER GENERAL PERMIT
DATED JULY 19, 2013**

The Los Angeles County Flood Control District (LACFCD) and the County of Los Angeles (County) are concerned that the draft Industrial General Permit does not adequately address the relationship between industrial dischargers and other stormwater programs and permits being adopted by the Regional Water Quality Control Boards (Regional Boards). Specifically, the draft permit should have provisions that (1) encourage retention of stormwater on-site, where possible; (2) encourage coordination with watershed management programs (sometimes referred to by parties as strategic compliance programs or enhanced watershed programs) being incorporated into Municipal Separate Storm Sewer System (MS4) permits; (3) fully incorporate Total Maximum Daily Loads (TMDLs) applicable to industrial dischargers; and (4) address industrial discharges into MS4s that ultimately discharge into an Area of Special Biological Significance (ASBS).

The State Water Resources Control Board (State Water Board) and Regional Boards have five permitting programs that address stormwater pollution - the Industrial General Permit, the Construction General Permit, the MS4 permits, the Caltrans Statewide Storm Water Permit, and individual NPDES permits issued to individual dischargers. In order to obtain the maximum reduction in stormwater pollution, it is necessary to make the terms of each permitting program consistent with the others. For example, the LACFCD and the County receive discharges into their systems from each of the other four types of permit holders. For the LACFCD and the County to be able to comply with the requirements of their MS4 permit, it is necessary that the discharges into their systems are consistent with the goals of that MS4 permit.

(1) THE INDUSTRIAL GENERAL PERMIT SHOULD ENCOURAGE ON-SITE RETENTION OF STORMWATER

One of the goals of the stormwater program is to reduce flow from impermeable surfaces. The LACFCD and the County are concerned that the draft Industrial General Permit does not adequately encourage industrial permittees to reduce flow from their facilities, which affects the amount of flow entering MS4s. Although the draft permit provides that industrial facilities should consider advanced Best Management Practices (BMPs) that reduce the volume of stormwater runoff (Draft, section X.H.2.b.ii., p. 33), this general reference only provides that such retention “may” be implemented. There is no strong incentive or requirement that each of the industrial facilities take steps to retrofit their facilities or otherwise install BMPs that will reduce the volume of stormwater runoff.

The LACFCD and County recognize that different areas and facilities have different needs and constraints. The State Water Board, however, should do more to encourage stormwater retention and green infrastructure under the Industrial General Permit, or at least provide that Regional Boards can impose more stringent retention requirements in those regions that will benefit from such requirement.

(2) THE INDUSTRIAL GENERAL PERMIT SHOULD ENCOURAGE COORDINATION WITH WATERSHED MANAGEMENT PROGRAMS BEING ADOPTED PURSUANT TO MS4 PERMITS

The current draft Industrial General Permit is written as if industrial dischargers operate in isolation. Many if not most industrial dischargers, however, discharge their industrial stormwater into MS4 infrastructures. The Industrial General Permit should recognize the interrelationship between the Industrial General Permit and the MS4 permits being adopted throughout the state.

In this regard, the newer MS4 permits are authorizing Watershed Management Programs or Enhanced Watershed Management Programs that are designed to address stormwater pollution on a watershed-wide basis. These programs seek to encourage infiltration and reuse to provide both water quality and water supply benefits.

The Industrial General Permit should encourage industrial dischargers to coordinate their efforts with MS4 permittees, particularly where the industrial dischargers cannot fully retain or treat their discharges. For example, an industrial discharger could contribute funds or facilities toward Watershed Management Programs operated by the MS4 agency in its region. To that end, the State Water Board should add a section that allows industrial permittees to coordinate their programs with Watershed Management Programs where the MS4 permittees agree.

(3) THE DRAFT INDUSTRIAL GENERAL PERMIT DOES NOT ADEQUATELY INTEGRATE THE TMDL PROGRAM

The LACFCD and County are concerned about the draft permit's approach to incorporation of TMDLs and its apparent inconsistency with MS4 permits. Specifically, the LACFCD and County are concerned about the potential delay in requiring industrial dischargers to meet TMDL waste load allocations. This is of particular concern in the Los Angeles region, which has the greatest number of adopted TMDLs in the state.

With respect to TMDLs, MS4 permittees in Los Angeles County are required to comply with strict timelines. The current draft Industrial General Permit, however, does not impose the same requirement on industrial stormwater dischargers. Instead, the permit provides that TMDL-specific requirements will not be proposed until July 1, 2015, and no date is provided as to when these proposed requirements will be included in the Industrial General Permit. The draft permit further provides that industrial dischargers are not required to take any actions to comply with the TMDLs until the State Water Board reopens the Industrial General Permit.

As a result, MS4 infrastructure in the Los Angeles region may continue to receive industrial stormwater discharges that do not meet TMDL waste load allocations past

the time the MS4 permittees must meet their waste load allocations. This will make it difficult, if not impossible, for these MS4 permittees, including the LACFCD and County, to meet the deadlines imposed on them.

It is critical for the State Water Board to address this inconsistency. The State Water Board should either impose deadlines for compliance with TMDL waste load allocations that are no later than the deadlines imposed on the MS4 permittees for the same TMDLs or provide that MS4 permittees will not be penalized as a result of receiving these discharges.

(4) THE DRAFT INDUSTRIAL GENERAL PERMIT DOES NOT ADEQUATELY ADDRESS INDUSTRIAL DISCHARGES WITHIN WATERSHEDS DRAINING TO AN ASBS

An ASBS is a unique state water quality protection area that has very stringent water quality standards imposed under the California Ocean Plan. MS4 and Caltrans permittees are subject to these standards.

The draft permit incorporates the Special Protections requirements of the ASBS General Exception and the Ocean Plan prohibition. However, these requirements only apply to industries that have direct discharges to an ASBS, and not industrial dischargers that discharge to MS4s that then discharge to an ASBS.

The LACFCD and County are concerned that industries located in watersheds that ultimately discharge flows to an ASBS are not subject to the same set of conditions and standards as the direct dischargers. Stormwater from these upstream industrial dischargers discharge into storm drains that eventually discharge to an ASBS. These discharges could make it difficult or impossible for municipalities and other MS4 permittees, such as LACFCD and County, who are recipients of these discharges, to meet the ASBS requirements imposed on them.

The State Water Board should address this inconsistency in the draft Industrial General Permit either by requiring all industries in ASBS drainage areas to comply with the requirements of the Special Protections or the Ocean Plan prohibition or by providing that MS4 permittees will not be penalized as a result of receiving these discharges.