

Department of Water and Power



the City of Los Angeles

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Via: e-mail

July 27, 2006

Ms. Song Her  
Clerk to the Board  
State Water Resources Control Board  
Storm Water Unit  
P.O. Box 100  
Sacramento, CA 95812

Dear Ms. Her:

Subject: Comments on How to Utilize The Recommendations Contained in the Expert Panel's Report Entitled The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities

The Los Angeles Department of Water and Power (LADWP) appreciates the State Water Resources Control Board (SWRCB) soliciting recommendations on how the SWRCB should utilize the recommendations contained in the Storm Water Panel (Panel) report on the feasibility of numeric limits for the general state wide storm water permits (Report).

The Report addresses the feasibility of numeric effluent limits in the context of storm water discharges from municipal, industrial, and construction sites. As mentioned in the Report, depending on the size of the storm, geographical location, and land use, the pollutant loading in the storm water runoff will vary greatly from storm to storm. The Report does not specify the particular data on which the Panel based their conclusions; however, it appears that the data was drawn from national repositories, such as the National Storm Water Quality Database. The Panel concludes that due to the many variables associated with storm events, numerical limits were not feasible for the municipal permits, but may be feasible for certain situations regarding the industrial and construction permits.

LADWP believes that the Report is a valuable starting point for additional data collection and analysis to validate the uncertainties, variables, and conclusions set forth in the Panel's Report. However, LADWP does not believe that the Report can, or should, be used for regulatory decisions.



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As mentioned above, it appears the Panel's Report was based on national data sets that would not necessarily be meaningful in the State of California. That being said, the SWRCB should utilize this Report as a starting point to collect meaningful data that will answer the questions posed in the Report. There is more to do before a relevant conclusion about the applicability of numeric limits to storm water can be applied across the board. The question of necessity was not answered (i.e., do you need more than best management practices (BMPs) to get there). Are the environmental benefits utilizing BMPs not there or are they met. Since the expert Panel's Report does not address the *necessity* of numeric limits, only half of the regulatory equation is addressed.

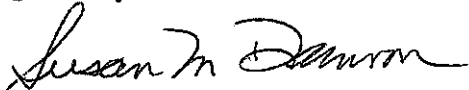
The report does, nevertheless, address *feasibility*, but only in the most general terms. Any regulatory determination regarding the feasibility of imposing numeric storm water limits would need to be based on site-specific data representative of location, land use, and exposure conditions. It is for these reasons that EPA has resisted numeric limits in the federal Multi-Sector General Permit. Instead, EPA has relied on bench mark values in order to collect data and assess the adequacy of BMPs to protect water quality. Since 1996, EPA has taken the position that numeric storm water limits are neither necessary nor feasible. LADWP believes that the Panel's Report also supports the EPA approach, and recommends a coordinated, cost-effective monitoring program to gather necessary state-specific information to determine: (1) the extent to which the existing general permits provide attainment of applicable water quality standards; and (2) the appropriate conditions or limitations for the upcoming general permits.

At this time, the SWRCB does not have the information needed, nor will it have the appropriate data for a few permit cycles, to determine pre-requisites (1) and (2) mentioned above. The data trends mentioned in the Panel Report are crude trends of data and not data trends that are reliable for regulatory decisions. Good, but crude, indicators merit more study, not regulatory decisions. The Panel Report shows where the data is lacking and this is valuable information, but the Panel Report should not be used for regulatory purposes, LADWP believes this would be premature. The SWRCB still needs real data from real California studies.

In conclusion, LADWP recommends that the Panel Report be used for informational purposes only, and that efforts commence to collect meaningful data that would allow the SWRCB to answer the feasibility and necessity questions.

LADWP appreciates the opportunity to comment and looks forward to working with the SWRCB in achieving future storm water permits that meet the State's environmental goals.

Sincerely,



Susan M. Damron  
Manager of Wastewater Quality Compliance

c: Mr. Bruce Fujimoto  
Katherine Rubin