



September 1, 2006

Song Her, Clerk to the Board  
Executive Office  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100



**Subject: Comment Letter – Storm Water Panel Report**

Dear Ms. Her:

Southern California Edison Company (SCE) appreciates the opportunity to comment on the Storm Water Panel (Panel) report titled, "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities" (Panel Report). The State Water Resources Control Board (State Board) requested comment from the public on how the State Board can use the findings and recommendations of the Panel Report to improve the National Pollutant Discharge Elimination System storm water program. SCE's service territory encompasses 50,000 square miles, approximately 13 million customers throughout central and southern California, and falls under the jurisdiction of seven Regional Water Quality Control Boards. As an electric utility SCE will be affected by actions the State Board may take with regard to numeric effluent limitations for storm water discharges. We concur with the California Stormwater Quality Task Force (CASQA) that Panel Report recommendations will most likely have significant economic impact on storm water dischargers.

### **Background**

In addressing the issue of numeric effluent limits for storm water discharges, the State Board asked the Panel to consider:

"Is it technically feasible to establish numeric effluent limitations, or some other objective criteria, for inclusion in storm water permits? How would such limitations or criteria be established, and what information and data would be required? The answer should address industrial general permits, construction general permits, and area-wide municipal permits. The answer should also address both technology-based limitations or criteria and water quality-based limitations or criteria. In evaluating establishment of any objective criteria, the panel should address all of the following: (1) the ability of the State Water Board to establish appropriate objective limitations or criteria; (2) how compliance determinations would be made; (3) the ability of dischargers and inspectors to monitor for compliance; and (4) the technical and financial ability of dischargers to comply with the limitations or criteria. The Panel's response should address each of the types of permits (industrial, construction, and municipal)."

### **SCE's Comments**

Although SCE has reviewed the entire Panel Report we have focused our comments on the findings and recommendations related to construction and industrial activities as those activities most directly affect SCE.

#### *Applicability of Numeric Effluent Limits to Construction Activities*

Although the Construction Recommendations of the Panel Report begins by stating that numeric limits are technically feasible for total suspended solids and turbidity for storm water discharges from "larger construction sites," the Panel Report then provides 2½ pages of limitations, reservations, and concerns for the application of numeric limits to construction site storm water discharges. Because of the panel report reservations and concerns with which SCE agrees, and the issues raised in the CASQA comments, SCE does not support the implementation of numeric effluent limits for construction site storm water discharges.

SCE also has reservations regarding the Panel Report recommendation that action levels for erosion and sediment control are "more commonly feasible"<sup>1</sup> to implement. Construction activities are extremely dynamic. The elapsed time between the collection of a storm water discharge sample and the receipt of the associated laboratory analytical report can range from several days to several weeks unless a more expensive laboratory turnaround time is requested. In many cases, this time lag renders the monitoring data of marginal use since the construction site has substantially changed in the interim. This is particularly true for short duration construction projects or linear construction projects such as pipelines or transmission lines. Additionally, it may be very difficult to obtain expedited laboratory turnaround since most laboratories will be receiving numerous storm water samples for analysis from construction sites, industrial facilities, and municipal storm water monitoring efforts at the same time.

SCE shares the Panel's concern that, were numeric limits or action levels to be implemented, they must be phased in over time and consider season, watershed, climate, soils, slopes, natural background conditions, and exceptions for extreme storm events. Further, based upon the watershed, climate, soils, slopes, and natural background conditions, SCE believes that there are geographic regions for which action levels are not warranted and would be inappropriate (e.g., desert regions). In addition, such action levels should only be considered where there is a beneficial use that will benefit from implementation of an action level (e.g., arid regions in which runoff generally does not flow into surface water bodies).

The Panel Report notes that both technology limitations and cost-effectiveness make numeric limits infeasible for small construction sites. SCE also believes that these and other technology limitations and cost-effectiveness make numeric limits, and perhaps even action levels, infeasible for many linear construction projects and particularly small linear projects. Both small construction sites and linear projects can change significantly or the work at the site maybe

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<sup>1</sup> Storm Water Panel. The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities. June 19, 2006. Page 16.

Ms. Song Her  
State Water Resources Control Board  
August 31, 2006  
Page 3

completed in a matter of days. The State Board's action must take these types of projects into consideration.

Applicability of Numeric Effluent Limits to Industrial Activities

Under the subheading "Industrial Observations", the Panel Report states "Industries have control over their facilities." This statement fails to recognize that many industrial facilities have no control over aerially deposited pollutants and run-on originating beyond their facility boundaries. Were numeric limits or action levels to be implemented, they must consider (1) a facility's lack of ability to control and manage aerially deposited pollutants that are ubiquitous in many urban areas and (2) the inability in many instances to prevent run-on to an industrial facility.

SCE believes that the industrial activity storm water monitoring data collected to date is grossly inadequate and inappropriate for purposes of establishing either numeric limits or action levels, due to lack of quality control in sample collection, sample analysis, and data reporting, and data that are not statistically representative for an individual facility, a rainy season, or an industrial activity category. Additionally, SCE has significant concern with the Panel's recommendation for "improved monitoring to collect data useful for establishing Numeric Limits and Action Levels." SCE cannot emphasize strongly enough the importance of a collaborative approach between the State Board and industrial storm water dischargers in defining "improved monitoring." "Improved monitoring" must be cost-effective and provide statistically valid data that is useful for operational decisions, including capital expenditures. We support CASQA's suggestion that the most cost effective manner for obtaining robust and scientifically defensible data may require an approach other than monitoring each industrial storm water discharger, such as targeted monitoring studies by type of industrial activity.

Were numeric limits or action levels to be implemented, their development and application must consider not only the total economic impact to California industry, but must also specifically consider the potential economic impact to small industrial facilities that have neither the financial wherewithal nor the personnel to achieve compliance. Consideration of these impacts must also include identification of water quality benefits sufficient to warrant implementation of numeric limits or action levels.

Thank you for the opportunity to comment on the Panel Report. If you have any questions regarding SCE's comments, please contact me at (626) 302-3619.

Sincerely,

**Hazem Gabr**

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Hazem Gabr  
Corporate Environment, Health & Safety  
Southern California Edison