



Los Angeles
World Airports

February 14, 2018



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000
(via e-mail to commentletters@waterboards.ca.gov)

Re: Comments on the Proposed Amendment to the Industrial General Permit

LAX

Van Nuys

City of Los Angeles

Eric Garcetti
Mayor

Board of Airport
Commissioners

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Deborah Flint
Chief Executive Officer

Dear Ms. Townsend:

The Los Angeles World Airports (LAWA) appreciates the opportunity to offer comments on the Industrial General Permit (IGP) Amendments to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (Order No. 2014-0057-DWQ). LAWA operates Los Angeles International Airport and Van Nuys Airport which are IGP-covered facilities. The following comments relate specifically to the IGP Amendments.

LAWA is specifically concerned with the absence of the option for off-site regional treatment Best Management Practices (BMPs) for the Dominguez Channel and Greater Los Angeles, Long Beach Harbor Waters Total Maximum Daily Load (TMDL) for Toxic Pollutants (Harbor Toxics TMDL), Los Angeles River TMDL, and the Santa Monica Bay TMDL. While we fully understand the State Water Resources Control Board's (SWRCB) goal is to incentivize the use of stormwater as a resource, it also penalizes those unable to utilize this option due to infrastructure and operational limitations. LAWA is faced with meeting TMDL timelines and all options for improving water quality should be made available including the use of regional treatment BMPs where possible. LAWA requests that the SWRCB include options for regional treatment solutions if off-site infiltration or connection to sanitary sewer is not available.

Once adopted, most dischargers will be immediately out of compliance with the TMDL requirements. With the potential for third-party lawsuits under the IGP, the existing due date will create an undue burden on Permittees abilities to comply with the Permit while simultaneously defending itself from lawsuits created by unreasonable compliance deadlines. LAWA requests the TMDL Compliance Due Dates be revised accordingly.

LAWA is also concerned with the applicability of the TMDL based numeric action levels (TNALs)/numeric effluent limits (NELs) being applied at the end of pipe for an IGP facility. Many of the TMDLs have objectives that apply to the specific location of impairment in the receiving water and are not directly comparable for industrial discharger's effluent (i.e., TNAL/NEL sediment concentrations listed in mg/kg as opposed to mg/L). LAWA has provided specific comments where applicable in Attachment #1 and requests that those TMDLs be removed or revised for comparability to an IGP discharger.



Additionally, many of the TNALs/NELs do not appear to be practicably achievable. Treatment control or source control BMPs are not technologically able to achieve the listed TNALs/NELs in real-world settings. We request that the TNALs/NELs be reviewed and revised accordingly to ensure that the final TNALs/NELs be achievable with existing and cost effective stormwater treatment and/or source control BMPs. LAWA is concerned that adoption and implementation of the draft TALs would result in IGP permittees endlessly installing numerous, disparate, and ineffective stormwater BMP treatment systems in an attempt to treat stormwater runoff below TNALs/NELs. With the potential for third-party lawsuits under the IGP, any additional requirements, including TNALs/NELs must be achievable with currently available technology, to ensure that discharges are not held to unachievable standards.

Additional TMDL specific comments are provided in Attachment #1 for consideration.

Thank you,



Robert D. Freeman
Airport Environmental Manager II

RDF:LRD:gg

Attachment: Attachment #1 - Additional TMDL-specific Comments from Los Angeles
World Airports

cc: Michael Christensen
Nargis Choudhry
Kendrick Okuda
Russ Lewis
Rick Connolly
Jeff Smith
Lisa Dugas
Charlynn Rachell
David Renfrew
Sarah Johnson

Attachment #1 - Additional TMDL-specific Comments from Los Angeles World Airports

Overall Comments

- The Permit Amendments lack continuity with the Permit throughout the document. There are several disjointed items in reference to Attachment E and Attachment I. Specific information in comments are provided further in Attachment E and I comments below. We strongly suggest these amendments be revised and allow time for adequate vetting of the changes through the public comment process. We also feel that a specific public meeting be held 30 days after comments are due to provide public feedback to the SWRCB.
- During the Public Workshops, Jon Bishop specifically called out the fact that Attachment I Compliance Options are only related to infiltration or re-use so as to incentivize stormwater as a resource. This is inconsistent with the overall goal of improving water quality. All options for improving water quality should be on the table including options for regional watershed treatment options. By prohibiting off-site treatment BMPs the SWRCB is thereby not helping to improve coastal water impairments where infiltration or reuse is not possible or feasible. This also prohibits the ability for municipalities to seek outside funding for regional treatment BMPs.
- General Finding #45 acknowledges the fact that implementing TMDLs was a lengthy process. Due to the number of disparate TMDLs, timelines, and compliance methods, the SWRCB should take more time to re-evaluate the impact to discharger's implementation and the compliance values needed for each TMDL. Not only are the dischargers, the environmental consulting community unsure of how compliance will be measured, the SWRCB staff has also acknowledged the difficulty in understanding the compliance means.
- General Finding #49 – Please clarify the definition of Responsible Discharger. It appears that anyone in a TMDL water body is a responsible discharger. Please clarify that the Responsible Discharger is one that determines through a pollutant source assessment, that their discharge may contain the TMDL pollutants of concern.
- General Finding #55 – “all NELs are applied as instantaneous maximum values as defined in Section XII.A.2” is not defined. There is no mention of NELs in Section XII.A.2, it only describes NALs/TNALs. Please add clarifying language.
- General Finding #56. This finding describes “alternative compliance options” in Attachment I. However, Attachment I uses the term “compliance options”. Please clarify this definition and use consistent terminology.
- Section V.C. on Page 24 – This item suggests that all dischargers in a TMDL water body will need to comply with TMDL Specific requirements in Attachment #. Please clarify that “Responsible Dischargers”shall comply...
- Section VII.A.3. What is Compliance Table X, in Attachment E? I only see a Table E-1.
- Section VII. C.1. This item describes that Responsible Discharger is required to perform sampling, analysis, and reporting.... Please clarify that only those Responsible Dischargers that have determined they have the potential to discharge the TMDL pollutants of concern through a “Pollutant Source Assessment” are required to comply with this item.

- Section VII.C.3. – This item strongly suggests that SMARTS will need to be upgraded to handle the NAL, TNAL, and NEL assessment process. Since the state has so many reporting tools, it is strongly recommended that the SWRCB invest IGP funding allocations to pay for needed assessment tools in SMARTS.
- Section X.G.2.a. Please add specific notes about the pollutant sources assessment (PSA) process for Responsible Dischargers. Facilities that do not identify TMDL pollutants of concern in their PSA are not required to perform sampling for those TMDL constituents nor are they required to compare sample results to TMDL Numeric Action Levels (TNALs) or NELs.
- Section XI.B.6.e – Please add specific notes about the pollutant sources assessment (PSA) process for Responsible Dischargers. Facilities that do not identify TMDL pollutants of concern in their PSA are not required to perform sampling for those TMDL constituents.

Comments on Attachment E-TMDLs

General Comments

- Overall, the TMDL specifics lack thorough vetting of appropriate action levels or NELs for this specific permit. We strongly request staff to revisit each TMDL to determine applicability to an industrial permittee in the respective watershed and the appropriate extent for comparability. The simple identification of industrial sources in a TMDL does not necessarily mean it is a significant source requiring a waste load allocation. TMDL-specific recommendations are provided below for examples and are only focused on the LA Region TMDLs, but does not limit the concern for all TMDLs.
- Each TMDL should have a specific map showing the applicable boundary limits. If there are overlapping boundaries, they should be clearly shown on the maps.
- TMDL compliance points are determined in the receiving waters. The point of compliance should be determined at the receiving water not at end of pipe. Specific numerical objectives should be considered and incorporated.
- The California Toxics Rule water quality objectives for most metals (e.g., copper, lead, and zinc) in freshwater uses dissolved metals and hardness within the calculation to determine compliance. Since the hardness is supposed to be used from the receiving water, the discharger should be able to compare their dissolved metals concentration using the average or more conservative hardness values from the receiving waters. Most if not all freshwater metals TMDLs have hardness data. Hence, dischargers should be allowed to collect dissolved metals samples to determine compliance. The TMDLs should have dissolved metals criteria available to compare to, not just total metals.

TMDL Specific Comments

- LB City Beaches and LA River Estuary Indicator Bacteria TMDL - Page 28 of the specific TMDL Report states that while the TMDL identifies Industrial land uses as a potential source, it later specifically mentions that “industrial facilities are generally not expected to be significant sources of bacteria.” Therefore, this TMDL should be removed from the IGP required list as it is sufficiently addressed through the Phase I permit process.
- LB City Beaches and LA River Estuary Indicator Bacteria TMDL also has a description of the adjacent watersheds (Figure 5-1) (San Gabriel, Alamitos Bay, Near Shore Watersheds, Dominguez Channel, and LA River. Would all of these watersheds also need to assess bacteria compliance for this TMDL? Lastly, the

TMDL point of compliance is the Beach itself. It does not have specific WLAs for compliance in the estuary.

- For the LA/LB Harbor Waters TMDL, the Required actions say to "...take QSE samples in accordance with Section XI.B and shall compare to the corresponding TMDL Numeric Action Levels...." the compliance due date is the effective date of the amended permit. The next section of the TMDL has the same language but with the TMDL Numeric Effluent Limitation and a compliance due date of July 1, 2032. We recommend clarifying these descriptions with a timeline of when the discharger needs to compare the results. As it reads now, the discharger would need to compare results to both the TNAL and the TNEL numbers as a required action.
- Since the ultimate target is the NEL for the TMDL, it makes more sense not to have an interim number for implementation. If a discharger is above an NEL, they should simply implement TMDL actions as required the same as a TNAL, but with the goal of achieving the NEL not the TNAL. If they have until 2032, they would not be out of compliance so long as they were implementing the required actions.
- The TMDL NEL for the Dominguez Channel Estuary for Cadmium has units in mg/kg. It appears this is a sediment concentration that should be applied to the estuary only. And, estuaries should be using the Sediment Quality Objectives (SQOs) to determine compliance with SQOs. Since this is an estuary specific criteria, the values should be removed or converted to units of mg/L for comparison with a discharger's effluent. Otherwise, if a discharger is supposed to compare their numbers to this, it appears they would need to sample sediment specifically which would be very difficult. If this is the case, please provide a SPECIFIC sampling method the dischargers should use to compare this number (and don't just cite the EPA stormwater sampling document because it doesn't have it).
- The Dominguez Channel and Torrance Lateral have a copper TMDL NEL of 0.0097mg/L, the Dominguez Channel Estuary has a TMDL NAL of 0.00373 mg/L (but no TNEL). If you discharge to the Dominguez Channel, do you need to compare your results and implement actions for the Dominguez Channel and Torrance Lateral or do you need to compare to both since they are tributary to all three waterbodies? Please clarify the extent to which a discharger needs to compare results to downstream waterbodies.
- The Dominguez Channel TMDL NAL has PAHs specified as 0.00049 mg/L for PAH Instantaneous Maximum TNAL. Please specify this as Total PAHs. Otherwise, please provide the specific PAHs that apply to this TNAL.
- The Santa Monica Bay DDT and PCBs TMDL has a TMDL Action Level of 2.3 ug/g organic carbon for Total DDT and 0.7 ug/g organic carbon for Total PCBs. These values are sediment concentration numeric targets in the TMDL normalized for organic carbon. Please provide numeric targets for stormwater effluent in mass per volume units. Table 6-4 of the TMDL has waste load allocations for industrial shown as 0.01 g/yr for DDT and 0.04 g/yr for PCBs. This would imply that to compare effluent to the WLAs, flow would need to be measured to compare annual loadings. Further, because this TMDL is being handled through Phase I Permit EWMPs/CIMPs it would be recommended to simply add BMP requirements to manage light ballasts, paints and waxes, the capture of residues during building demolition as important sources rather than to have a compliance point. For the ultra-low levels required to assess Dieldrin, DDTs, and PCBs, the cost per sample is ~\$1,000.00 for PCBs and ~\$1,000.00 for Dieldrin and DDTs. Additionally, samples would require ultra clean hands techniques and quality assurance samples (blanks and duplicates) for valid assessment. This is an undue cost burden on industrial facilities and should not be required. Hence, the

recommendation to simply add BMP requirements to address these potential sources.

- The Los Angeles River TMDL was ammonia NEL concentrations that are higher than the NAL in the Permit. If a discharger is below the NEL but above the NAL for ammonia, is the discharger deemed in compliance? Please add clarifying footnotes to both the TMDL table and Table 2 of the Permit to explain how Permittees are to proceed in these instances.
- The Los Angeles River TMDL has a site specific objective based on the hardness of the receiving water. Are dischargers able to collect dissolved metals samples and use the receiving water hardness for the segment they discharge to? Dissolved metals are a better measure for comparing compliance with the TMDL. Please allow for this option and list the receiving water hardness to be used in the calculation for each segment of the LA River.

Comments on Attachment I – Compliance Options

- The Title “Compliance Options” should be consistent with Finding 56 of the Permit “Alternative Compliance Options”. This may confuse the reader with being the only compliance option.
- During the workshops, it was explained that Attachment I Compliance Options are only related to infiltration or re-use so as to incentivize stormwater as a resource. This is inconsistent with the overall goal of improving water quality. All options for improving water quality should be on the table including options for regional watershed treatment options. By prohibiting off-site treatment BMPs the SWRCB is thereby not helping to improve coastal water impairments where infiltration or reuse is not possible or feasible. This also prohibits the ability for municipalities to seek outside funding for regional treatment BMPs.
- Section I. D – Recommend providing specific section references, rather than referring to the “above sections of this General Permit.”
- Section II.B – The last sentence does not make sense since the diverted or used volume may ultimately be discharged to a sanitary sewer, which is technically discharging from the site. The end of the last sentence should be clarified to indicate, “unless through a permitted sanitary sewer connection.” We recommend removing the last sentence or revising accordingly.
- Section II.E.5 – Does this item conflict with Section II.B? If discharge of the volume is prohibited, why should there be a valve to divert water from entering the BMP? Please clarify the intent of the valve addition.
- Section II.E.6.a – While testing influent and pre-treatment makes sense from a conceptual standpoint, once water is being infiltrated, it will likely mobilize any salts accumulated in the vadose zone hence be out of compliance. It may make more sense to simply list Basin Plan comparisons to ensure infiltration is not likely to cause degradation of regional water supplies.
- Section II.E.6.a.ii – Monthly sampling of lysimeters is too burdensome as the wet season is really focused between October and April. We recommend once each six months to capture the early and late storm events.
- Section II.E.6.b – The section currently makes reference to section 5.a.i, which does not exist. Revise to reflect the appropriate section reference.
- Section II.E.6.c – We recommend including an exemption for areas where the Basin Plan does not designate groundwater for MUN uses.
- Section II.F.1 – It is unclear why a Baseline Status facility would need to implement the On-Site Compliance Option. Facilities in Baseline Status should also have the

ability to utilize the ERA Level 1 or 2 Process. Please clarify the intent of this section.

- Section II.H.1.a – The reference to conduct “sampling all bypass/overflow” should be clarified. To avoid confusion, we recommend this be clarified to require collection of a grab sample that is representative of the bypass/overflow event. As currently written, it is unclear what the sample collection expectation is for the duration of a bypass event. We also recommend adding language that sampling is only required when a bypass occurs during operational hours.
- Section II.H.1.d – Please remove this section. The requirement to conduct influent sampling to the BMP is onerous. Influent sampling should only be required to assess BMP design/planning processes. It should also not be required if the water is used on site or evapotranspired.
- Section II.H.3.a.iii – The reference to Section II.E.3 (drawdown requirements) appears to be for II.E.4 (safety factors). Please verify and correct accordingly.
- Section III.A.2 – Does the dischargers facility need to be upstream of the Off-Site BMP, or just in the same watershed. Can a facility still get credit for contributing to an upstream BMP if they have no option for infiltration on site or off-site downstream?