



LOS ANGELES COMMUNITY COLLEGES
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CITY • EAST • HARBOR • MISSION • PIERCE • SOUTHWEST • TRADE-
TECHNICAL • VALLEY • WEST
FACILITIES PLANNING & DEVELOPMENT
Thomas L. Hall - Executive Director



September 9, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000

SUBJECT: Comment Letter – Phase II Small MS4 General Permit

Dear Ms. Townsend:

Enclosed are the Los Angeles Community College District's comments regarding the Draft Phase II Small MS4 General Permit. The District consists of nine community college campuses and a District office. The nine campuses were identified in Attachment C – Revised New Non-Traditional Small MS4 Permittees of the Draft Permit and consist of the following:

- East Los Angeles College
- Los Angeles City College
- Los Angeles Harbor College
- Los Angeles Mission College
- Los Angeles Pierce College
- Los Angeles Southwest College
- Los Angeles Trade-Tech College
- Los Angeles Valley College
- West Los Angeles College

The LACCD is governed by a seven-member Board of Trustees elected at large for four-year terms, who themselves elect a President and Vice-President of the Board of Trustees. The Board of Trustees oversees LACCD inclusive of all the colleges identified above. The Board of Trustees is directed by Board Rules, which are supplemented by administrative regulations issued by the Chancellor. Each campus has a campus president who oversees activities at that campus and reports to the Chancellor. LACCD is established as one legal entity inclusive of all the colleges identified above.

The District understands the importance of protecting water quality and is committed to improving the quality of stormwater runoff within our jurisdiction. As part of this commitment, in 2003 the District embarked on the development of District-wide Storm Water Management Program (SWMP) although designation from the Los Angeles Regional Board did not occur during the current permit term. LACCD has been implementing the SWMP for several years and is currently developing several structural stormwater management projects to provide treatment and retention of stormwater runoff on several of its campuses. Please accept the attached comments regarding the Draft Phase II Small MS4 General Permit on behalf of the LACCD.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Hall". The signature is fluid and cursive, with the first name "Tom" and last name "Hall" clearly distinguishable.

Tom Hall
Executive Director of Facilities Planning and Development

Attachments: Attachment A – LACCD Comments Phase II Small MS4 General Permit

Attachment A

LACCD Comments – Phase II Small MS4 General Permit

General Comments

84.1 → 1) LACCD Identification

LACCD is established as one legal entity inclusive of all the following colleges:

- East Los Angeles College
- Los Angeles City College
- Los Angeles Harbor College
- Los Angeles Mission College
- Los Angeles Pierce College
- Los Angeles Southwest College
- Los Angeles Trade-Tech College
- Los Angeles Valley College
- West Los Angeles College

The District requests that the LACCD be identified in Attachment C – Revised New Non-Traditional Small MS4 Permittees as one entity encompassing the colleges identified above. The District has been implementing a District-wide SWMP and will identify a single point of contact for oversight of the LACCD Stormwater Program. Organization of the District facilities and implementation of the District SWMP has been developed with having the District as the central entity and so it is appropriate to have the permit reflect this.

84.2 → 2) LACCD Population

LACCD general population is made up of students, faculty, staff, and contractors. This is very different than the general population of a municipality and significantly affects the implementation of provisions of the permit. The District recommends that either a definition of “population” be added to the permit for different classifications of the Non-Traditional MS4 Permittees or provide the opportunity for each Non-Traditional MS4 Permittee to define their “population”.

84.3 → 3) Annual Reports & SMARTS

The permit has various reporting requirements identified at various locations in the permit. For new Permittees this can be confusing to identify exactly what all of the reporting requirements are. It is the recommendation of LACCD to provide one location in the permit where all of the reporting requirements identified for the Traditional and Non-Traditional MS4 Permittees can be included in a simple table.

LACCD staff are fairly familiar with the SMARTS system in meeting compliance with the CGP, however the system is not user friendly. Training regarding the SMARTS system for the Phase II Permit is critical to its effective use. It is the recommendation of LACCD that an online training module regarding the SMARTS Phase II Permit Annual Report be developed and available on the State Board website at least six months prior to the first annual report due date. Training regarding the overall SMARTS system should be provided online prior to the requirement to submit a Notice of Intent for the Phase II Permit. The SMARTS system for the Phase II Permit should be fully functional and have an online training module at the time of permit adoption.

Specific Permit Section Comments

Discharge Prohibitions

- **Allowable Non-Stormwater Discharges – Section B.3. (pg. 15)**

84.4

The list of allowable non-stormwater discharges does not include landscape irrigation. Prohibition of landscape irrigation runoff is not mandated by federal law or regulation. EPA allows the exception unless the type of discharge has been found to be a problematic source of pollution. There is no finding or technical justification in the permit or the fact sheet that identifies that landscape irrigation is a source of pollution. LACCD requests that landscape irrigation be included on the list of allowable non-stormwater discharges.

Legal Authority

- **Legal Authority for Non-Traditional Permittees – Section E.4.a-c (pgs. 19-24)**

84.5

The legal authority of LACCD is very different than the legal authority of the traditional municipal permittees. Some of the provisions in this section do not apply to LACCD and likely would not apply to other Non-Traditional MS4s such as enforcement on private property. LACCD recommends that the section be modified to allow each Non-Traditional MS4 to identify which provisions of this section can be implemented based on their Legal Authority.

Suggested language – Section E.4. a(iii): “Non-Traditional MS4 Permittees shall identify the provisions in this section where legal authority does not exist and provide supporting documentation why legal authority for these sections cannot be established.”

Adequate Resources

- **Ensure Adequate Resources to Comply with the Order – Section E.4.d (pg. 24)**

84.6

A significant amount of resources would be required to track all expenditures associated with implementation of the permit requirements. We the limited budget that LACCD has to implement the program this exercise is unwarranted and does provide any benefit to actual water quality improvement. The resources spent on this expenditure takes away resources for activities or BMPs that can actually improve water quality. LACCD requests that this provision be deleted from the permit.

Public Outreach

- **Use of CBSM – Section E.5. b & d (pgs. 24-32)**

84.7

Community Based Social Marketing (CBSM) is one tool that has the possibility of changing behavior, however it is not the only tool. Although CBSM is not currently popular there is not adequate proof that these type of activities actually change behavior. The permit should not specify the manner of compliance with a particular type of outreach activity, however allow flexibility so that discharger can implement public outreach that is proven among their constituency. LACCD is an educational institution and has a detailed understanding of what types of education is effective for the LACCD constituency. Requiring a specific type of education such as CBSM will also take away resources from education that is proven at changing behavior. LACCD requests that the requirements to implement CBSM be deleted from the permit.

Illicit Discharge Detection & Elimination Program

The LACCD colleges are like most colleges and universities, they are open campuses. An open campus can be defined as a college where the perimeter is not fenced; cannot be locked up after hours and on weekends; and have roads through the college, which are open to anyone. The colleges range in size from over 400 hundred acres to approximately 30 acres, making it very difficult to control who comes onto campus. The colleges do have security twenty four hours a day, seven days a week. At times when there is little college activity, the security personnel is a force of two. If the colleges find illicit discharges occurring on their campuses, it is cleaned up immediately. However, prevention of any illicit discharge at the colleges coming from third parties (non-LACCD contractor, non-student, non-LACCD employee) outside their jurisdiction, colleges do not have legal authority to investigate the source nor have the power to pursue and ensure future discharges of this nature from third parties.

84.8

The provisions of this section are designed for municipal permittees as many provisions cannot be implemented for many Non-Traditional permittees. The emphasis for Non-Traditional Permittees should be on effective Pollution Prevention activities. Effective pollution prevention and source control is more appropriate for Non-traditional permittees such as the District who do not have the same type of issues with outside entities and illicit discharges. It is the recommendation of LACCD to remove the requirement for Non-Traditional Permittees to comply with this section. If the requirement to comply with this section is retained below are detailed comments on the IDDE section of the Permit.

84.9 → • GIS Mapping - Section E.7.a. (pg. 34)

The permit provision requires the creation of map of the storm drain system in a GIS map. Many Traditional MS4s have already developed GIS systems however creating and maintaining a GIS system creates a substantial burden on those Permittees who currently do not have this capability. This provision will require the expenditure of significant resources in development of a GIS system where the Order nor the Fact Sheet provide no technical justification why a GIS system is needed to develop this map. LACCD recommends revisions to the permit language to allow for flexibility in mapping storm drain systems.

Suggested language - Section E.7a.: “By May 15, 2014 the Permittee shall develop and maintain an up to date and accurate storm drain system map.”

84.10 → • Priority Areas - Section E.7.b. (pgs. 34-35)

The requirement to identify 20 percent of the permittee area as a priority is arbitrary and there is no adequate justification for this requirement. If the true priority areas for a permittee is less than 20 percent than that should be the priority area. The 20 percent requirement should be deleted. The industrial, commercial or mixed use areas do not apply to most Non-Traditional MS4s.

84.11 → • Field Screening - Section E.7.c. (pgs. 35-36)

The requirements to perform field screening monitoring and analytical monitoring are too prescriptive and will not result in measurable water quality improvement. Significant resources would be spent on monitoring locations where illicit discharges are so in frequent that monitoring will likely not identify much in the way useable information. For Non-Traditional Permittees the emphasis should be field observations and source control through effective pollution prevention and housekeeping. It is the recommendation of LACCD to only require field observations as part of this section.

• Source Investigations - Section E.7.d. (pgs. 35-36)

84.12 → LACCD has the ability to perform source investigation only within the District’s jurisdiction. If a source of illicit discharge is determined to be outside of the LACCD jurisdiction no source investigation is possible. LACCD does not have the legal authority to investigate out of its jurisdiction and is prohibited from expending funds to address “off-campus” issues. It is the recommendation of LACCD to clarify language in the permit to include investigations only within the permittees’ jurisdiction.

Suggested language - Section E.7d(i): “By May 15, 2016, the Permittee shall develop written procedures for conducting investigations into the source of all illicit discharges within the Permittee’s jurisdiction, including procedures to eliminate such discharges once the source is located. These procedures shall be included as part of the Illicit Discharge Detection and Elimination program.

Suggested language - Section E.7d(ii): “At a minimum, the Permittee shall conduct investigation(s) to identify and locate the source of any illicit discharge within the Permittee’s jurisdiction within 48 hours of becoming aware of the suspected illicit discharge.”

Construction Site Storm Water Runoff Control Program

84.13 → • **Construction Site Plan Review and Approval - Section E.8.b.(ii)(b) (pg. 40)**

There is no technical justification for the requirement to quantify the expected soil loss from different BMPs in the permit or the fact sheet. Furthermore this requirement is not consistent with the Construction General Permit. This would require a significant amount of effort and not provide significant water quality improvement. LACCD requests that this requirement be deleted from the permit.

Pollution Prevention/Good Housekeeping

84.14 → • **Inspection Frequency- Section E.9.e.(ii)b) (pg. 48)**

Comprehensive inspections for new dischargers will require a significant amount of mobilization and effort, not to mention the reporting requirements. During this first permit term it is appropriate that the frequency for these inspections be reduced for new dischargers. LACCD requests that the comprehensive inspections for Hotspots be reduced to semi-annually.

84.15 → • **BMP Remediation- Section E.9.e.(ii)c) (pg. 49)**

The requirement that BMPs to be remedied within three days is not practicable. Some BMPs may take longer than just a few days, such as if a contractor needs to be secured to make modifications. LACCD requests that the requirement for BMP remediation within three days be removed.

Suggested language – Section E.9.e(ii)c): “... Where discharges are observed identify and observed problems (e.g., color, foam, sheen, turbidity) associated with pollutant sources or BMPs shall be remedied as soon as is practicable within three days or before the next storm event, whichever is sooner.”

84.16 → • **Storm Darin System Assessment and Prioritization- Section E.9.f.(ii)a) (pgs. 49-50)**

The requirement that a minimum of 20 percent of catch basins are to be prioritized as high priority is arbitrary and has no technical basis in permit or in the fact sheet. Assigning a high level of priority should be based on conditions of trash generation for each MS4. It may be the case that enough maintenance activities, non-structural measures or public education is implemented to where trash generation is minimal. LACCD requests that the

requirement for a minimum of 20 percent of catch basins be prioritized as high priority and be deleted from the permit.

- **Operations & Maintenance- Section E.9.h.(i) (pg. 51)**

84.17

The requirement that the Permittee assess their O&M activities for potential to discharge pollutants in storm water and inspect BMPs on a quarterly basis is excessive and adds additional expenditure of resources that is not warranted. O&M activities are extensive for LACCD and assessment of all activities will take resources away from actually performing maintenance and implementing activities that improve water quality. LACCD requests that the quarterly requirement to assess O&M activities and inspect BMPs be changed to annually which is more appropriate.

- **Incorporation of Water Quality and Habitat Features in Flood Management Facilities - Section E.9.i.(ii) (pg. 52)**

84.18

The requirement that the Permittee develop and implement a process to incorporate water quality and habitat into flood management projects is not appropriate as this could affect the design capacity of the facility and water quality treatment could already be incorporated upstream of the facility. Flood control facilities serve a primary purpose of flood control to protect public safety. It may be feasible to incorporate some water quality features but the requirement that two flood management projects per year enhance water quality and habitat is arbitrary. This requirement also does not take into account if the upstream drainage area already has sufficient water quality treatment. LACCD requests that this requirement be deleted from the permit but at a minimum be modified to include a waiver of the requirement if the drainage area to the flood control facility already has water quality treatment.

Preference is to delete the entire section.

2nd choice option: Suggested language – Section E.9.i(ii): include at the end of this section “A waiver of this provision is available where discharges to the flood control facility have been mitigated by water quality treatment consistent with the MS4 post-construction requirements.”

Program Effectiveness Assessment and Improvement

- **Inventory and Mapping of BMPs- Section E.14.b.(ii)a) (pg. 89)**

84.19

The permit provision requires the inventory and creation of map of existing and proposed post-construction BMPs GIS map. Common practice is to inventory and map constructed BMPs. Mapping proposed BMPs does not provide any significant benefit and the actual location of BMPs may change before construction. Many Traditional MS4s have already developed GIS systems however creating and maintaining a GIS system creates a substantial burden on those Permittees who currently do not have this capability. This provision will require the expenditure of significant resources in development of a GIS system where the Order nor the Fact Sheet provide no technical justification why a GIS system is needed to develop this map. LACCD recommends revisions to the permit language to allow for flexibility in mapping the BMPs and that only constructed BMPs are required to be mapped.