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OF LOS ANGELES COUNTY

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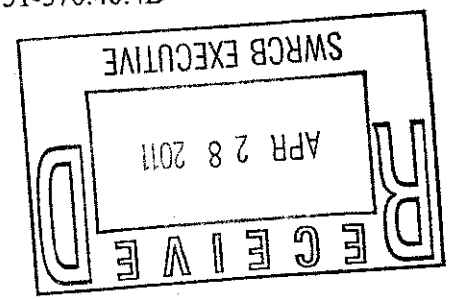

State Water Resources Control Board
Clerk to the Board
1001 I Street
Sacramento, CA 95814

Attention: Ms. Jeanine Townsend

Comment Letter – Draft Industrial General Permit

The Sanitation Districts of Los Angeles County (Sanitation Districts) operate comprehensive wastewater and solid waste management systems that serve the needs of a large portion of Los Angeles County. The Sanitation Districts own or operate 18 facilities that are currently covered by the Industrial General Permit. This includes wastewater treatment facilities, operating landfills, closed landfills, recycle centers, materials recovery/transfer facilities, and energy recovery facilities. All of these facilities will be affected by proposed revisions to the General Industrial Permit and the Sanitation Districts appreciate this opportunity to comment on the *2011 Draft National Pollutant Discharge Elimination System (NPDES) Industrial General Permit* (Draft Permit).

The Sanitation Districts support the State Board staff's stated goals of developing a performance-based compliance model that maintains flexibility and provides incentives for responsible operators. However, we believe that the draft requirements need significant additional evaluation and refinement to meet these goals. We encourage the State Board staff to work with sector-specific stakeholder groups to evaluate the feasibility of the proposed permit requirements and to draft requirements that are practical for each regulated industrial sector.

We are providing the following comments to highlight some of our concerns with the current draft. We request that the State Board restructure the permit to create a more streamlined and achievable storm water program that is based on available technologies and is also protective of water quality.

DOC# 1872118

Comments and Suggested Revisions

Item 1: The US EPA Benchmarks are not appropriate for use as Numeric Action Levels (NALs) or Numeric Effluent Limits (NELs), especially for landfill facilities.

The Sanitation Districts share the concerns expressed by the California Storm Water Quality Association (CASQA) regarding the inappropriate application of US EPA Benchmarks as numeric action levels and effluent limits. The Sanitation Districts are especially concerned about the application of these benchmarks to active or closed landfill facilities.

For example, the US EPA Benchmark for Total Suspended Solids (TSS) in stormwater is 100 mg/L. This benchmark for TSS was developed based on a median of urban runoff data from the National Urban Runoff Program[1]. The land surfaces that generate urban runoff are primarily paved and do not represent the quality of stormwater runoff that can be expected from any unpaved facility or landfill operation. The Sanitation Districts have implemented a suite of Best Management Practices (BMPs) to reduce erosion and to control sediment at our active and closed landfills; however, we have found the benchmark to be unachievable at these sites. Options for additional TSS reduction at our landfills are constrained by a prohibition against using BMPs that promote infiltration into refuse (pursuant to 27 CCR 20365(a)) and by a lack of buildable land as discussed below.

All of our landfills that are subject to this permit were initially designed and permitted long before the need for stormwater treatment was contemplated and the refuse slopes are located at or near the property line in many locations. Figure 1 shows the Sanitation Districts' closed Palos Verdes Landfill as an example. The development that has occurred surrounding the site means that there is little or no available land that is suitable for building additional basins or treatment facilities. If the Sanitation Districts are required to meet the benchmarks, we would need to purchase additional land that is currently occupied by homes, businesses and parks. The taking of this land for stormwater treatment systems would represent a significant impact on and loss to our neighboring communities, in addition to being cost prohibitive.

Preliminary cost estimates to implement treatment at the Sanitation Districts' landfills are summarized on Table 1. These costs are dependant on the size of the design storm (i.e. the proposed 10-year, 24-hour design storm generates a significant amount of water to be managed) and the site-specific cost of land required to install sedimentation basins that follow the requirements of the Draft Permit.

[1] E.H. Pechan & Associates, Inc., 2006, Analysis of Multi-Sector General Permit (MSGP) Stormwater Discharge Monitoring Requirements, Technical Memorandum, page 8, March, (Pechan, 2006).

TABLE 1
Sanitation District of Los Angeles County
Solid Waste Landfills
Cost Estimate for Stormwater Treatment

Facility	Status	Facility Size (Acres)	Cost
Puente Hills Landfill	Active	1,365	$94,310,000
Scholl Canyon Landfill	Active	314	$63,643,000
Calabasas Landfill	Active	505	$34,832,000
Palos Verdes Landfill	Closed	291	$88,784,000
Spadra Landfill	Closed	323	$36,315,000
Mission Canyon Landfill	Closed	420	$22,924,000
Total Cost Estimate			$340,808,000

The Sanitation Districts estimate it would cost over $340 million to implement treatment systems to meet the US EPA Benchmark for TSS at the active and closed landfills we operate. Clearly, the US EPA benchmarks are not economically achievable. It is in the public's interest that landfills continue to operate during the rainy season and there are no BMPs that can manage runoff from these facilities to mimic the runoff characteristics from paved sites. If numeric action levels are applied to landfills, they should be sector-specific and include allowances for situations where meeting action levels is not economically and/or technically feasible based on the lack of available land or other factors.

State Board staff have stated that landfills could instead be regulated like construction sites. We presume that this statement is based on the report of the State Board's Blue Ribbon Panel which found that "In cases where the industrial activity is similar to land disturbance activities (e.g. landfills, gravel mines, etc.), there exists data and design experience with runoff control, capture and advanced treatments systems ... that may make Numeric Limits feasible for *new* [emphasis added] facilities, and the approach and limits should be the same as for construction permittees."

The Sanitation Districts agree that construction NALs may be more applicable to new landfill facilities where stormwater treatment can be included as part of the site design; however, the State Board should not lose sight of the fact that the panel's recommendation was limited to new facilities in recognition of the inability of many existing facilities to retrofit treatment systems where no buildable land exists. Construction NALs should not be incorporated into the Draft Permit for existing sites without a process to evaluate their feasibility at individual facilities.

Item 2: The definition of landfills, land application sites and open dumps that are subject to the Draft Permit is overly broad and should be refined to only include facilities with ongoing industrial operations.

Attachment A of the draft permit indicates that the permit applies to

> *Landfills, Land Application Sites, And Open Dumps:*
> *Sites that receive or have received industrial waste from any of the facilities covered by this General Permit, sites subject to regulations under Subtitle D of RCRA, and sites that have accepted waste from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more).*

This definition is overly broad and applies to virtually all landfills forever. While this language is in the current permit, some regional and state board staff have recognized that landfill-related industrial activities do not continue forever and have allowed landfills to terminate permit coverage after closure. The conditions to terminate coverage for closed landfills should be identified in the permit so that the standards are uniform throughout the State. The Sanitation Districts also request that the permit provide a cut-off date to exclude landfills that closed prior to the adoption of the closure requirements contained in the RCRA Subtitle D regulations.

We suggest the following revision to address these issues:

> *Landfills, Land Application Sites, And Open Dumps:*
> *Sites that receive or have received industrial waste from any of the facilities covered by this General Permit, sites subject to regulations under Subtitle D of RCRA, and sites that have accepted waste from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more). This does not apply to sites that closed prior to October 9, 1993 or to sites, or portions of sites, that have completed closure activities.*

Item 3: The applicability of Subchapter N requirements needs to be clarified for landfills.

The Draft Permit now includes landfills as the eleventh industrial category subject to Subchapter N requirements (the previous permit listed ten specific categories and landfills were not included in that list).

As defined in 40 CFR Part 445, the effluent limitation guidelines apply only to "landfill wastewater" which includes stormwater that comes into direct contact with landfill wastes or waste handling and treatment areas (i.e. contact stormwater). 40 CFR Part 445 specifically excludes non-contact stormwater which "flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill" from the effluent limitation guidelines. As described in EPA's *Development Document for Final Effluent Limitations and Standards for the Landfills Point Source Category*, the effluent limitation guidelines do not apply where contact stormwater is prevented from discharge.

The Sanitation Districts request that the permit specifically acknowledge that Subchapter N does not apply to all facilities and that where Subchapter N does apply, the sampling location(s) for Subchapter N monitoring may be different than the monitoring locations for the remainder of the facility. In addition, the Sanitation Districts request that dischargers be given a process to request an extension of time to implement any necessary infrastructure to implement the newly identified Subchapter N requirements.

Item 4: Monitoring of closed landfills and closed portions of active landfills should be targeted to the pollutants associated with the current industrial activity and should not include constituents related to the municipal reuse of the surface areas.

The Sanitation Districts' three closed landfills have been properly closed in accordance with the regulations that were effective at the time of closure. The surfaces of these facilities are now used by the surrounding communities for parks, gardens, and equestrian and hiking trails. Likewise, the Sanitation Districts' three active landfills have significant areas that have been covered, vegetated and are awaiting ultimate use as parkland or open space.

For example, the municipal uses of the Palos Verdes Landfill are shown on Figure 1. The City of Rolling Hills Estates operates the Peter Weber Equestrian Center and the Ernie Howlett Park and the County of Los Angeles Department of Parks and Recreation operates the South Coast Botanic Garden. The Draft Permit inappropriately holds the Sanitation Districts responsible for TSS, conductivity and metals related to soils mobilized by the municipal uses of this facility simply because there is refuse beneath the surface. The Sanitation Districts believe that it is more appropriate to monitor only for the constituents that are related to the industrial activity in a particular area. For the case of closed landfill facilities/areas we operate, this means monitoring for the constituents that are specific to the ongoing management of landfill liquids (i.e. specific volatile organic compounds).

Item 5: Dischargers should be allowed to take credit for prevented discharges when making comparisons to NALs.

At the Sanitation Districts' wastewater treatment plants, we implement a BMP to divert the first flush of stormwater from industrial areas of our sites into the wastewater treatment system rather than allowing the stormwater to enter the storm drain system. In addition, for certain areas at our treatment facilities, we capture all stormwater flow and convey that flow to our treatment processes. The Sanitation Districts assert that we should be granted a credit for this intercepted flow by allowing for the zero stormwater discharge associated with diversion of stormwater into the treatment process to be mathematically accounted for in our monitoring reports. Specifically, we request: 1) to calculate theoretical analytical values for constituents in the stormwater by considering the volume of stormwater flow associated with the diversion into the wastewater treatment process; and 2) make all compliance determinations based upon a calculated value that considers both the analytical results from the laboratory and the diverted flow. An example of how that calculated value could be derived is shown in Attachment A.

Item 6: A number of the minimum BMPs are vague or impractical and should be revised to clarify the actions and timelines that affect permit compliance.

- It is not practical to cover frequently-used stockpiles between uses. Section VIII.H.1.a.iv should define a length of time that constitutes "stored" before the requirement for a cover applies. In addition, this condition should not apply to soil stockpiles that have been stabilized by other methods.

- It is not practical to wash every piece of equipment at a landfill on a daily basis. Section VIII.H.1.d.v should be revised to only require cleaning if/when a piece of equipment has a significant potential to contaminate stormwater runoff.
- Section VIII.H.1.g.ii should define the terms "effective stabilization" and "inactive areas" to provide clear and practical requirements.
- Section VIII.H.1.g.iv should clarify that the design standards for basins apply only to new basins. In addition, there should be a process to deviate from the design standards when the design of a basin is constrained by other factors.
- The requirement to maintain erosion/sediment controls to achieve "optimal performance" during storm events is vague. This requirement should be revised to require maintenance in accordance with best industry practices and Section VIII.H.1.g.vii should clearly describe the steps required to achieve permit compliance.

Item 7: The Sanitation Districts request the State Board provide clarification on the monitoring, inspection, and sampling requirements to help streamline and reduce inconsistencies in the next draft of the General Industrial Permit.

The Sanitation Districts share many of the concerns expressed by CASQA related to the monitoring, inspection, and sampling requirements specified in the Draft Permit. These include, but are not limited to, the following:

- Section VIII.H.1.i and IX.C.4. contain overlapping inspection and monitoring requirements between pre-storm inspection and routine inspection that is already sometimes required on a daily basis as described in Section VIII.H.1.d.v.
- Section IX.C.1. should explicitly state that inspections and visual observations shall occur only during daytime scheduled operating hours.
- Section X.A. should be revised to state that "Dischargers who fail to sample the first qualifying storm event of a quarter shall sample the *next* qualifying storm event that occurs during the quarter."
- Table 4 in Section XI identifies detection limits that are sometimes impossible to achieve using the test methods identified. In order to reduce inconsistencies, Table 4 should specify the EPA and equivalent Standard Method approved for each parameter and remove the detection limits because the test method will dictate the MDL.
- Section XII.A.4. requires more consideration of the practicality of collecting samples from all drainage areas, especially for facilities with structural obstacles or site conditions that would pose safety concerns.

In addition to the comments above, the Sanitation Districts do not believe that closed landfills or closed portions of active landfills should be subject to the Additional Sampling Requirements for Facilities with Significant Land Disturbances. Please exclude these facilities from Section XIII.

Item 8: The Sanitation Districts request that a Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) be allowed to train and delegate SWPPP implementation responsibilities to qualified staff.

Section VII.A.1 specifies that the discharger shall appoint a QSP to help implement the SWPPP while Section VII.B.3 of the Draft Permit requires that BMPs and monitoring

requirements be implemented by a QSP. It is not cost effective to require all work associated with the day-to-day SWPPP implementation activities to be performed only by the site's QSP. The amount of effort to implement BMPs and to comply with monitoring requirements in the SWPPP can involve a significant amount of resources, including contractors and laborers, especially for large facilities such as landfills.

Item 9: The Sanitation Districts believe that continuation of the Group Monitoring Program (GMP) provides for a number of benefits to stakeholders and recommends that the Group Monitoring option be continued in the permit.

A number of the Sanitation Districts' wastewater treatment plants currently participate in a GMP, which has resulted in a number of benefits, including: a) BMP improvements developed through oversight by experienced, dedicated personnel; b) reduced costs for compliance through reduction in sampling and analytical costs; and c) consistent application of BMPs across all GMP sites based on successful implementation at individual sites. As an example, a BMP that was implemented at facilities within the Sanitation Districts' GMP is the diversion of the industrial area's "first flush" to the wastewater treatment system. The Sanitation Districts believe that benefits also accrue to the public and regulators by having more experienced personnel involved in stormwater compliance. Accordingly, the Sanitation Districts recommend that the GMP under the existing Permit be continued.

Item 10: The Sanitation Districts support the State Board's concept of a conditional exclusion for Green Storm Water Impact Reduction Technology (G-SIRT).

Although the G-SIRT standards are not defined in the Draft Permit, the Sanitation Districts support staff's stated intent of the G-SIRT program to allow industrial users that implement environmentally conscious, advanced stormwater pollution control techniques to benefit from reduced compliance activities as an incentive for implementing these techniques.

The Sanitation Districts thank you in advance for your careful consideration of our comments. If you have any questions concerning this letter or need additional information, please contact the undersigned at (562) 908-4288, extension 2826.

Very truly yours,

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KMR:nm

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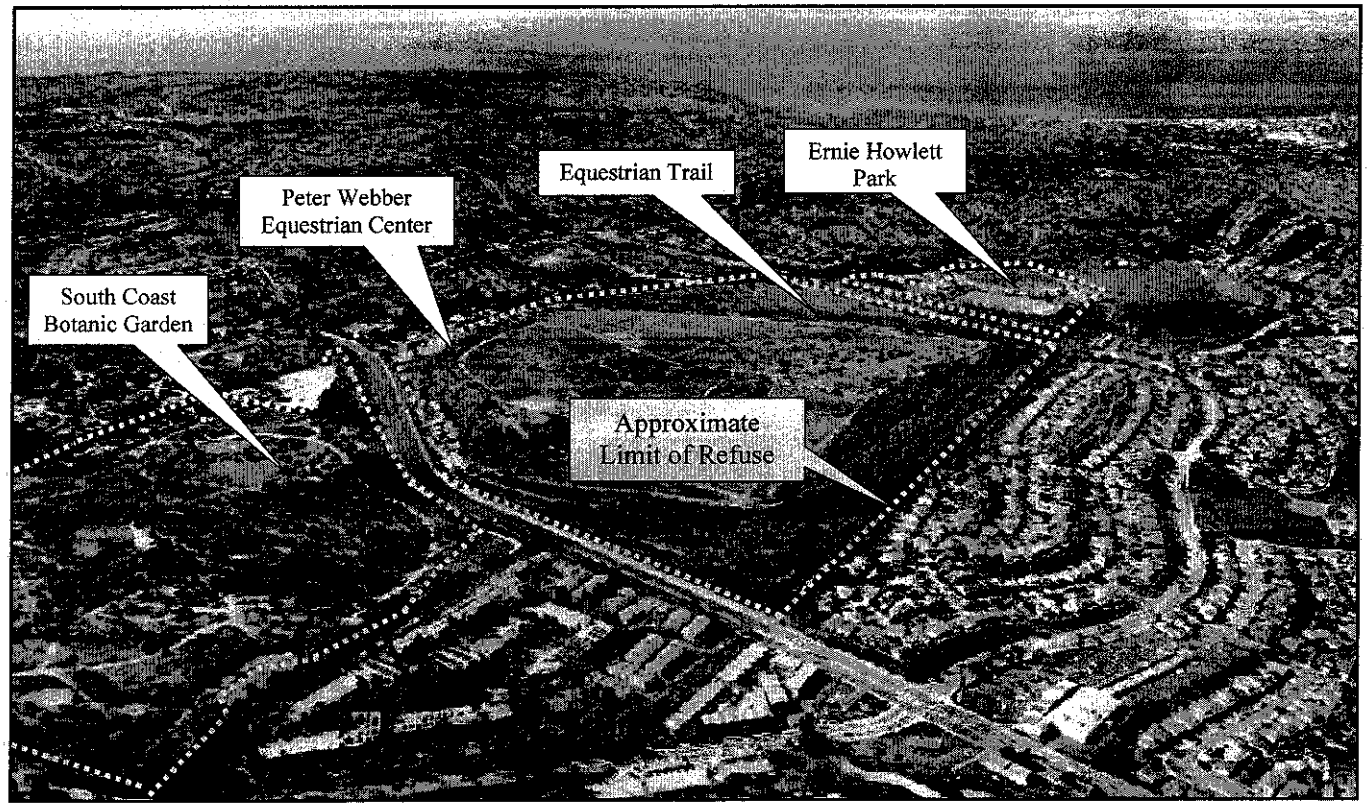

Figure 1
Palos Verdes landfill

DOC# 1872118

Attachment A

Example 1: An Industrial Discharger that has one discharge point and has a BMP that diverts and treats the first 1/4" of the "first flush" from the storm drain system.

Assumptions		Adjusted Discharge Concentration to Report:
No. of Discharge Locations =	1	120 X (1.0 - 0.25)/1.0 = 90 mg/l
Inches of Rainfall =	1.0	
Inches of Rainfall Diverted =	0.25	
TSS Discharge Concentration =	120 mg/l	

Example 2: An Industrial Discharger that has three discharge points and has a BMP that diverts and treats 100% of the flow that is tributary to one of the stormwater discharges points.

Assumptions		Adjusted Discharge Concentration to Report:
No. of Discharges Locations =	3	Discharge 1:
Inches of Rainfall =	1	25 acres at 0 mg/l
Industrial Area of Discharge 1 =	25 Acres	
Industrial Area of Discharge 2 =	25 Acres	Discharge 2:
Industrial Area of Discharge 3 =	50 Acres	25 acres at 150 mg/l
Amount of 1 Diverted =	100%	
Amount of 2 Diverted =	0%	Discharge 3:
Amount of 3 Diverted =	0%	50 acres at 110 mg/l
TSS Discharge Concentration 1 =	N.A.	
TSS Discharge Concentration 2 =	150 mg/l	Average Site Discharge:
TSS Discharge Concentration 3 =	110 mg/l	[(25 X 0)+(25 X 150)+(50 X 110)]/100 = 92.5 mg/l