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Mayor

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September 14, 2005

Mr. Bruce Fujimoto  
State Water Resources Control Board  
Division of Water Quality  
1001 I Street  
Sacramento, CA 95814

Attention: Storm Water Panel Experts

**Subject: Comments on Numeric Limits for Storm Water Permits  
For Storm Water Panel Meeting September 14, 2005**

Dear Mr. Fujimoto:

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the subject of whether it is technically feasible to develop numeric limits or other quantifiable measures for inclusion in storm water permits.

LADWP does not believe that numeric limits are adaptable for inclusion in storm water permits due to the high degree of variability in the flow and pollutant types from storm to storm. The potential pollutants encountered could be different from storm to storm due to aerial fallout, changes in industrial and construction activities, and due to those pollutants that are ubiquitously found in the environment. Determining the type of contaminant treatment and the treatment capacity needed becomes extremely difficult. In order to ensure against not discharging storm water in excess of the permit limits, a discharger would need to plan for the worst-case presence of pollutants and storm size, making the treatment technology very costly and potentially exceeding the footprint real estate capacity of the site.

Utility construction projects (gas, water, electricity, cable, telephone) which are linear line construction projects in the public domain, as opposed to typical construction projects within the confines of a defined "facility" boundary, would have great difficulty in determining what type and size of treatment would be

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needed for the storm water. Many linear line construction projects are within residential streets which complicates how all the storm water would be captured. Furthermore, use of large mobile treatment units within a residential or commercial neighborhood would be highly infeasible and disruptive to the neighborhood.

LADWP believes that there are major practical implementation issues here on how the numerical limitations would be set in the permits. The Environmental Protection Agency (EPA) back in 1990 at the infancy of the storm water program realized the difficulty and practicality of the situation and set Best Management Practices (BMPs) as Best Available Technologies (BAT). EPA was aware that there was not a technology that could be taken off the shelf and work for all the storm water problems. (ref: Fed. Reg. Vol. 55, No. 222, page 48053, col. 1).

Establishing a "one size fits all" numeric limit for various pollutants to be implemented throughout the state would be unnecessarily stringent and would not account for regional differences in storm water runoff quality. Regional differences will exist (arid vs. coastal, urban vs. rural, agricultural vs. commercial/residential, etc.) that will influence basic water chemistry, storm water quantity, and pollutant composition.

LADWP believes that regional and site-specific differences must be accounted for in the derivation of numerical limitations for all the storm water permits within the State of California. Should the state establish a single numeric limit, site-specific differences would need to be accounted for at the local Regional Board level. Requiring the Regional Boards to address the need for site-specific criteria transfers the enormous permit limit setting process onto the already strapped Regional Boards. How would the Regional Boards be able to handle all the site-specific criteria requests? For illustrative purposes, several individual discharger-led, stakeholder processes to establish a single site-specific water quality objective have taken several years, some still with no resolution.

LADWP appreciates the State Water Resources Control Board (SWRCB) convening today's storm water meeting in order to hear the concerns of the regulated community regarding the use of numeric limits in the storm water permits. If you have any questions regarding these comments, please feel free to contact Ms. Katherine Rubin at 213-367-0436.

Sincerely,



Susan M. Damron  
Manager of Wastewater Quality

KR:bdc