



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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

Stormwater Panel Report
Deadline: 9/1/06

Dear Ms. Her:

Los Angeles County Sanitation Districts Comments on Findings of the Storm Water Panel of Experts

The purpose of this letter is to provide the State Water Resources Control Board (State Board) the County Sanitation Districts of Los Angeles County's (Districts) comments on how the State Board can utilize the findings of the storm water panel of experts (Panel), regarding the feasibility of numeric effluent limits applicable to discharges of storm water associated with municipal, industrial and construction activities. The Districts' comments are particularly directed towards the Panel's findings on the industrial activities storm water general permit.

The Districts are a confederation of special districts, which operate and maintain regional wastewater and solid waste management systems for approximately 5 million people who reside in 78 cities and unincorporated areas in Los Angeles County. The Districts own and operate 11 wastewater treatment plants and five landfills. All of these facilities are currently subject to and in compliance with the Industrial Activities Storm Water General Permit (General Permit).

The Districts' concerns regarding numerical limits are similar to those expressed previously regarding the draft industrial activities storm water general permit, with respect to the use of benchmarks in determining effectiveness of Best Management Practices (BMPs). These concerns were expressed in letters to the State Board dated February 14, 2005 (solid waste operations) and February 18, 2005 (wastewater operations), where the Districts strongly objected to the SWRCB's direction to use benchmarks. The Districts believe that it is premature to set any storm water limits, whether they are action levels, benchmarks and/or numeric limits because of the lack of reliable data on emissions by industry type as well as on the performance of existing BMPs. It is clear that before any such limits can be set, a more robust data set is necessary. The Districts concur with the Panel's finding that to establish numeric limits for industrial sites requires a reliable database, and that the current industrial permit has not produced such a database for most industrial categories. As noted by the Panel, further study is needed to determine which pollutants of concern would reasonably be present in storm water, by industrial category, and which BMPs would be most effective for controlling presence of those pollutants at their source. Until such data has been obtained, storm water limits (whether they are action

levels, benchmarks and/or numeric limits) cannot reasonably be developed. It should be noted that studies conducted to date indicate tremendous variability in pollutant removal efficiencies of BMPs and highlight some of the areas that need to be further evaluated before any type of numeric limit can even be considered.

Notwithstanding our concern over the use of numerical limits, the Districts have some additional comments on the Panel's findings. The Districts agree that when there is a TMDL that defines the permissible load for a watershed, the numeric limits should be set to meet the TMDL. However, the Districts would add that the setting of limits should take into account all sources of the TMDL constituent in question and the feasibility of each source being able to reduce their respective contribution. In conjunction with this, the Districts agree with the Panel's finding that an approach analogous to that used in the NPDES wastewater process in the 1970s, which took into account best available technology (BAT) for each type of industry, recognizing that each industry has its own specific problems and financial viability. Thus, some industries may have a more difficult time than others in achieving reduction of a particular constituent, and this should be taken into account if the State Board decides to set numerical limits. There is no "one size fits all" approach to this issue. The Districts also believe that any approach to setting numeric limits, should be limited to only those constituents and circumstances where the receiving water body is actually impaired. If there is no impairment, then establishing numeric limits could have significant financial implications with little or no benefit to receiving waters.

Finally, the Districts have comments on Table 2 (Page 20) of the Panel's findings, related to the approach to establish numeric limits for new and existing facilities. Notably, even if there exists sufficient data for a specific industry and BMP (which the Panel acknowledges is not the case in the current program), there still exists practical constraints related to the ability of an existing facility to implement the BMPs needed for compliance. Namely, existing facilities are often constrained by the existing facility footprint, space limitations, and the existing facility design/operation considerations, making it very difficult to implement large-scale BMPs. Such constraints are not necessarily an issue with new facilities, since BMPs can be incorporated into the original design. These practical considerations need to be taken into account. In addition most BMPs are specific for certain constituents, and hypothetically it may take more than one BMP to achieve compliance with a proposed numeric limit. In such cases, the performance of the combination of BMPs, rather than the individual, needs be taken into consideration. All of these issues highlight that further study is needed of those BMPs most likely to be used, as existing data is limited and exhibits a high degree of variability, as noted previously.

The Sanitation Districts appreciate the opportunity to provide these comments on the findings of the storm water panel of experts and how they may be potentially used by the State Board. The Districts look forward to working with the State Board to achieve our mutual goal of improving storm water quality. If you have any questions regarding this transmittal, please do not hesitate to contact Frances Garrett at the above listed telephone number, extension 2807.

Very truly yours,

James F. Stahl



Brian Louie
Supervising Engineer
Water Quality Section

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