



COMMUNITY SERVICES & WATER DEPARTMENT
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September 19, 2013

N-1
Via Electronic Mail

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814
commentletters@waterboards.ca.gov

SUBJECT: Comments on Draft Statewide General National Pollutant Discharge Elimination System Permit for the Discharge of Stormwater Associated with Industrial Activities

Dear Ms. Townsend:

The City of Vernon appreciates this opportunity to provide comments on the subject Draft Industrial General Permit issued on July 19, 2013 and the State Water Board's efforts in proceeding to revise and reissue the Industrial General Permit. The City of Vernon is an industrial community which has a great interest in the management of stormwater and non-stormwater at industrial sites.

As you may know, the Los Angeles Regional Water Quality Control Board adopted Order No. R4-2012-0175 recently for the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4 (hereinafter referred as the Los Angeles County MS4 Permit). The Los Angeles County MS4 Permit includes a total of 33 TMDLs, stringent monitoring requirements, compliance with effluent limitations to the maximum extent practicable, and strict numeric standards in receiving water bodies and for water quality based effluent limitations.

There is a great deal of inconsistencies between the Draft Industrial General Permit and the Los Angeles County MS4 Permit which alarms the City. For example, the 33 TMDLs includes the Los Angeles River Bacteria TMDL which became effective March 2012. In Part VII.A.1., TMDLs of the Draft Industrial General Permit it states, "The State Water Board shall reopen and amend this General Permit including Attachment E, the Fact Sheet and other applicable Permit provisions as necessary, in order to incorporate TMDL specific permit requirements, as described in Findings 37 through 41. Once this General Permit is amended, Dischargers shall comply with the incorporated TMDL specific permit requirements in accordance with any specified compliance schedule(s)." Finding 40 of the General Permit states, "Regional Water Board staff, with the assistance of State Water Board staff, will develop

Exclusively Industrial

proposed TMDL specific permit requirements for each of the TMDLs listed in Attachment E by July 1, 2015. "Consistent with the 2008 MSGP, Dischargers are not required to take any additional actions to comply with the TMDLs listed in Attachment E until the State Water Board reopens this General Permit and includes TMDL specific permit requirements, unless notified otherwise by a Regional Water Board." Please note, the 33 TMDLs included in the Los Angeles County MS4 Permit are in effect now and with no delay. The Draft Industrial General Permit's delay of inserting the approved TMDLs places the municipal Permittees in great danger of receiving violation notices. The Draft Industrial General Permit must include at minimum the same stringent requirements as the Los Angeles County MS4 Permit or reopen the Los Angeles County MS4 Permit to align with the requirements of the Draft Industrial General Permit. Additionally, the Draft Industrial General Permit should include the Los Angeles River Bacteria TMDL which was effective March 2012.

The Draft Industrial General Permit must include more than just self-monitoring. It must include a strong enforcement component for monitoring. If a strong enforcement component for monitoring is not inserted into the Industrial General Permit it places the municipal Permittee in a vulnerable position. If at any time there is an exceedance detected in an outfall and/or the receiving water, the violation notice will be sent to the municipal Permittee.

Part V.A. Effluent Limitations of the Draft Industrial General Permit states, "Dischargers shall implement BMPS to reduce or prevent discharges of pollutants in their stormwater discharge in a manner that reflects best industry practice considering technological availability and economic achievability." Part IV. Effluent Limitations of the Los Angeles County MS4 Permit requires each permittee reduce pollutants in stormwater discharges from the MS4 to the maximum extent practicable. Moreover, Part 1.D.33. of the Draft Industrial General Permit states, "It is not feasible for the State Water Board to establish numeric technology based effluent limitations for discharges covered by this General Permit at this time." Again, the inconsistencies between the Draft Industrial General Permit and the Los Angeles County MS4 Permit are alarming to the City of Vernon. The Draft Industrial General Permit needs to support the requirements of the Los Angeles County MS4 Permit.

As such, it is crucial that of the Draft Industrial General Permit have at least the same stringent requirements as the Los Angeles County MS4 Permit or require the Los Angeles Regional Water Quality Control Board to reopen the Los Angeles County MS4 Permit to align with the requirements of the Draft Industrial General Permit.

The City of Vernon appreciates the State Water Board's efforts. The City of Vernon will continue to cooperate with the State and Los Angeles Regional Water Boards to protect the environment. Please contact Ms. Claudia Arellano at (323) 583-8811 extension 258 if you have any questions or comments. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Samuel K. Wilson" followed by a stylized flourish.

Samuel Kevin Wilson, P.E.
Director of Community Services & Water