



# California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Arnold Schwarzenegger  
Governor

July 12, 2006

Ms. Frances M. Delach, City Manager  
City of Azusa  
213 E. Foothill Blvd.  
Azusa, California 91702

Mr. Jeffrey C. Parker, City Manager  
City of Claremont  
207 Harvard Avenue  
Claremont, CA 91711

Mr. Eric G. Ziegler, City Manager  
City of Glendora  
116 East Foothill Blvd  
Glendora, CA 91741

Mr. Robert Griego, Interim City Manager  
City of Irwindale  
5050 North Irwindale Avenue  
Irwindale, CA 91706

Mr. Stephen W. Helvey, City Manager  
City of Whittier  
13230 Penn Steet  
Whittier, CA 90602

**REVIEW OF THE FIVE CITIES' SAN GABRIEL RIVER REPORT OF WASTE DISCHARGE IN LIEU OF THE REISSUANCE OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL STORM WATER DISCHARGE PERMIT FOR THE COUNTY OF LOS ANGELES AND PERMITTEES (NPDES No. CAS004001, ORDER No. 01-182)**

Dear Ms. Delach and Messrs. Parker; Ziegler; Griego; and Helvey:

We have received the Report of Waste Discharge (ROWD) submitted on June 12, 2006 for a 5 Cities San Gabriel River Municipal Separate Storm Sewer System Permit (SGR MS4 Permit). Municipal storm water discharges from the Cities of Azusa, Claremont, Glendora, Irwindale, and Whittier, (hereinafter referred to as "5 Cities") are presently regulated under Regional Board Order No. 01-182, which expires on December 12, 2006.

The 5 Cities, by submitting a separate ROWD are pursuing a separate MS4 permit and will assume among other things, the responsibility for their city specific storm water management program and monitoring program.

Our review of the ROWD indicates that while the 5 Cities are proposing some positive changes, other areas of the ROWD do not satisfy federal storm water regulations contained in the United States Environmental Protection Agency (USEPA) Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems; Final Rule August 9, 1996 (61 Fed Reg. 41697). Some of the inadequacies include but are not limited to the following:

***California Environmental Protection Agency***



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Ms. Delach and Messrs. Parker;  
Ziegler; Griego; and Helvey  
Cities of Azusa, Claremont,  
Glendora, Irwindale, and Whittier

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1. Eliminating inspections programs for commercial facilities;
2. Eliminating the Development Planning Program including SUSMP and peak flow controls;
3. Eliminating Local SWPPPs for all construction sites 1 acre and greater; and
4. The Monitoring Program only includes using other Permittees' data but provides no monitoring for 5 Cities.

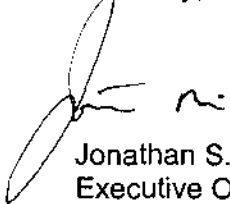
Federal Regulations (40 C.F.R. § 122.44(d)(1)(vii)(B)) require that NPDES Permits incorporate all applicable TMDL WLAs when reissued and are made enforceable. There is no existing authority to use MOUs for compliance within the NPDES regulatory scheme. Further, any dry weather WLAs are unaffected by storm water policy.

The ROWD did not satisfy the requirements in the United States Environmental Protection Agency (USEPA) Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems; Final Rule August 9, 1996 (*61 Fed Reg. 41697*). For these and other deficiencies in the ROWD, we deem it incomplete.

We do however, look forward to working out these details with your staff during the MS4 permit reapplication process. Our review will not be deemed to prejudice the Board from raising additional subject matter not identified herein, during the permit reissuance process. We intend to conduct a series of work-group meetings to receive input over the coming months with Permittee representatives and interested persons, to assist us in developing permit requirements. Pursuant to 40 CFR 122.6, Order 01-182 shall remain in effect and enforceable until a replacement LA MS4 Permit (with the 5 Cities as Permittees) or a 5 Cities MS4 Permit is adopted by the Board.

If you have any questions, please do not hesitate to contact me at (213) 576-6605 or Dr. Xavier Swamikannu at (213) 620-2094 or Carlos Urrunaga at (213) 620-2083.

Sincerely,



Jonathan S. Bishop  
Executive Officer

cc: Mr. Michael Levy Esq, Office of the Chief Counsel, State Water Resources Control Board  
Mr. Bruce Fujimoto, Division of Water Quality, State Water Resources Control Board  
Mr. Eugene Bromley, CWA Standards and Permits, USEPA Region IX  
Mr. Dan Lafferty, Watershed Mgmt. Division, Los Angeles County Dept. of Public Works

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